

24

## Interview

### **From Federalism to Separatism: The Impact of the 1970-72 Constitution- Making Process on Tamil Nationalism's Ideological Transformation**



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**From a Tamil perspective, what were the broad political issues of the post-independence period and what were the main political and constitutional challenges that the Tamil people faced?**

Opinion was divided at that time among the Tamils. Some sections were advocating for a federal state but people like Mr G.G. Ponnambalam were for a unitary state. I think he believed that, at that time since the Tamils were in an advantageous position, that within a unitary state, Tamils could have a major portion of the cake. There was a belief that if the Tamils ask for a federal state they will be confined to the north and east only and will have no share of the power in the central government. The Tamil people's opposition was on an issue-by-issue basis. For example, there was opposition to the design of the national flag because the Tamil people felt it is a symbol of the Sinhala people only. Later the green and orange stripes were added to signify the Muslim and Tamil people, but to this day the Tamil people are not willing to accept the national flag as ours.

Furthermore, in spite of Section 29 of the Soulbury Constitution and the famous *Kodeeswaran Case*, the Sinhala Only Act was passed. In Sri Lankan history, all three constitutions never considered the Tamils' aspirations or Tamil demands, or to put it directly, all the constitutions were detrimental to the aspirations of the Tamil people.

**What were the aspirations of the Tamil people immediately after independence?**

At that point of time, I do not think that Tamil nationalism was in the forefront. The main concern was the protection of the Tamils. In 1948, the Citizenship Act was passed and it deprived about one million people of their voting rights. This was a major catalyst in the creation of the Federal Party. Thereafter the demand for federalism started and it went to the grassroots of the Tamil community. Yes, there was a demand for federalism earlier, but after the Citizenship Act, it strengthened and gained credence. The people started talking about federalism and the Federal Party managed to get into the grassroots level and create a political

awareness among the Tamils at the grassroots level. Before that, politics was mainly confined to the upper class. In Jaffna, people from Colombo would come and contest the election and go back to Colombo. They would have some agents for the people to stay in touch with the M.P. But the Federal Party created a culture of leaders from among the people of the area. These people were also educated and from the high community, but still they were not based in Colombo. This is exactly like what happened with the SLFP [Sri Lanka Freedom Party], which also had a strong base at the grassroots level. The emergence of the Federal Party started creating a political awareness among the community, which gradually gave rise to Tamil nationalism. Even though it was not a demand for a separate state at first, Tamil nationalism was coming up.

### **Why did some members of the All Ceylon Tamil Congress (ACTC) breakaway to form the Federal Party (FP)?**

The Citizenship Act was the main reason; this is where it started. There is an argument that the Citizenship Act was not against the Tamils as such, but that it was against the working class. This is because leftist political parties such as the Lanka Samasamaja Party (LSSP) were the main political parties supported by the upcountry Tamils. So some upper class politicians, both Sinhala and Tamil, wanted to neutralise this support. This is the argument now being put forward, but considering the Tamil and Sinhala leaders at the time, I think it is a plausible and reasonable explanation. But that was the start of the Federal Party. I believe the Federal Party's emergence created a Tamil feeling, not only among the northeast Tamils, but also in the upcountry Tamils. In upcountry Tamils of course the Citizenship Act also played a big role, as they felt that they are being deprived of their citizenship. But the Federal Party was still not able to connect with the upcountry Tamils and they became mainly a dominant force in the northeast only.

**What were the reasons behind the FP's articulation of the political aspirations of Tamils in terms of 'nationalism'?**

I believe that after the Citizenship Act, Mr Chelvanayakam genuinely felt a threat to the future of the Tamil community. Even in Parliament when he spoke about the Citizenship Act, he has said very clearly: today it is for the upcountry Tamils, tomorrow will be for us (the northeast Tamils). I think he foresaw that this discrimination would be against the northeast Tamils as well, and as he anticipated, the Sinhala Only Act was passed in 1956. I think it is this foresight of Mr Chelvanayakam which led to the creation of the Federal Party and influenced its nationalist thinking.

**There is a suggestion that the 1956 Sinhala Only Act was a result of the emergence of Sinhala nationalism. Are you suggesting that Tamil nationalism was a reaction to Sinhala nationalism?**

I think it is mutual. It is mutual in the sense that Sinhala nationalism feeds the growth of Tamil nationalism and Tamil nationalism feeds the growth of Sinhala nationalism. The same situation exists today between the TNA [Tamil National Alliance] and President Mahinda Rajapaksa. They are what we would call *anukulasatru* in Sanskrit, which means 'favourable enemies'. Both of them are favourable to each other and one form of nationalism pushes the other. Under British rule, especially in the upper class of society there was cordiality between the Tamils and the Sinhalese. Even now if you talk to elderly people, they talk about the cordiality between Sinhala and Tamil friends and how they behaved in their schools, and how they studied together. There was no strong anti-Sinhala or anti-Tamil sentiment. These sentiments started only with the Sinhala Only Act.

Prime Minister S.W.R.D Bandaranaike tapped into Sinhala nationalism with the aim of coming into power. I do not seriously believe that he believed in it [Sinhala nationalism] because he was Oxford educated and they say he used to think in English and talk in Sinhala. The same was true of a lot of our leaders like Mr G.G.

Ponnambalam or even Mr Chelvanayakam or Dr Naganathan, all of them used to think in English and talk in Tamil. I think especially when the Sinhala Only Act was brought in, or during his election campaign, when he [Bandaranaike] took up the position of 'Sinhala Only' it was purely for political expediency. But there is a feeling among the Sinhala people, which I must accept, that under British rule the Tamils were favoured. The Tamils were favoured and in prominent government positions, and even lower ranking government positions, there were a large number of Tamils occupying these positions. This was not just because they knew the English language, but it was also a result of the divide and rule policy of the British. Earlier, even in Batticaloa, there was an anti-Jaffna Tamil feeling. This was because a lot of government positions, even the minor grades, were occupied by Jaffna Tamils. So the ordinary Batticaloa man sees him [the Jaffna Tamil] as a threat to his advancement. Today, the Batticaloa man is happy because a large number of people from Batticaloa are also in positions in teaching and education, government services, etc. So, rather than any sort of racial hatred, it was a situation where everybody was looking for their individual advancement. This has collectively become a racial issue. This is how I see it today. However, I do not think this justifies, the approach of successive governments to do away with this perceived imbalance. This is because these actions led to a fear among the Tamil people that their basic rights are being taken away.

**What were the basic foundations of the claim that the Tamils constituted a distinct nation? What is it about the Tamils living in Sri Lanka that made them a nation? What are the historical and territorial bases for maintaining the claim of distinctive nationhood?**

Historically, the north and the east, especially the north, was ruled by the Tamil kings until the foreign invasions and there was a separate Jaffna kingdom as well. So we feel that we are a separate people, a nation of people.

But I do not believe that because we once ruled the Jaffna kingdom we must rule it again. The fact today is that we are predominant in the northeast, I am not asking for a separate state today, but we must have a reasonable [degree of] devolution, which will allow us to look after our own affairs in our part of the country within a united Sri Lanka. We have to study our history and learn about it, but we cannot just cling onto that forever. We can talk about our history and the Sinhala people can talk about their history and we can go on for another fifty/sixty years and destroy the country as a whole, but we cannot achieve by clinging onto history.

**So is Tamil nationalism a reaction to Sinhala nationalism or is it based on the historic understanding that Tamils constitute a separate nation?**

Firstly, I believe it [Tamil nationalism] is a reaction to Sinhala nationalism, and certain historical facts are used to justify it. Secondly, factually even though Tamils were a separate entity and we have a separate culture, or separate nation, had the Sinhala Only policy not materialised, or if both Sinhala and Tamil were the national languages or the official languages, I think the problem would have been solved at that time. I genuinely believe this because in my school there was a *bikkhu* who was teaching Sinhala. A large number of schools in the north were teaching Sinhala. But when Sinhala was forced on us, only then did the people refuse to study Sinhala. Otherwise they would have studied Sinhala, they would have worked in Sinhala, and they would have done everything in Sinhala. There are about 1.5 million Tamils in other countries and they work in those languages be it French, English, Dutch, etc. So then you may ask, in your country why didn't you study Sinhala? But the problem is this is our country and nobody should be able to force anything on us. Therefore if the Sinhala Only policy was not there I don't think there would have been so much trouble – because, as I told you, when the first constitution was made, the demand for federalism was not there in a big way. It was actually Mr Bandaranaike who first articulated the demand for federalism in the early 1920s.

**Tamil nationalism's early rhetoric used the term 'Tamil-speaking peoples.' What was meant by this?**

That was to bring in the Muslim community, because at that time there was no concept of Muslim nationalism. The Muslims had a separate identity but still they associated very closely with the Tamils, and there were no serious differences in the north where a large number of Muslims voted for either the Federal Party or the ACTC. But in the east, there were occasional differences because of economic reasons, because in the east, Tamils depended on Muslim lands and the Muslims depended on the Tamil lands. However in the north and east, several Muslims were elected on the Federal Party ticket. There was a good relationship between the two communities so the Muslims never felt they were separate from the Tamils.

**How did Tamil-speaking Muslims and Indian Tamils react to this? Did they generally accept that they were part of the Tamil nation?**

Now they will never accept it, but during the 1980s, a large number of Muslim youth willingly joined Tamil militant organisations. Muslim leaders like Mr M.H.M Ashraff were part of the TULF [Tamil United Liberation Front]. Mr Ashraff once told me that during the 1977 elections he openly said that if Mr Amirthalingam failed to liberate Eelam, 'I, Ashraff, will do it'. So even in the 1970s there was a very a good relationship between the Muslims and the Tamils. Although there were minor frictions because of economic reasons, politically there was a good understanding between the Tamils and the Muslims. Even though outside the north and the east Muslims would support the UNP [United National Party] or SLFP, in the north and the east a large number of them supported the Federal Party and its ideology. In 1985 just before the Thimpu talks there was a Muslim delegation from Sri Lanka which was supportive of our cause even though they said they could not openly support us. But Tamil militant movements, particularly the LTTE, made mistakes which alienated the Muslims. Also under Minister Lalith

Athulathmudali the Special Task Force (STF) used the Muslims effectively against the Tamils. Thereafter certain riots took place and a large number of Muslims were killed and in retaliation some *kovils* were burnt and Tamils were killed. This led to a divide and thereafter to a very strong feeling on the part of the Muslims that they were a separate people.

**In the 1956 convention the ITAK constitution was amended recognising the Muslim people as a distinct nation separate from the Sinhala and Tamil nations. Why then were the separate identities of the Tamils and the Muslims assimilated into a larger identity called the ‘Tamil-speaking peoples’?**

Because of the very harsh stand taken by the Sinhala governments in all aspects. Whether they liked it or not, the Muslims especially in the north and east had to face all the difficulties which the Tamils faced. For example, the policy of standardisation [for university entrance] was a problem for both the Tamils and Muslims studying in Tamil medium schools. During the colonisation carried out from 1948 onwards through the Gal Oya scheme, a lot of Muslim lands were grabbed; in fact the Muslims lost more lands than the Tamils. Because of that I think they felt they had to stand together in order to win some of their own demands. Even today there is a feeling that if Muslims and Tamils are divided there is no way we can solve the northeast problem.

But unfortunately now they support any government that comes into power. This is because they feel even though they cannot win their rights directly, at least they can work for the betterment of their lives. In fact it has had positive benefits for the Muslim community. If you see, most government offices have a large number of Muslims occupying Tamil-speaking positions.

**During the post-independence period, what were the political dynamics within Tamil politics? What alternatives other than the FP’s position were offered to the Tamil electorate?**

If you consider the 1970 elections, even though the Federal Party was a predominant force, every electorate was won by a slim margin. My father [V. Dharmalingam, MP for Uduvil] won by two thousand four hundred votes. Mr Thurairatnam won by six hundred votes; the Jaffna electorate was won by fifty-six votes. So you cannot just say that the ACTC was completely wiped out, it was fifty-fifty! If the elections were held under the present [proportional representation] system, the ACTC would have got almost an equal number of seats. So the ACTC was also a political force. But because of the Federal Party's non-violent movement – *sathyagraha* and other demonstrations – because they were seen as championing the Tamil cause, they were considered as the force to reckon with. But as the 1970 election results prove, the Federal Party was not the only force in the northeast.

Furthermore, even before the emergence of the TULF, individuals like Mr V. Navaratnam contested the [1970] election on the platform of a separate state but he lost the election and even lost his deposit. Mr C. Suntharalingam contested on the same platform long before that and he too lost. So the Tamil people never supported the cause of a separate state before the emergence of the TULF. Even after the emergence of the TULF, in 1981, the Tamil people voted in the District Development Councils elections. That shows that the Tamils, even though they had given a mandate for a separate state [in the 1977 election], they were ready to go for a settlement far less than the demand for a separate state.

**If one were to consider the rhetoric at that time – even in the Federal Party – the rhetoric was maximalist. However as you said, the Tamil leadership in negotiations were willing to settle for far less. Do you think this gap between the rhetoric and reality led to disenchantment amongst the Tamil youth?**

That is right. That is what happened. Before 1983, the few TULF leaders, who knew the militants directly and who were dealing with them, always believed that this militancy would serve only a limited purpose. They never even dreamt that it would escalate to

the extent it did. Even people like us who were in militant groups thought that militancy only served a limited purpose and that it cannot go beyond that. Knowing the mentality of the Tamil people, who are not fighters but people who are generally willing to compromise, I never dreamt that any Tamil militant group could go to the extent the LTTE did.

I still, even today, am unable to understand, how a Tamil boy or girl can become part of a militant movement. When I was a youth in the 1970s, my parents would not allow my sister to be at home alone. If she wanted to go to the temple just about two hundred yards away, she was not allowed to go alone; either I or someone else had to escort her. This was the normal Tamil mentality at that time. See what happened thereafter to people like Thamilini? And how they were involved in the militancy? I do not understand how this – this change – occurred in such a small period of time.

But the circumstances were such that it did. I always believed that violence on the part of Tamils was a reaction to the violence of the government, because even the non-violent means of protest like demonstrations and *satyagraha* were oppressed by brutal force. This was a gradual process which led to the youth believing that we cannot be successful unless through a militant struggle. They believed that only then would the Sinhala governments recognise the rights of the Tamil people. As member of PLOTE, I would say ‘Sinhala government’ but would never say ‘Sinhala people’, because as Marxists we oppose governments, we are not against the Sinhala people. In fact, about six hundred Sinhala youth were in our organisation. We never did anything which harmed the ordinary Sinhala civilian. We will never do that.

**You explained the evolution of Tamil nationalism from a desire to share power in a unitary state to a claim of a separate state through even the use of military force. But even by the late 1960s, after the failure of the B-C and D-C Pacts and the National Government, and even before, Tamil nationalists like C. Suntharalingam and V. Navaratnam were**

**already calling for a separate state for the Tamils.  
What was the basis for these calls?**

It may be that a few individuals believed that whatever we do, there cannot be a settlement, or that we cannot expect successive government to come up with a reasonable solution. At that time the 'reasonable solution' was something different to what it is today. If you consider the 'Six Point Plan' put forward by the Tamil United Front (TUF) in 1972 [a constitutionally defined place for the Tamil language; Sri Lanka to be a secular state; decentralisation of administration; fundamental rights of the minorities to be enshrined in the constitution; abolition of the caste system; and citizenship for all upcountry Tamils who seek it] it never advocated for a separate state. It was only after 1976 that there was a demand for a separate state. Before that everything points towards the settlement within the unitary/united Sri Lanka. Even the merger of the north and east became part of the discourse just prior to the Indo-Lanka Accord. Even though we were talking about Eelam as the north and east, the merger of the north and east was seriously discussed only during the Indo-Lanka Accord or a few years before the Indo-Lanka Accord.

**What is your assessment of the minority protection safeguards of the Soulbury Constitution?**

Even though Section 29 (2) was there, it never protected us. The Sinhala Only Act, the Citizenship Act, were passed by Parliament in spite of Section 29(2). I really do not understand why we talk about Section 29 (2) as a protective measure for the Tamil people. I do not think it was effective at all.

**What was the FP's response to the constitutional argument of the UF that a 'complete break with the past' was necessary in order to establish a republic? Was the FP in agreement with the argument that the Soulbury constitution was 'unamendable' in whole, and therefore an extra-constitutional method was needed in order to establish a sovereign republic?**

They agreed with that argument, but they were expecting something else from the constitution-making process. A complete break with the colonial past, and a new constitution to include all the communities. That is why they participated and proposed amendments in the Constituent Assembly.

As you know my father [V. Dharmalingam, MP for Uduvil] was one of the speakers for the FP in the Constituent Assembly proceedings. He told me that the FP had some faith in people like Colvin R. de Silva because the LSSP had opposed the Sinhala Only Act. Colvin famously said that if you have two languages, you will have one country, but if you have one language, you will end up with two countries. This faith turned out to be misplaced. They were in fact really shocked and surprised at how the leftists treated the Tamil demands in the making of the 1972 Constitution. This was the starting point of Tamil militancy.

**In the Constituent Assembly the Federal Party makes the argument for a federal Sri Lanka. What were the principal arguments against federalism during that time?**

Generally I think the Sinhala people felt that this was the first step towards a separate state. I think that is the only argument they have. That is the underlying fear in all the arguments they make. Even when you talk to members of the Jathika Hela Urumaya (JHU), they genuinely feel that it is the first step to a separate state. But there are also those who use it as an excuse. If you look at what happened during the Bandaranaike-Chelvanayakam Pact, even Mr Chelvanayakam when he was explaining the Pact in Jaffna said that it is the first step. So the opposition UNP also used this to say that the Pact was only a first step to achieve a larger goal. Even when we talk about a solution now, we made a mistake in saying this is a first step. Even during the Indo-Lanka Accord, we said it was a starting point. Then the Sinhala people ask themselves: a beginning for what? And they interpret it as a beginning to a separate state. I used to think that this idea amongst the Sinhala people was just an excuse, but after entering Parliament I had the opportunity to meet a large cross-section of the Sinhala politicians. Even well-educated, genuine people who

just want to see this problem settled, have that fear. As I said, this fear is the underlying factor in all the arguments made against federalism.

**Why did Mr Chelvanayakam resign his parliamentary seat in 1972? What was he trying to demonstrate?**

The reason was simple. At that time they first thought all of them should resign and contest to prove to the world and to the country that Tamils are opposed to the new constitution and the constitutional process. Then they decided that, as a token, Mr Chelvanayakam would resign, and thereafter the rest would all resign one by one. That was the decision. When Mr Chelvanayakam resigned, they expected the by-election would be delayed but they never expected for it to be delayed for three years. Because of this delay until 1975, the others didn't want to resign.

**What was the reason for this delay of 3 years?**

I think the government felt that they would lose very badly. I think even their candidate Mr V. Ponnambalam was not sure, so I think he must have told them to delay it. Even if he didn't ask them to delay it, but only said that it is not possible to win, then they would have delayed it.

**You earlier said that 1972 was 'the start of Tamil militancy.' Could elaborate on that?**

After the 1972 Constitution was passed, there were demonstrations and other activities against the constitution. Tamil militancy started generally in the 1970s, because in 1971 the government introduced standardisation in education. Because of this standardisation, a lot of Tamil students felt they were deprived of higher education. So they joined the militant organisations but of course up until 1983, even the main militant organisations only had a maximum of twenty or thirty cadres. It is only after 1983 that the numbers increased. I wouldn't say that with standardisation all the students dropped out and joined the

militant organisations. No, that is not true. Only a few joined. But still, it gave rise to militancy. First you had groups like the *Manavar Peravai* [Tamil Students League] who engaged in protest marches and anti-government activities. This was not really a militant movement but it was a sort of militancy. Then you had the militant groups.

At the inception, these militant groups thought they were independent of the TULF/FP. But still, even the people involved in militant groups were involved in the TULF or the Federal Party, therefore personal contacts were there – even Uma Maheswaran and Prabhakaran had links to political leaders. Thereafter the military oppression intensified. Some boys were killed and put under culverts, a large number of them were arrested; people like Kasi Anandan and Mavai Senathirajah and forty-two others were arrested. All these incidents triggered the emotions of the people. During that time, Uma Maheswaran was a surveyor, but he was dragged into the militancy because of these emotions.

**Did the Federal Party lose their political credibility with the masses after the 1972 Constitution?**

No, after the 1972 Constitution was passed the Federal Party joined with the ACTC to form the TUF [Tamil United Front, which became the Tamil United Liberation Front (TULF) in 1976]. The TULF won the election in 1977 with a large majority. This is because they were able to convey to the Tamil people that they [the TULF] could not do anything about the passing of the constitution, as they did not have power in the Parliament. Also added to this, the arrests and the harassment by the police of especially the young boys gave emotional support to the TULF in a big way. Because of this the TULF contested the 1977 general elections asking for a mandate to establish a separate state. But the TULF started losing their credibility, I would say, after 1977.

After 1977 Mr Amirthalingam became the Leader of the Opposition, people started to feel that they are doing nothing and were just enjoying the perks of parliamentary office. That is a natural feeling among people. Even now people say similar things about the TNA. The other factor in the decline of the Tamil

political leadership was the rise of the militancy; the militant groups tried to discredit the TULF covertly and openly in a big way. But still they were able to survive, and still Mr Amirthalingam was respected by Indira Gandhi and India as the leader of the Tamils.

**What political consequences ensued from the Constituent Assembly process and the 1972 Constitution as far as the Tamils were concerned? What long-term effects did this have on Tamil nationalism?**

Politically it created an anti-government feeling amongst Tamil people, because the people felt that nothing can be done, and that these Sinhala governments would do nothing for the Tamil people. The 1972 Constitution was an outright rejection of the Tamil demands; the government didn't even accommodate them. The 1972 Constitution was the first to include the unitary word in the constitution, it gave the foremost place to Buddhism, and the Sinhala Only policy was incorporated into the constitution. All these things made the Tamils take a hard line stance. They started to feel that nothing can be done within the existing set up and this gave rise to the demand for a separate state among the masses. Before that the demand for a separate state was not part of the popular discourse. The Federal Party's proposals to the Constituent Assembly didn't call for a separate state, and neither did the Six Point demands put forward by the TUF. I really do not know whether everybody in the Federal Party or the TULF believed in the idea of a separate state for the Tamil people. It may have been a crude strategy – if you aim for the moon you might be able to hit the roof! But some of them, especially the youngsters, believed it could be achieved. So I think because of the 1972 Constitution specifically and because of the way the UF government acted in general, the people felt nothing could be done within a united Sri Lanka.

**You talked about the fear of the Sinhalese community that federalism is a stepping-stone to a separate state. And many Tamil leaders have stated that separation should be the ultimate goal.**

**So how do you think Tamil nationalism should respond to this challenge of articulating the aspirations of the Tamil people whilst also addressing the fears of the Sinhala community?**

Personally, I feel the terminology does not matter – I do not expect the constitution to say it is a ‘federal’ constitution. But the Tamil people must be able to look after our own affairs in our part of the country; there must be devolution of power. There is no need to use the word federalism because there is no point in creating a suspicion among the Sinhala people, and achieving nothing as a result. Whether we like it or not, the problem of the Tamil people has to be settled within a united Sri Lanka. Whether we like it or not, we have to speak to President Mahinda Rajapaksa and settle it, there is no other way today. But by this I do not mean that whatever the Sinhala people say is correct and we have to just abide by that. No, that cannot be done. But there must be a compromise between both extreme positions. So I feel the constitution must be amended to ensure reasonable devolution to the peripheries with the features of federalism.

**Many Tamil politicians talk about ‘reasonable devolution.’ Can you explain what this means? What are the specific issues that need to be resolved for any sort of devolution to be recognised as reasonable devolution?**

Land power is one. Secondly police powers, to a certain extent. I am not talking about Tamil Nadu level, but at least to a certain extent because there is a fear among the Sinhala people that if you have a Tamil force they themselves will start a Tamil struggle. That I understand. For the time being at least, a mechanism must be worked out, because in the past the reason we asked for police powers is to ensure the atrocities committed by the police during the 1960s, 70s and 80s won’t be repeated. So there must be a mechanism by which the authorities in the Provincial Councils can have a say in the police affairs in those areas. But land power is a must. Thirdly there must be a mechanism to prevent the central government from poking their fingers in relation to the powers which have been devolved. Under the Thirteenth

Amendment, as Pillaiyan [Sivanesathurai Santhirakanthan, former Chief Minister of the Eastern Province] complains, the Governor rules the Eastern Province, not the Chief Minister. That too cannot be accepted. The Thirteenth Amendment, as it is, is only a white elephant. Therefore the amendment must be very clearly drafted to ensure the administration of the provinces must entirely be in the hands of the Chief Minister, with certain provisions for the central government to oversee.

**At present there is a lot of talk on the part of the government about building a Sri Lankan identity, and that seems to be a certain degree of resistance on the part of a lot of Tamil political parties to this idea of a Sri Lankan identity. Why is this?**

The resistance is based on the fear that a Sri Lankan identity would mean an assimilation of the Tamil people's identity within the identity of the majority community. I also think we have the fear that there is an ulterior motive on the part of the government to use this to reject all the demands of the Tamil people. The argument being made is: you and I are equal, we all are Sri Lankans, and so there is no need to talk about devolution. This would have worked in 1948 if we had a concept of a 'Sri Lankan' identity where all are equal and both languages could be used as the official languages. But today there is mutual suspicion among communities and there is no trust. Therefore to start this process [of building trust] we have to have a clear devolution of power which will enable Tamil people to look after their own affairs. Then there can be reconciliation between communities. Now we talk about reconciliation, but nothing is done in practice. In fact if you go to the northeast almost everything is done against a reconciliation process.

**Reflecting on Tamil nationalism in the present, after the conclusion of a long ethnic conflict, what lessons can be learnt from the way in which Sri Lanka became a republic? How should Tamil nationalism move forward?**

We have failed. We started with the non-violent struggle, then it developed into a violent struggle. Because of the intervening intensity in fighting and because of our arrogance, when we were able to achieve something, we refused. I definitely know that in the 1990s when Chandrika Bandaranaike was president, or even when Mahinda Rajapaksa came to power, they really believed that the war could not be won. Even the Sinhala people believed this and they were prepared to go for a reasonable settlement. But I think because of the arrogance of especially the LTTE, they never realised the limits of their capacity or power. They really believed that they can achieve this [a separate state] and they could do wonders with it, but they never understood their real capacity. Because of that, we have failed a large number of Tamils, who now have this defeatist mentality. I do not seriously believe any Tamils who live in Sri Lanka feel that a resurrection of the armed struggle is possible. They really hate it and they really do not want it to happen. I have spoken to a lot of people and they feel they have suffered enough and have lost enough. But at the same time, as I told you, they have a Tamil nationalist feeling. That does not mean that they are for a separate state. As I said, a reasonable solution which can ensure that they can live peacefully in their part of the country is what they are asking for. They say that they are not living peacefully even after the war is over. They feel as though they are an occupied people. Because for everything you have to go to the army for permission. Even if you have a wedding you have to tell the army. Even if a school wants to have a small function they have to inform the army. So Tamils in the northeast have a fear. That fear must be removed. If this is done and if they are allowed to live with dignity, I think there won't be a demand for a separate state. Tamil nationalism does not necessarily mean the demand for a separate state. Nationalism is a common feeling all over the world. Every human has that feeling. Therefore nationalism means that we are a nation of people and we must live peacefully with dignity and equality. So if this is achieved, if the government realises this, and if they work towards this, then I think this country can prosper.

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## Interview

### Tamils of Recent Indian Origin and Citizenship



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<sup>1</sup> Former Member of Parliament and Cabinet Minister of the Ceylon Workers' Congress (CWC), the main political party and trade union representing Tamil plantation workers of recent Indian origin; presently, president of the Global Organisation for People of Indian Origin (GOPIA). This interview was conducted by Luwie Ganeshathasan on 14<sup>th</sup> June 2012 in Colombo.

## **What were the political reasons for the disenfranchisement of Indian Tamils soon after independence?**

To understand this you must go back to 1931, the time during which the Donoughmore Constitution was introduced. At that time, the question of how to determine the franchise was an important subject, as with regard to the Indian Tamil population, the Sinhalese leaders were of the opinion that these people were not permanently settled in this country. So the Donoughmore Commissioners decided that a person who had a Ceylon domicile of origin or choice (domicile of choice to be dependent on 5 years residence) could be registered as a voter. The question of domicile was decided based on English law principles on the subject. Alternatively, a person could be registered as a voter if he possessed a 'certificate of permanent settlement' granted on the condition of five years continuous residence in Ceylon.<sup>2</sup>

During the operation of the Legislative Council (1924-31), the voter base was very small. The total number was about 200,000, and the Indian Tamil estate population only had a little over 12,000 votes. After the introduction of universal adult franchise in 1931, the total number of voters in the country increased to 1,200,000. In 1931, even under these restrictive qualifications, the number of registered Indian Tamil voters was 100,000, which was still a very low proportion of the population. But with this voter base and depending on the way in which electorates were demarcated, the Indian Tamil community got two seats. In addition of course there was always someone appointed by the Governor.

The Donoughmore Commissioners originally proposed that the legislature should comprise of 65 elected seats and 8 nominated. After discussions and some objections raised in the Legislative Council, it was reduced to 50 elected and 8 nominated seats. Under the original formula of sixty five plus eight, the proportion

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<sup>2</sup> This certificate was issued to persons who were permanently settled in Ceylon or residing in the island with intent to settle therein. See further, P.P. Devaraj (2008) *Constitutional Electoral Reform Proposals and Indian Origin Tamils* (Colombo: Foundation for Community Transformation): p.11.

of the majority community to the minorities in the legislature would have been two to one, but when they changed it to fifty plus eight, the proportion became five to one. So an imbalance was created.

The argument used was that there were a large number of Indian Tamils living in the Kandyan areas, and there was a possibility of an Indian Tamil being elected in these areas traditionally populated by indigenous Sinhalese. There was a concern on the part of the Sinhala leadership that their representation particularly in the Kandyan electorates would be diluted and therefore there was a need to restrict the number of Indian Tamil people who were registering as voters. But even under those restrictive qualifications, by the next registration in 1936, the number of registered Indian Tamil voters increased to 145,000. Then later in 1939 it went up to 175,000. The voter base across the board was increasing, and similarly the Indian Tamil voters were also increasing, but their representation was still a very low proportion of the population. Then in 1940, when the next registration took place, it went up to 225,000.

The Sinhala leaders at that time immediately objected to this, because their main intention was to restrict the number of Indian Tamils who registered as voters. So then they [the Sinhala leaders] wanted special regulations with regard to the registration of voters from the estate areas. Accordingly, for the 1941 registration it was stipulated that all those who registered as Indian Tamils or the estate area population would have to appear for a personal interview. Not only was this a very unusual requirement, but the requirement of a personal interview was not known by many in the estate sector, because the communication system at that time was not as developed as today. Therefore a large number of persons did not go for the interview. Because of this the number of registered voters came down very sharply to 168,000. This completely changed the dynamics of the electorate. However, because of the onset of the Second World War, the election for the State Council [due in 1941] was put off, and the same Council [elected in 1936] continued. But it was on the basis of this registration that elections were held in 1947 to the new House of Representatives under the Soulbury Constitution.

In 1940 and in 1941, there were discussions between the government of India and the Ceylonese officials, which were known as the 'Bajpai-Senanayake Discussions.' They put out a report called the 'Joint Indo-Ceylon Report,' in which they discussed a number of issues. A formula was discussed and arrived at, that if an unmarried person has been a continuous resident in Ceylon for a period of ten years and if a married person for seven years (of course if you were absent from the country for less than one year you would still be considered a 'continuous resident') then they could be registered as voters. The others who do not get registered in this manner would get a residence permit but they will not have a right to vote. But finally that report was not accepted and in 1940-41, because war intervened, it was decided to put off the discussion until after the war.

Under the provisions of the Soulbury Constitution, it was envisaged that out of the total of 101 seats, the Indian Tamils would be able to get 12 according to the division of electorates. But in reality once elections were held, they were only able to elect 7 or 8 members. The Soulbury Commission itself observed that they were not provided with accurate statistics and figures and the figures given gave the impression that minority representation will be ensured. But the idea was that according to the population distribution that the Indian Tamil community was entitled to 12 seats.

Transfer of power took place in 1948 and almost before the ink was dried on the independence document, the government introduced the Ceylon Citizenship Act. The Ceylon Citizenship Act was planned in such a way as to exclude these people who were later immigrants from citizenship. So as you can see the introduction of citizenship laws were not done suddenly; there was a background to it which stretched back to 1931.

My opinion is that there is some justification to the concerns expressed by the Sinhala leaders; because when an indigenous population is there, you cannot dilute the representation of that population. But a very easy system could have been adopted by the drafters of the Soulbury Constitution to give representation to both. They could have made provision for double member electorates or any other system by which, Sinhalese as well as

Indian Tamil members could get elected in plantation areas where the population was mixed. But since that kind of provision was not made, in constituencies which had a large number of Indian Tamils, then the Sinhalese would not have representation, so naturally there were concerns. This is understandable because they [the Sinhalese] had traditionally lived in those areas.

But in 1947, to some extent an attempt was made to correct the demarcation of electorates. The Delimitation Commission was given instructions that if in a particular constituency there is a concentration of an interest, substantial in number as to warrant representation, then the stipulation regarding the number of voters to each parliamentary constituency could be changed. For example, if 75,000 persons was the set number of voters per constituency, the Delimitation Commission could reduce it to, say, fifty thousand, and this applied both to castes as well as to ethnic minority communities. The Delimitation Commission had to demarcate electorates in such a way so that minorities will also get elected. This premise laid down in 1947 by the Soulbury Commission continues even till today, but this concept is never practically implemented. Sri Lanka's population structure is such that you must have an electoral system which enables the representation of the different communities in reasonable proportion to their population.

**What about the contention that there was a fear psychosis amongst the Ceylonese leaders of the time about India's role in Ceylon? What impact did this have on the status of Indian Tamils?**

That also played a role. Sir Ivor Jennings said that Mr D.S Senanayake was well aware of the dangers implicit in having a population of nearly 350 million people capable under the wrong leadership of becoming aggressive.<sup>3</sup> There was the fear of a small country against the large country. As Sir John Kotelawela said, 'The day Ceylon dispenses with the Englishmen completely the island will go under India.' There is an idea that the British

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<sup>3</sup> I.W. Jennings, 'Crown and Commonwealth in Asia' (1966) *International Affairs* 32(2): p.138.

themselves encouraged such differences between India and Ceylon. The former Prime Minister of India Jawaharlal Nehru gave repeated assurances that India's policies were different, but it was of no use. The fear of Indian influence persisted and influenced discussions on the citizenship problem.

The other important factor was that in the post-war period countries like the Soviet Union had come to the forefront and the socialist movement was gaining momentum. The Lanka Samasamaja Party (LSSP) and the Communist Party had a base amongst the Indian Tamils, and in the 1947 elections, the Indian Tamils being workers, voted for these left parties, that is how they got fourteen seats. So there was the fear on the part of the Ceylonese elite that there was a threat to their position. This played an important role in the enactment of the Citizenship Acts. They wanted to remove this Communist influence in the plantations before the next elections. That is why immediately after independence the Ceylon Citizenship Act was introduced, and then immediately thereafter, they introduced amendments to the Election Ordinance, which specified that only a citizen can be a voter. So that meant those who failed to meet the new citizenship criteria could not vote in the next election, which was coming up in 1951. But representations were made to the government that the old register should be kept operational until the people are registered as citizens, but they completely refused. Then the government of India also made representations; there was correspondence between D.S. Senanayake and Nehru that the citizenship measures went counter to the previous discussions between India and Ceylon. But the government was determined that the 1951 elections should be held without the voters of Indian Tamil origin.

Then of course local politics took its own turn. D.S. Senanayake wanted to promote his son Dudley as the next Prime Minister, but S.W.R.D. Bandaranaike was more articulate and educated and fitted the bill of being the next leader. So D.S. Senanayake sidelined him. There is also the feeling that even the British collaborated with D.S. Senanayake, because they thought they could not handle S.W.R.D. Bandaranaike. Thereafter S.W.R.D. Bandaranaike left the United National Party (UNP) and formed the Sri Lanka Freedom Party (SLFP). Bandaranaike was an

erudite politician; he was also the founder of the Sinhala Maha Sabha and he knew how to tap in to Sinhala nationalist feelings and how to cultivate the voter base at the grass roots level. Also the group that gained power after independence primarily belonged to the upper class in society, the people in the rural community were not incorporated into government, so S.W.R.D. Bandaranaike was able to mobilise these people. He was also able to mobilise leftist politicians like Philip Gunawardana. They came up with the slogan 'Sinhala Only.' Bandaranaike in 1944 supported both Sinhala and Tamil to be official languages, but in 1955 he said Sinhala Only, because that expressed the idea of Sinhala nationalism very clearly. This was an extremist form of Sinhala nationalism, which was exclusionary and did not take the multi-ethnic nature of our country into consideration.

### **Were there parallels in the reasoning behind the Citizenship Acts which led to the disenfranchisement of Indian Tamils and the reasoning underlying the Sinhala Only Act?**

One can say that both these policies were in some way reflections of the particular directions that Sinhala nationalism was taking. To that extent, you can say there were similarities. The direction of Sinhala nationalism was not based on a multi-ethnic perspective, but on an emphasis on the rights of the Sinhalese community. Furthermore the Sinhala Only policy was also a result of the fact that there was a growing Sinhala middle class which wanted a share in the government administration service. They felt excluded and that the minorities were given a bigger share because of the use of the English language under British rule. So they thought once Sinhala Only was implemented, they would have greater opportunities in the government service. So I think that played a major part in the thinking behind the Sinhala Only policy.

### **How was the Citizenship Act and its implementation perceived by the Indian Tamils?**

After the enactment of the Citizenship Act, and the regulations made under the Act were made public, the main organisation of

the Indian Tamil community, the Ceylon Indian Congress (CIC) boycotted registration on the basis that it was a very unfair law. The contention of the government of Ceylon was that the CIC was boycotting an Act which provided a mechanism for Indian Tamils to apply for citizenship. I think the Indian government also asked the CIC to take a positive attitude towards it and see how it would work. So after a boycott for seven months, people applied. 237,000 applications covering nearly 824,000 persons were submitted. The procedure to process these applications was complex. First of all, the application would be rejected and the people were asked to explain why they should be given citizenship, then you had to submit all of your proof. Deputy Commissioners [of the Department of Registration of Persons] would be appointed as Inquiring Officers before whom you had to appear and place your proof.

Applications were rejected on flimsy grounds. There were cases where a man first signed an application as 'Sandanam', and the next time when he signed as 'K. Sandanam.' He had only added his initial, but they would say the signature was different and reject it. Some people initially used their thumb impression, but later learned to sign their name and use the signature. These too would be rejected. These are actual cases – you could of course appeal against these rejections and there were successful appeals. But how many can you appeal? You cannot appeal every single one. In order to appeal you needed to have lawyers. At that time this was extremely difficult for people who worked in the plantation sector. Even to appear before the Deputy Commissioners, you needed trained people in order to put all the documents together, but everyone who applied could not afford to retain trained people who could help them with the complex procedure.

There was a reason for this rigorous implementation, and it was brought out by S.W.R.D. Bandaranaike during a debate in Parliament. A UNP member said something which irritated Bandaranaike who responded by saying, 'I know, I was present at that discussion. D.S. Senanayake wanted to make only fifty

thousand people citizens under that Act.”<sup>4</sup> So it was clear they wanted to make use of the Act to reject the majority of the applications.

In 1952, Dudley Senanayake became Prime Minister and there were discussions between the governments of India and Ceylon. These were the ‘Dudley-Nehru discussions.’ During the discussions, Dudley Senanayake said that if the Act is properly implemented 400,000 people will be registered as citizens. Mr Dudley Senanayake was a very reasonable man, he was an honourable man, and he did not want any injustice to be perpetrated. But he was not allowed to continue.

They went on rejecting applications and people were reluctant to apply. It was a terrible period. More than the law, it was the implementation which was harsh. This was an example of enacting a law that appears reasonable and then sabotaging it, because you do not want to implement it. Even now you find legislation like the Tamil Language (Special Provisions) Act under which, for an example, 29 Divisional Secretariats have been declared as bilingual areas, but in reality it is not implemented.

Anyway, at the end of this process only 134,000 people were registered as citizens. The problem continued as the balance 975,000 people became ‘stateless persons.’ Then that started another process of negotiation and discussions between Ceylon and India.

### **When this process of rejecting applications on flimsy grounds was taking place, what was the reaction of the Indian Tamil Community?**

Definitely there was a reaction. They took two approaches. Firstly they conducted protests highlighting individual cases and issuing statements against this process, but they did not go on mass strike.

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<sup>4</sup> An Administrative Circular came to light in which the Deputy Commissioners were asked to reject applications on the basis of a percentage: see P.P. Devaraj, ‘Indian Tamils of Sri Lanka – Identity Stabilisation and Inter-ethnic Interaction’ in Social Scientists Association (1979) *Ethnicity and Social Change in Sri Lanka* (Colombo: SSA): p.159

The second was to work to help the people making applications, to ensure there were no mistakes. Many people were trained to go and make representations before the Deputy Commissioners. There was also an attempt to get more legal advice, as there were a lot of legal issues involved in this process from filing applications to filing appeals.

**In light of the Indo-Ceylon dispute on the status of Indian Tamils going back to the 1920s and 30s, did the Indian Tamils consider the safeguards in the Soulbury Constitution adequate to protect their interests?**

I think the term 'Indo-Ceylon Dispute' is not the right term. I think it should be referred to as the 'Indo-Ceylon Issue' or 'Indo-Ceylon Problem.' There was a problem in relations between the two countries. The problem of the people of Indian origin who were workers in the plantation sector led to a difference of opinion. So this Indo-Ceylon issue played a major role in shaping foreign policy in the early years of the independent government of Ceylon.

In the 1920s, there was a desperate need to get labour and the cheapest was from India which was also easily accessible due geographical proximity. At that time, the only issues between the administration in India and Ceylon was in relation to regulating the minimum wage, providing proper housing and medical care for these workers. So the issue actually started in a big way probably with the introduction of the adult franchise and then during the post-independence period with the introduction of the citizenship legislation.

Section 29 (2) of the Soulbury Constitution provided that no law which discriminates against a community can be passed. But that provision had one defect. In a country like India, individual rights were enshrined in the constitution. That meant that no individual could be discriminated in addition to the group. Under the Section 29, only the group rights were protected. When discrimination took place – regarding the registration of voters and registration as citizens – and when it went before the Privy

Council they used that particular point. They said individual rights were not protected. So Section 29 (2) was not able to protect the interest of the Indian Tamil people.

Having said that, in actual fact, there was as far as Indian Tamils were concerned, a feeling that Section 29 (2) was a protective clause, that it was an entrenched clause, which was a condition on which independence was granted to Ceylon. But this provision was done away with in the 1972 Constitution, which did not provide an alternative to this safeguard.

**How did the Indian Tamils view the role played by Sri Lankan Tamil leaders during the citizenship legislation? Did they feel that the All Ceylon Tamil Congress (ACTC) represented their interests adequately?**

Essentially the Sri Lankan Tamil leadership represents the Northern and Eastern Provinces. Therefore the issues and the problems of those areas were their main concern. There is also the background of Sri Lankan Tamil nationalism, which has a geographical dimension. It is in that background that their politics emerged. Soon after the Citizenship Act, there was a division in the ACTC. G.G. Ponnambalam and a few others joined the government, whereas S.J.V. Chelvanayakam formed the Federal Party and they took a different position on this issue. At that time it was said that G.G. Ponnambalam betrayed the interests of the Indian Tamils and that because of his betrayal these people suffered greatly. That is not correct. G.G. Ponnambalam in fact voted against the Ceylon Citizenship Act. But he did vote for the Indian and Pakistani Residents (Citizenship) Act. Of course at that time he could not have known that D.S. Senanayake had in his mind to only give 50,000 people citizenship under those Acts. Ponnambalam thought a larger number might be granted citizenship. S. J. V Chelvanayakam made this an important issue in his political propaganda. He said that this is the beginning of the erosion of the rights of the Tamil people.

There were a lot of Tamil Deputy Commissioners who were appointed under the Indian and Pakistani Residents (Citizenship)

Act. Many people say those Deputy Commissioners were very rigid, because they were performing a job and were implementing the regulations and the instructions they were given very strictly, so they rejected a lot of applications on flimsy grounds. So that also created some concern. Whereas I have been told many times that the Sinhalese Deputy Commissioners were fairer. But that had nothing to do with the political thinking at the time.

**What were the various issues in relation to the Sirima-Shastri Pact? How did the Indian Tamil community view the attempt to place them on a separate electoral register?**

The Sirima-Shastri Pact came after the full implementation of the Indian and Pakistani Residents (Citizenship) Act. It was estimated that there were 975,000 stateless persons at that time. The Indian Prime Minister Lal Bahadur Shastri was very anxious to come to some agreement on this issue, because at that time, after the Sino-Indian War, there was criticism that India did not have good relations with all its neighbouring countries. This was the first international negotiation taking place after he became the Prime Minister, so Shastri wanted to make some concessions and build goodwill. He came to the agreement with Mrs Sirimavo Bandaranaike that of the 975,000 persons, 300,000 persons would be absorbed as citizens of Ceylon and 525,000 would be absorbed as Indian citizens. This left a balance of 150,000 and when Indira Gandhi became Prime Minister, it was agreed to divide these remaining persons between the two countries.<sup>5</sup> So in all 600,000 would be absorbed as Indian citizens and 375, 000 would be absorbed by Ceylon. In order to implement this they had to have an Implementation Act. But in 1965, Mrs Bandaranaike's government lost power and it was Dudley Senanayake who introduced the Implementation Act in 1967. In the Implementation Act, Dudley Senanayake said, that for every 7 persons registered as Indian citizens, 4 will be registered as citizens of Ceylon. But Mrs Bandaranaike said that this was not the understanding that was reached, and the understanding was that for every 7 persons repatriated from Ceylon, after they have

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<sup>5</sup> This was done in 1974 by the Sirimavo-Gandhi Pact.

gone to India, 4 persons would be registered as citizens of Ceylon. Dudley Senanayake generally was a more level-headed person. I think he introduced the Implementation Act in this manner because he felt it was only fair that if people are registered as citizens, they must immediately become citizens. But Mrs Bandaranaike came back to power in 1970 and she withdrew that policy, and until 1977, nothing happened on this issue.

Then in 1977, the Ceylon Workers Congress (CWC) supported J.R. Jayewardene to come into power. The discussions before the elections were that the CWC would support him if he agreed to solve the problem of stateless persons. In 1981, communal riots took place which affected the Indian Tamils particularly in the south. Then in the early part of 1982, J.R. Jayewardene went on a visit to the affected areas and saw for himself the seriousness of the situation. Later in 1982, J.R. Jayewardene went to India for a Commonwealth Prime Ministers' Conference and he was asked a question by a reporter about the issue of 'stateless people' and he gave an unusual answer. He said 'the stateless people are in Sri Lanka, so it is our problem.' That is what signalled a change in the attitude. J.R. Jayewardene promised in the UNP's election manifesto to constitute an All Party Conference (APC). In 1986, the government introduced a law through which in addition to the 375,000 persons to whom Sri Lanka had granted citizenship, a further 94,000 persons were granted citizenship. This was the difference between the total number to whom India was committed to provide citizenship (600,000) and the actual number who applied for Indian citizenship (506,000). Another factor which helped resolve the dispute over stateless persons was the increasing violence in the north from the late 1970s onwards. With the rise of Tamil militant organisations, increased priority was given to solve the issues of Indian Tamils. During the APC in 1984, the Mahanayake Theros of the Malwatta and Asgiriya chapters advised the government to solve the problem of stateless persons without a delay and thereby remove any reason that may exist for Indian intervention in Sri Lanka.<sup>6</sup>

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<sup>6</sup> See further Devaraj (2008): pp.31-34.

**What was the political situation in the lead up to the 1970 election as far as the Indian Tamils were concerned? What were the main platforms of the CWC as the main party representing the interests of the Indian Tamils?**

It has to be noted that relations between Mrs Sirimavo Bandaranaike and Mr Saumiyamoorthy Thondaman [the leader of the CWC] from 1964 to the late 1980s were strained. Before the Sirima-Shastri talks in 1964, Mr Thondaman asked Mrs Bandaranaike for an appointment so that he could explain the position of the Indian Tamils on this matter. But Mrs Bandaranaike had asked him to go and speak to his Prime Minister [meaning the Indian Prime Minister], and not her. In 1965, Mrs Bandaranaike's government faced a crucial vote in Parliament. Mr Thondaman was one of those who abstained from voting and her government fell. Mrs Bandaranaike did not forgive him for this for a very long time.

During the 1970 elections, the SLFP and the left parties once again went back to the politics of the mid-1950s, resorting to Sinhala nationalism. In 1965-70, the UNP was again in government, so the SLFP-led left were now going back to the policies of 1956 in order to regain control of Parliament.

The left parties –the LSSP and CP – were left in the cold after 1956. They were anti-UNP, but at the same time they did not agree with Sinhala extremism. But they had to adjust themselves and reconfigure their principles in order to regain power and in the process they had to accept Sinhala extremism to an extent. The idea which dominated their thinking was that, you had to go along with this populism if you want social change. They believed they could not bring about social change without going along with the nationalist trend. But what happened was that this actually weakened the left movement and they lost some members to the SLFP. But this thinking continued even during the 1970-72 constitution-making process. People like Colvin R. De Silva who was at the forefront of the constitution-making process thought that things would be worse if the left had not got involved in that

project. But actually that is not how it really worked; the support of the leftists only strengthened the hand of the extremists. I think the leftists felt that in order to preserve their position and take it forward, they had to go along with the Sinhala nationalist trend that had developed. Meanwhile, there was pressure from the JVP, which was also another section of the left with its own specific communal approach. In this backdrop, the SLFP pushed through the 1972 Constitution disregarding all the objections and protests by the minorities. They removed Section 29 (2) of the Soulbury Constitution. Colvin R. De Silva in fact made the argument that since Section 29 (2) was ineffective, that they replaced it with a bill of rights. But the rights in the 1972 Constitution were not justiciable.

**The Federal Party's early rhetoric used the term 'Tamil-speaking peoples.' However you talked about how the problems of the Sri Lankan Tamils were distinct and different from the problems the Indian Tamils faced. Did the Indian Tamils consider themselves as part of this broader 'Tamil-speaking peoples' identity?**

The Federal Party put forward the concept of federalism or devolution for the Sri Lankan Tamil people. Then there was the confusion in the term 'Tamil-speaking people.' The Federal Party's position is actually a reflection of Tamil nationalism but in order to accommodate the Muslims in the Eastern Province they brought in this concept of 'Tamil-speaking people.' Chelvanayakam had the idea that if the Muslims wanted, they can have a separate unit. This concept of Tamil-speaking people also brought in the Indian Tamils so it was the Tamil-speaking people as against the Sinhala-speaking people.

But this does not accord with the reality because Tamil nationalism was dominated by a geographical dimension. That is why it asked for devolution power for a particular area in the country. This was the underlying concept both in Bandaranaike-Chelvanayakam Pact and the Dudley Senanayake-Chelvanayakam Pact. One of the prime concerns in the Bandaranaike-Chelvanayakam Pact was the implementation of

Tamil language in the Northern and Eastern Provinces, and also the language of the courts. Even in the Dudley Senanayake-Chelvanayakam Pact, it was Dudley Senanayake who pointed out at that meeting, that it was the intention of the government of Ceylon to see that any Tamil-speaking man, in any part of the country would be able to transact business with the government in Tamil. But the Federal Party's main concern was with mechanisms for power-sharing or devolution.

They were puzzled as how to incorporate the Indian Tamils. Some people thought that another unit could be formed by combining the Sabaragamuwa, Uva and Central Provinces. All kinds of ideas were floated but there was a lack of clarity on these matters. That is because the essentially different demographic pattern in relation to the Indian Tamils had not been fully appreciated. The Sri Lankan Tamil demand for autonomy was very reasonable and justifiable but to take along with that another group which was located in these mixed areas and to link them together would be trying to create a Tamil nation across the country. That is not acceptable; it is also not practically possible as the geography of the country and the ethnic relations in the country would not allow it. Even when the Bandaranaike-Chelvanayakam Pact was signed, many people say it was the interests of the Tamil nationalism that were articulated, not the interests of the minorities who were dispersed throughout the country.

**What was the thinking behind the CWC in joining the Tamil Union Front (TUF)? What were the reasons why the CWC did not vote for the Vaddukoddai Resolution?**

One of the reasons for the CWC to join the TUF was that, at that time, in the early part of the 1970s, the Indian Tamils were also under attack; under Mrs Bandaranaike's government, the attack on the Indian Tamil community was particularly strong. Her government nationalised plantations and a lot of people were been thrown out of work and were being evicted. She would not listen to the representations that were made to her. In the country as a whole, there were food shortages which also affected the

Indian Tamil community. Also in the background, fuelled by the JVP, an anti-Indian sentiment was developing in the country. During the very same time, members of the Federal Party were being put in jail. So there was a feeling, which started with the 1972 Constitution, that there was an attack on the Tamil people. So they felt that they should come together in this situation. That was the reason for them to come together and they tried to coordinate with each other.

But in the north and east, militant groups were developing and were pressurising the traditional leadership represented by the TUF. Therefore the Tamil political leadership decided to pass the Vaddukodai Resolution which declared that a separate state was their main objective. I think this was a profound error, but of course if they did not do that, they might have got into more difficulty, because the situation in the north and east was very tense at that time.

In reality, the Sri Lankan Tamils were for devolution of power to a geographically bounded area. But the Indian Tamils were a less concentrated population, and were distributed in many parts of the country. Their problem cannot be compared to that of the Sri Lankan Tamils. Therefore the CWC made a statement saying, we appreciate and understand the reasons for the demand of the Sri Lankan Tamils, but this will not be the solution for the problems faced by the Indian Tamils, therefore we distance ourselves from this demand [for a separate state]. In internal discussions also the CWC thought that this demand was not a good thing; that this idea of a separate state would lead to a lot of trouble in the future, but they did not articulate that in public. Because they felt when one large community is putting this forward, we should not say anything directly contradictory. The Sri Lankan Tamil leadership thought that the demand for a separate state was a way of bargaining with the government. But this method of bargaining touched on a raw nerve of the Sinhala people. If the Federal Party had maintained the position that they were for a solution within a united country despite the difficulties they faced I think it would have been better for the Tamil people.

**Was the thinking behind the decision of the CWC that a solution to the Indian Tamils' problems can only come within a united Sri Lanka, and not necessarily in a separate Tamil state?**

Yes, in a way a separate Tamil state would not have been a solution to the Sri Lankan Tamil problem either. All along what we thought was the Tamil state demand was been put forward to get the maximum level of autonomy. That is the understanding people had. The CWC would have been happy if the Sri Lankan Tamils got the maximum extent of autonomy possible. The bargaining method/technique they used of putting forward a separate state and coming down on that – you can argue whether that is the best way or not – but as far as the Indian Tamils were concerned, they just could not go along with it.

**How did the relationship between the Indian Tamils and the northeast based Sri Lankan Tamil nationalism (in its federalist and secessionist dimensions) change after the Vaddukoddai Resolution?**

For some years they continued to have good relations. Not voting for the Vaddukoddai Resolution did not create a problem, but a distancing took place. Then after the parliamentary elections of 1977 it slowly weakened and tapered off.

**The CWC supported the UNP in the 1977 election, and thereafter Mr Thondaman took up a ministerial portfolio. What was the impact of this decision on the relationship between the CWC and TULF leadership?**

The TULF did not like it, but they were also very careful not to make any statement against it. But at a certain point, Mr Thondaman was a mediator between President J.R. Jayewardene and the TULF. In fact I was present at the discussion at Thondaman's house. Thondaman's suggestion was to leave the northeast to the TULF, to let them contest all the seats there and

he asked J.R. Jayewardene not put forward UNP candidates in the parliamentary election of 1977 in those areas. He told J.R. Jayewardene to negotiate with the TULF leadership. But J.R. Jayewardene was not agreeable to that.

Even Tamil militant organisations had contact with Mr Thondaman. For example, once a militant group had abducted a group of European tourists, and the government was desperate to get them released. So Mr Thondaman intervened and negotiated the release of the tourists. The government was thoroughly grateful, because this might have had an undesirable affect on the tourism industry. Mr Thondaman was even critical of the government within Parliament. He opposed the Sixth Amendment to the Constitution; he pointed out to the government that it was making a mistake and voted against the Sixth Amendment.

**You have repeatedly stated that the Indian Tamil identity is distinct from the Sri Lankan Tamil identity. Obviously there are historical reasons for this, but do you think that the distinction was further accentuated by the different modes used by the Indian Tamil leadership and the leadership of the Sri Lankan Tamils in order to solve the problems of their communities?**

The modes used by the different leaders were an outcome of the actual reality in society. When you talk about identity, now there is what you may call an overarching Tamil identity, which embraces Tamils all over the world. That is one level of identity. Then if you take Sri Lanka, there is certainly a relationship between the Sri Lankan Tamils and the Indian Tamils because a large number in both communities are Hindus, and therefore the Hindu traditions and culture are shared by both communities. So there is another identity which spreads across these groups. Then if you include the Muslims, particularly from the Eastern Province, some of whom are good scholars and have contributed immensely to the Tamil language, then you have a linguistic identity of what you would call the 'Tamil-speaking people.' So there are levels of identity and the existence of these levels of identities are natural,

you cannot pit one against the other, each identity is complementary to the other.

The mode of solution to particular political problems is dictated by the exact reality of the ground situation, and it does not affect the linguistic identity or the identity that comes through sharing culture. But that does not mean the power-sharing technique amongst different groups have to be uniform. That does not mean that the issues of the Indian Tamils can be accommodated within a power-sharing mechanism adopted for the north and east. When it comes to the areas in which the Indian Tamils live in, the dynamics are different. For example, in Kandy 70% are Sinhalese, and the minorities are about 30%, but there are some pockets in which it is a fifty-fifty or sixty-forty proportion. In these situations, what is important is fair representation in Pradeshiya Sabhas, and you must have Tamil *grama sevakas*. This is power-sharing in a different way, at the local level. Then you must be able to have Tamil teachers, Tamil officials in government offices at the district level. So these problems are different to the needs of the Tamils in the north and east of Sri Lanka.

**What lessons can post-war Sri Lanka learn from the 1972 constitution-making process, specifically in the context of the pending appointment of a Parliamentary Select Committee (PSC) for constitutional reform? Moving forward, what do you think we should do differently?**

I appreciate and I understand the reasons why the Tamil National Alliance (TNA) is hesitant to participate in the PSC. Because past experience shows that when governments do not want to face the problem, they call for a discussion and these discussions can go on and on and not come to a conclusion. Then after some time, again the government calls for another discussion, and the process is repeated. So I can understand that concern of the TNA and why they want the government to state its position on this matter before joining the PSC. So the process as it is now, the government must clearly decide its position as to what extent they can extend the Thirteenth Amendment, where they want to draw the line in devolving power, and what the process of

implementation is going to be. Then they must make sure that there is some sharing of administrative power at the central level, and the language policy must be implemented sincerely, honestly. These are things that can be done; these mechanisms can be set in motion. It is important that the government state its position clearly because then they can discuss with their partners, convince them and bring them on board with the government's position. The government has to take a stance, if not this issue will drag on.

My analysis is that the character of Sri Lanka after colonisation has not been correctly defined, because it had now become a multi-ethnic country. It is no longer what it was at the time when the colonial countries took over. It has become integrated, and the administrative system has changed. Colonial conquest has changed the very character of the country and this reality has to be born in mind when deciding on constitutional reform.

### **What constitutional changes need to take place in order to protect the interests of the Indian Tamil community?**

First of all, the constitution must recognise the component groups which constitute this country. Already a formula exists in Professor Tissa Vitharana's APRC Final Report, which says Sri Lanka is constituted by the Sinhala, Sri Lankan Tamil, Muslims, Indian Tamil and other communities.<sup>7</sup> Then, from that flows that all these people will have certain rights. Furthermore there are

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<sup>7</sup> The Final Report of the All Party Representative Committee (APRC) submitted by its chairman, Professor Tissa Vitharana to the President on 13<sup>th</sup> August 2010 has not officially been made public. But a version of the report was published by two members of the APRC, available at: <http://www.groundviews.org/wp-content/uploads/July-20-APRC-Final-Report.pdf>. This contains the following provision as Article 1(4): "The People of Sri Lanka is composed of the Sinhala, Sri Lankan Tamil, Muslim, Indian Tamil, Malay, Burgher and other constituent peoples of Sri Lanka. The right of every constituent people to develop its own language, to develop and promote its culture and to preserve its history and the right to its due share of state power including the right to due representation in institutions of government shall be recognized while strengthening the common Sri Lankan identity. This shall not in any way be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of the Republic."

already laws, like the language law, which need to be fully implemented. The Official Languages Commission has said that there are 104 Divisional Secretariat areas where bilingualism can be implemented. So this must be implemented. In districts such as Nuwara Eliya, all the Divisional Secretariat areas are bilingual so they can declare the district as bilingual through existing legal provisions. The government services and administrative arrangements do not reach the Tamil people because there is a language problem, so you must appoint more *grama sevaka* officers, and also, where there is a substantial concentration of the minority communities, members from those minority communities should be absorbed in to the administrative structure. It is not enough to have constitutional provisions and laws alone; we must have institutional mechanisms to implement them. One of the institutional mechanisms we have suggested is the establishment of Community Councils for the Muslims and for the Indian-origin Tamils as they are dispersed throughout the country. Then there is the question of the number of the Divisional Secretariat Divisions. On several occasions there have been agreements to increase the number of Divisional Secretariats in Nuwara Eliya, but it has not been implemented, and this must be done in other areas where there is a substantial concentration.

Over the past 50 years there has not been a sufficient budgetary allocation to the plantation areas, so there must be affirmative action in those areas particularly in fields such as education, housing, electricity and physical infrastructure. For example, now the Open University of Sri Lanka wants to expand their facilities in Hatton, funds must be provided for this. There is in fact a national action plan to improve the estate sector, which has been approved by the Cabinet of Ministers, but these initiatives need to be implemented. If money is a problem the government can negotiate even with foreign countries for funding. The national action plan is already allocated funding under a UNDP programme.

I agree that the efficiency of an officer does not depend on his nationality. There are Tamil officers who are very good and work among the Sinhala people and there are Sinhala officers who are equally good. But there has to be a reasonable ethnic distribution in the public service. This is because it will make it convenient for

people from different ethnic groups to communicate with government officials. Even people in the government service recommend this for practical reasons, because they say otherwise it takes a long time to communicate with people.

The other issue is the electoral system. Even the Soulbury Commission suggested that if there is a substantial concentration of minorities in an area, provision must be made for them. We have given some concrete suggestions, using the formula forwarded by the Dinesh Gunawardena Select Committee. For example, in a district which returns 8 parliamentary seats, and where at least 25% of the population is from a minority community, it is fair that at least one seat is reserved for them. If there is a difficulty, there is provision to increase the allocation by one seat. Because as of now, in the Ratnapura District for example, the Indian Tamil community is 11% but they never had a representative. So you must try and provide mechanisms to ensure representation for these people. One might question as to why a Sinhala member cannot represent the interests of another ethnic group, this practically never happens because the representative is pressurised to provide funds for his own [ethnic] constituency. So the electoral system must change in order to guarantee representation to these people.

## Epistolary Interview

**Insurrection Amidst Constitutional  
Revolution:  
The *Janatha Vimukthi Peramuna*  
(JVP) and the 1970-72 Constitution-  
Making Process**



*Lionel Bopage*<sup>1</sup>

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<sup>1</sup> Lionel Bopage was the General Secretary of the JVP during the 1980s. Asanga Welikala conducted this interview via email in June-July 2012. In some instances, Bopage has preferred to answer several questions in a cluster.

**1. The Janatha Vimukthi Peramuna (JVP) came into being in the late 1960s just as the political dynamics that led to the eventual establishment of the first Sri Lankan republic were crystallising. How would you locate the JVP, its ideology and programme in relation to this constitutional reform debate, which was at the time conducted primarily between the United Left Front and the UNP-led government?**

In order to clarify the JVP's position, we need to understand the political and economic transition of Lanka from the colonial to the neo-colonial stage of capitalist development that occurred particularly during the 1940s. Neo-colonialism was much more sophisticated than colonialism, because neo-colonialism generated not only economic dependence, but also political, religious, ideological and cultural dependence. Responding to the growing anti-colonial militant struggles in the colonies, colonialists trained pro-colonial elements that followed the colonial image itself in everything they did. The 'independence' illusions created with the help of the pro-colonial elite were used to hoodwink people in the colonies. This political and economic strategy of the colonialists became known as neo-colonialism. This was not an exclusive view of the JVP, but the view of all progressive people at the time including the Third International, Fourth International and the traditional Left parties of Sri Lanka, the Lanka Sama Samaja Party (LSSP), the Communist Party (CP) and the Mahajana Eksath Peramuna (MEP).

The *Policy Declaration of the Janatha Vimukthi Peramuna*, drafted in the early 1970s while being behind bars, clarifies this position as follows:

“After independence in 1948, the bourgeois governments, which have succeeded each other,

have consistently trod the same bankrupt path of capitalist development under the guise of 'Democratic Socialism' or 'Socialist Democracy'. The result of this policy is to be seen today in the intensification of oppression of the working masses, mass unemployment, suppression of the rights of the minorities and the deprived status of women.

Whilst the working class and the oppressed mass of the people have been further weakened and reduced economically, politically and socially during the last three decades, foreign imperialist monopolies and their collaborators, the dependent national bourgeoisie, have enriched and expanded themselves in privilege."

Despite the lowering of the Union Jack and the raising of the Lion flag in 1948, the island and its people did not have political or economic independence. The British responded to the changing international balance of forces against colonialism and the wave of anti-imperialist struggles taking place in the colonies by implementing a strategy for protecting their colonial investments, interests and privileges. New American imperial power took over from Britain and destabilised the governments through persuasion or by overt or covert military force. During the 1950s and 1960s it helped to destabilise Guatemala, Iraq, Iran, Egypt (Suez Canal), the German Democratic Republic (GDR), Korea, Burma, Taiwan, Laos, Cambodia, Vietnam, Congo, Gabon, Cuba, Turkey, Cyprus, Greece and Indonesia.

The emerging capitalist classes in the colonies were mostly pro-colonial in their world outlook, lifestyle and cultural mores. In a way, the JVP's ideological position took a twist towards appreciating the pre-colonial infrastructure the island had in maintaining its self-sustaining economy, before it fell into the hands of the Portuguese, the Dutch and the British colonialists. These colonial powers destroyed this economically self-

sustainable infrastructure to convert the economy into a trade-oriented, capitalist plantation economy.

- 2. Of the Five Classes that were conducted for cadres at that time, (which could also be regarded as a broad articulation of the JVP's main ideological and policy perspectives), the second class, entitled 'Independence – A Neo-colonial Strategy,' concerned neo-colonialism and the central argument that independence was not really achieved in 1948. Can you elaborate on this?**
- 3. When the JVP broadly endorsed the United Front (UF) in the general election campaign of 1970, did it fully subscribe to the UF's manifesto commitment with regard to constitutional change? Or did the JVP have a more radical preference with regard to constitutional change? If so, what?**
- 4. Did the JVP engage with the Constituent Assembly and its deliberations in any way? Did the JVP see the Constituent Assembly as a legitimate and effective constitution-making body that could establish a socialist republic?**
- 5. In his chapter for this volume, Dr Nihal Jayawickrama states that the situation that arose in the aftermath of the JVP's rebellion in April 1971 was serious enough for him, as the then Secretary to the Ministry of Justice, to write to the Prime Minister in the following terms:**

*“Indeed, it would be most interesting to consider what the situation would be if the insurgents were to set up their own Constituent Assembly in Mawanella or Anuradhapura. Both Constituent Assemblies would then be outside the pale of the law, competing with each other, and each depending for its efficacy on the number of people who would ultimately accept its jurisdiction. Consider, for example, how chaotic the situation in the country would be if on the day on which the Constituent Assembly proclaims the new Republic, the insurgents were to themselves proclaim the Republic of Sri Lanka. Public servants and the armed forces would be completely free to offer their allegiance to either government since neither would have a legal basis or a legal link with the past.”*

**6. From the perspective of the JVP, was there any possibility at all of this occurring in the days following 5<sup>th</sup> April 1971? Had the leadership of the JVP thought along these lines?**

The JVP’s ideology and programme in relation to the constitutional reform debate were indirectly reflected in and imbued with the themes of the five classes that were based on Marxist precepts. The five classes were held under the themes: Capitalist Economic Crisis; Lankan Independence; Indian Expansionism; the Lankan Left Movement; and the Path of the Lankan Revolution. Educational camps extended this process of political education provided by the five classes, where the discussions subjected the themes of the five classes into deeper theoretical analysis.

During the 1960s and 1970s, the island’s economy was completely reliant on an export-oriented plantation economy (i.e. tea, rubber and coconuts). The commodity prices of exports continued to decrease while their shipping rates and the commodity prices of imports continued to increase. That economic aid was used to penetrate the economies of the developing world was evident from the high interest charged on short-term

loans provided by the World Bank and the increasing debt service ratio.

The JVP argued that the island's economy should be based on industrialised agriculture to make it self-sufficient for the benefit of the people. The policy of foreign trade should not be based on exploitation of one nation by another, but for the mutual benefits of nations. Naturally, the JVP's programme was focused on developing political strategies to achieve such an economy. This political and economic position on the island's economy helped us to understand the so-called independence donated to the island as a neo-colonial strategy. The JVP concluded that the island had become a neo-colony subjected to economic, political, military and cultural domination. So, the JVP's main task was to unite people in their anti-imperialist struggle with the other oppressed groups around the world.

This situation can be understood by the fact that when the UNP government tried to appoint a Joint Select Committee of Parliament on the Revision of the Constitution in 1968, all Left parties in the land and even the SLFP refused to take part. All those who were in the Left at the time wanted a complete break from the prevailing colonial constitution and structures, and establish a new constitution, which politically, economically, culturally and socially empowered the people, allowing them to determine their social, political, economic and cultural destiny. In the general elections held in 1970, the United Front (the UF), a coalition of the LSSP and the CP led by the SLFP, pledged to nationalise the means of production owned by the colonial powers such as plantations and banks, genuine land reform, nationalisation of banks and agency houses, and expulsion of imperial political and cultural agencies. The JVP (the 'Movement') supported the United Front at the 1970 general elections on this basis. However, once elected, the UF government choose not to carry out any of the economic reforms that it pledged to implement during the election campaign.

I do not believe the pledge to reform the constitution through a Constituent Assembly played a predominant role during the general elections of 1970. The necessity for constitutional reform arose due to a completely different issue, i.e., when the *Kodeswaran Case* challenged the legal validity of the Official Language Act No. 33 of 1956 (the ‘Sinhala Only’ policy).<sup>2</sup> This became a priority for the UF regime, when the British Privy Council, which was the highest judicial decision-making body under the Soulbury Constitution, concluded that:

- The amendment or repeal of Section 29 (2) of the constitution was not allowable as it was an entrenched clause; and
- The constitutional legality of the *Kodeswaran Case* needed to be reconsidered by the Supreme Court of the island.

The UF regime then decided to exclude Section 29 (2) of the Soulbury Constitution by implementing a new Republican Constitution. By then, the UF regime had already abolished the Senate.

In the south of the country, the youth were more concerned about the government breaking its election pledges on economic reform. They had certain expectations of the UF government as they were already affected by unemployment, landlessness etc., but the ruling elite dashed their hopes and aspirations. So, it can be argued that the political decision to call a Constituent Assembly to draft a new constitution could also have been a diversionary strategy to move the attention of the people away from the predominant economic issues to more nationalistic issues.

At the time, the Minister of Constitutional Affairs was the deputy leader of the LSSP, Dr Colvin R. de Silva. Incidentally, he authored *Ceylon under the British Occupation*, in which he argued that sovereignty resides

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<sup>2</sup> *Kodeswaran v. The Attorney General* (1969) 72 NLR 337.

with the people, while according to the Soulbury Constitution, the supreme law of the country was supreme and the constitution created the Parliament.<sup>3</sup> Thus, he adopted a legally home-grown, nationalistic constitutional procedure to suit the purpose.

In the light of the above discussion, it seems that Dr Nihal Jayawickrama's statement in the aftermath of the April 1971 insurrection would have been based on a hypothetical situation, in particular, regarding two Constituent Assemblies evolving in a dual power situation. However, I believe that if the JVP insurrection was able to acquire a protracted status, the possibility of a proletarian organ based on socialist state power existing in parallel to a bourgeois organ based on capitalist state power would have been a serious possibility. Such a socialist power would not have in the long term been based on a constitutional assembly, but on a referendum that would have been used to test the will of the people.

**7. More broadly, what was the position with regard to the general idea of a constitution within the Marxist-Leninist and Maoist ideology of the JVP?**

**8. What were JVP's specific critiques of the Soulbury Constitution?**

**9. If the JVP supported the establishment of a republic, what was the nature of the republic that it wanted to see in Ceylon / Sri Lanka?**

In terms of constitution-making, the *Policy Declaration of the Janatha Vimukthi Peramuna* was very clear in its position:

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<sup>3</sup> C.R. de Silva (1942) *Ceylon under the British Occupation, 1795-1833: Its Political, Administrative and Economic Development* (Colombo: The Colombo Apothecaries Co.)

“The ruling capitalist class is in control of the social, economic, political and ideological condition of the present-day Sri Lankan society. Its institutions are the most powerful. Will that class, of its own accord, relinquish its immense power to the proletariat, which is in objective conflict with it? The proletariat, acknowledging the antagonism between itself and the capitalist class, will expect the capitalist to intensify the violence of his class and will seek to defeat the capitalist system. The solution to the ever-growing socio-economic crisis of the peoples of Sri Lanka is to root-out the capitalist system and establish in its place the qualitatively superior democracy of the dictatorship of the proletariat.”

The JVP's stance regarding the general idea of constitution-making was to completely overhaul the existing capitalist socio-economic formation, by changing its relations of production with more equitable, fair and redistributive relations of production. It is evident from this thesis that the JVP did not believe in constitutional reforms, which it saw as a continuation of the capitalist system of exploitation:

“The development of capitalism in Sri Lanka has taken a different form from that of capitalist development in Europe and other developed capitalist countries. Unlike in the developed capitalist countries, where capitalism rooted its growth in the ashes of the pre-capitalist system, in Sri Lanka, capitalism came into existence by being superimposed upon this pre-capitalist system. As a result, capitalist society in Sri Lanka has retained within itself certain features of the feudal order. Not only the imperialist capitalist ruling class but also the neo-colonial capitalists who ruled this country for over three decades, as well as their lackeys of the upper strata of the petty bourgeoisie who masquerade as leftists, have failed to fulfil a task which is essential to the

free development of capitalism, namely, the eradication of these feudal remnants and the completion of the tasks of the bourgeois democratic revolution in Sri Lanka. It is left to the proletariat to complete the bourgeois democratic revolution which has yet been left unfinished. The proletariat will fulfil the remaining tasks of the bourgeois democratic revolution at the same time as it realises its revolutionary socialist goals. The JVP will build, against all odds, the revolutionary party to lead that struggle to victory.”

It is in this context that the JVP considered that its political objective was to complete the unfinished bourgeois democratic tasks by abolishing the remaining feudal vestiges while carrying out the task of building socialism. The JVP was not much concerned about the constitutional reforms, probably due to its commitment to a socialist republican constitution. Any specific critiques of the Soulbury Constitution the JVP had are to be seen in this light of abolishing feudal remnants and building socialism. In contrast, the Soulbury Constitution’s main aim was to protect the neo-colonial regime that had been established by the imperialist forces to safeguard its political and economic interests and privileges.

Apart from the local situation, the international situation for the JVP was also important, in particular, the series of violent counter-revolutionary measures taken by the Western neo-colonial powers in many countries. The most recent at the time was the eradication of the Communist Party of Indonesia (*Partai Komunis Indonesia*, PKI), led by the Central Intelligence Agency (CIA) through a military coup carried out in Indonesia. This coup annihilated all leaders of the PKI and millions of its members, sympathisers and civilians. Locally, the then Finance Minister, Mr J.R. Jayewardene of the United National Party government advocated winding up the electoral map of Lanka for the next twenty years. Due to those CIA campaign elsewhere, in countries like Lanka,

there was the well-founded fear that the UNP regime would continue to remain in power by hook or by crook. Therefore, the 'Movement' considered that it was its paramount duty to work to dislodge the UNP regime from power.

**10. What were the then JVP's perspectives with regard to the following major features of the 1972 Constitution: (a) the unitary state; (b) the Buddhism clause; and (c) Sinhala as the official language?**

(a) The unitary state

We believed in establishing a proletarian state. The JVP pledged to promulgate a new socialist constitution as the basic law of the land, which would lead to the establishment of a socialist republic, where the means of production would be owned by the nation (state). A major difference was that we proposed to have this constitutional law approved by the people of Lanka at a referendum, whereas none of the constitutions or its amendments adopted by diverse capitalist regimes has ever been subjected to a referendum to test the will of the Lankan people.

Regarding the unitary nature of the state, we had a clear policy position, although at latter stages of the JVP, and even now, this policy position has been misrepresented, misinterpreted, and distorted. The policy in the *Policy Declaration* clearly opposed both autocratic centralisation and the division of the country. The opposition to autocratic centralisation was based on the principle of the right to self-determination of peoples. As we know, this policy continues to underpin the right of a people to freely determine their political status and freely pursue their economic, social and cultural development. I refer to comrade Rohana Wijeweera's speech delivered in Jaffna in 1982, which is now viewable on YouTube.<sup>4</sup>

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<sup>4</sup> See <http://www.youtube.com/watch?v=stmbM7Tr0e8> [last accessed, 30th July 2012]

In very clear terms, he referred to the self-determination of Tamil people as their right to determine their own destiny. However, we advocated that the separation of the country would not be advantageous for the working people, as such action would not serve their interests, but the interests of the bourgeoisie. I had emphasised this situation and the possible continuation of a border war between the two separated states comprising the island of Lanka while citing experiences elsewhere. We called for the unity of the working people irrespective of their linguistic, national, religious and cultural differences.<sup>5</sup>

The administrative changes the JVP pledged included guaranteeing the right to vote to every citizen over 16 years of age to elect representatives to all state and local government institutions, and the right of every citizen over 18 years of age to be elected as such representatives, thus ensuring the youth of the country became responsible and accountable in the decision-making process of the country. Though we spoke about abolishing the entrenched bureaucracy, now I believe that our expectation should have been the implementation of a less bureaucratic rule. The division of administrative districts that existed at the time was to be studied and scientifically re-divided to provide a more realistic and practical demarcation.

What we proposed was to have the non-Sinhala people accept regional autonomy in areas where they have been quantitatively predominant. We need to note that the right to self-determination is recognised in international law, not as a right of process to states or governments, but as a right of process (not of outcome) belonging to the people.

Regarding the important function of the defence and maintenance of the territorial integrity of Lanka, the position of the JVP was also to share that responsibility

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<sup>5</sup> L. Bopage (1977) *A Marxist Analysis of the National Question* (Colombo: Niyamuwa Publications).

with all people, thus basing such defence and protection on egalitarianism and autonomous rule.

(b) The Buddhism clause

Section 6 of the 1972 Constitution had this to say on the subject of religion:

“The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster Buddhism while assuring to all religions the rights granted by Section 18 (1)(d).”

Article 9 of the 1978 Constitution, referring to religion, states:

“The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Articles 10 and 14 (1) (e).”

The JVP's position regarding religious rights under the provisions in the two Constitutions was clear. Both gave special status to Buddhism, the religion of the Sinhala-speaking majority, and, by implication, relegated other religions to a lesser constitutional position. The Lankan state as a whole is made up of individuals who profess a variety of religions. Hence, it is not really possible for the state to have a religion. Religion is at all times a purely personal activity of a citizen. Yet, every exploitative class-state places one religion above all others. Every act of fraud, corruption, thuggery, deceit, exploitation and repression, and the production of armaments, is carried out while hiding behind the facade of religion. The prominent place given to religion by bourgeois governments is a class manipulation to trick the masses, and thus secure and defend the existing system of exploitation. Any Lankan capitalist government will continue the same process, just as the previous capitalist

governments did. A smokescreen is erected comprising the *Dharma Chakra*, the *Bana* book, the Cross and the Bible, and all manner of religious preachings! Behind this screen are the rifles, bayonets, bombs and repressive acts aimed at the oppressed masses. Such is the nature of an exploitative class-state.<sup>6</sup>

The JVP believed that the problem of religious faith and the extent to which the bourgeoisie can, and does, exploit it is of extreme importance. In that struggle, the proletariat must win the ability to guarantee the secular nature of the state; no more special privilege to any one religion.

Under the heading 'Religion,' the *Policy Declaration of the Janatha Vimukthi Peramuna* declared that the secular nature of the state needs to be guaranteed, and that the intervention of religious institutions in the affairs of the state and in the political life of the country, needs to be prohibited. It also took the policy position that the right of every citizen to pursue a religion of his or her choice should be guaranteed, while discrimination on religious grounds must be prohibited. The policy declaration went further. It proposed that activities whereby people were exploited in the name of religion should be abolished. It proposed to abolish the systems of *viharagam* and *devalagam* used in the island for the purpose of feudal exploitation. However, religious institutions were to have the freedom to engage in all religious activities, and the state was not to intervene in such activities or obstruct them in any way.

(c) Sinhala as the official language

The JVP position was that in a multi-national capitalist state, any act directed at solving the problem of language is normally based on compulsion. The fact that every capitalist state invariably has an official language is a clear indication of this tendency. The proclamation of the

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<sup>6</sup> L. Bopage (1977) *The Constitution of Sri Lanka and the National Question* (London: Ginipupura Publications).

language of the dominant nationality as the official language of the country, is tantamount to a gross attack upon the other nationalities and communities living within that country. To this day, in capitalist countries the desire to protect the language of the dominant nation is the motivation to oppress other communities by killing the other. Therefore, in multi-national states, the issue of language should be settled in a democratic manner with all peoples and all languages sharing equal rights.

Let us look at the 1972 Constitution. In Section 7, it stated, "The Official Language of Sri Lanka shall be Sinhala as provided by the Official Languages Act, No. 33 of 1956." In Section 8 (1) it stated, "The use of the Tamil language shall be in accordance with the Tamil Language (Special Provisions) Act, No. 28 of 1958."

Original formulation of Article 18 of Chapter 4 of the 1978 Constitution, under the title, 'Language', read as follows:

*The Official language of Sri Lanka shall be Sinhala.*

Article 19 read as follows:

*The National Languages of Sri Lanka shall be Sinhala and Tamil.*

Subsequently this was amended by the Thirteenth Amendment (1987), and now reads as

Article 18 (1):

*The Official Language of Sri Lanka shall be Sinhala.*

Article 18 (2):

*Tamil shall also be an official language.*

Article 18 (3):

*English shall be the link language.*

Article 18 (4):

*Parliament shall by law provide for the implementation of the provisions of this Chapter.*

Accordingly, the Lankan state has established Sinhala and Tamil as official languages, but primacy is still offered to Sinhala language. However, in practical terms, the legal position of the Tamil language does not seem to have been subjected to progressive change

The UF regime acknowledged the right of an individual to receive his or her education in the mother tongue of that person, but the question remains whether a person who completed his/her education with Tamil as the mother tongue was not subject to discrimination, owing to the official language policy of the state, when that person is due for consideration for appointment, promotion and salary increments in government institutions. Governments have continued to practise such discriminatory measures against the Tamil-educated population in Sri Lanka. It is certain that future capitalist governments will continue to carry out this process. In short, the JVP position was that changes in the 1972 and 1978 Constitutions did not reflect any real improvement in respect of the status of the Tamil language. For example, the original Article 22 (1) of Chapter 4 of the 1978 Constitution, the situation regarding the language of administration is set out as follows:

“The Official Language shall be the language of administration throughout Sri Lanka, provided that the Tamil Language shall also be used as the language of administration for the maintenance of public records and the transaction of all business by public institutions in the Northern and Eastern Provinces.”

In examining this statement at the time, the JVP posed the question whether only those members of the Tamil-speaking population of Sri Lanka who live in the Northern and Eastern Provinces that can avail themselves

of the use of Tamil as a language of administration. What was the situation of the majority of the Tamil speaking people of this country, namely the Malaiyaha workers in the plantation sector and the Islamic population, who have not been living in the Northern and Eastern Provinces? Weren't they deprived of the right to use Tamil as their language of administration? I do not doubt for a moment that the use of Tamil as the administrative language of the Northern and Eastern Provinces indeed has been a positive feature. However, 1.8 million of the 3.2 million Tamil-speaking people of Sri Lanka, i.e., the majority did not live in the Northern or Eastern Provinces. Thus, the 1972 Constitution deprived them of their right to use their mother tongue, Tamil as their language of administration.<sup>7</sup>

Section 9 (1) of the 1972 Constitution referring to the use of language in the enactment of laws, stated, "All laws shall be enacted or made in Sinhala" and in Section 9 (2), it provided that, "There shall be a Tamil translation of every law so enacted or made."

Article 23 (1) of Chapter 4 of the 1978 Constitution, referred to the same matter as follows:

"All laws and subordinate legislation shall be enacted or made, and published, in both National Languages together with a translation in the English Language. In the event of any

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<sup>7</sup> Subsequently, Article 22 was repealed and replaced by the Sixteenth Amendment (1988) to make provision for Sinhala and Tamil to be Languages of Administration. Now the relevant clause states as follows:

Article 22 (Languages of Administration)

- (1) Sinhala and Tamil shall be the language of administration throughout Sri Lanka and Sinhala shall be the language of administration and be used for the maintenance of public records and the transaction of all business by public institutions of all the provinces of Sri Lanka other than the Northern and Eastern Provinces where Tamil shall be so used.

inconsistency between any two texts, the text in the Official Language shall prevail.”

The so-called ‘socialist’ constitution of 1972 prepared by Dr Colvin R. de Silva of the UF regime, and the 1978 Constitution of the Democratic Socialist Republic of Sri Lanka (before its language provisions were amended in the late 1980s), stated the same thing with regard to the main language for the enactment of laws. They both confirmed that, although all laws will be made available in Sinhala and Tamil, in the final analysis, the Sinhala version will take precedence over the Tamil. Is it not difficult to see that both constitutions, while giving the status of national language to Sinhala and Tamil, have enshrined the Sinhala language in a special status.<sup>8</sup>

Regarding the language of the courts, Section 11 (1) of the 1972 Constitution stated:

“The language of the courts and tribunals empowered by the law to administer justice and of courts, tribunals and other institutions established under the Industrial Disputes Act or of Conciliation Boards established under the Conciliation Boards Act No. 10 of 1958, shall be Sinhala throughout Sri Lanka and accordingly, their records, including pleading, proceedings, judgements, order and records of all judicial and ministerial acts shall be in Sinhala:

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<sup>8</sup> Subsequently, Article 23 was repealed and replaced by the Sixteenth Amendment (1988) to make provision for Sinhala and Tamil to be Languages of Legislation. Now the relevant clause states as follows:  
Article 23 (Language of Legislation)

- (1) All laws and subordinate legislation shall be enacted or made and published in Sinhala and Tamil, together with a translation thereof in English:
- (2) All Orders, Proclamations, rules, by-laws, regulations and notifications made or issued under any written law other than by a Provincial Council or a local authority, and the Gazette shall be published in Sinhala and Tamil together with a translation thereof in English.

Provided that the National State Assembly may, by or under its law, provide otherwise in the case of institutions exercising original jurisdiction in the Northern and Eastern Provinces, and also of courts, tribunals and other institutions established under the Industrial Disputes Act and of Conciliation Boards established under the Conciliation Boards Act, No. 10 of 1958, in the Northern and Eastern Provinces.”

According to the 1972 Constitution established by the UF regime, the language of the law courts, at every level and throughout the country shall be, in ultimate significance, Sinhala, the language of the majority. Most of the Tamil-speaking people in the country were denied equal opportunity in the use of their mother tongue.

The JVP took the position that Sinhala, the language of the majority of the population, was being forcibly foisted upon the rest of the people of the country. Whoever accepts the necessity for an Official Language is one who accepts the oppression of one nation or race by another; is one who supports the repression of a minority by force; is one who is in favour of according special privileges to one language, while imposing restrictions and compulsions on others. The JVP did not accept this position as correct.

The policy position of the JVP was that the use of a specific language as a medium for exchanging ideas and information between different peoples in a country has been a common social phenomenon. Yet such a language needs not be given special privileges in the judicial or administrative system of a country. The constitution itself should have guaranteed equality between all sections of the population. In a multi-national state, the cornerstone of an internationalist language policy should have been that of equality among all languages, without preference being shown to any one language. Every citizen should have the right to address any state institution or social organisation in his or her language or in any language to

suit his or her convenience. No state institution or organisation should have the power to reject a petition submitted to it because it was not presented in the language that is prescribed for that specific purpose.

The JVP being Marxists-Leninists argued that a state cannot have an official language. The establishment of an official language by any capitalist state is a means by which it relegates the other languages to a subordinate position. The JVP stated that no language should be afforded special privileges. The capitalist class makes every attempt to divide the working class on language and other similar differences, and thereby perpetuate such differences. Furthermore, the JVP was critical of the UNP, the SLFP, the Tamil United Liberation Front (TULF), the LSSP and the CP for maintaining a policy of granting special privileges to one particular language.

The JVP believed that only such a policy could resist any attempt to impose a language upon any individual. Only such a policy could ensure the steadfast practice of democracy and equality among the different languages in the island. The working people in demanding the full right and opportunity for every citizen to use the language of a person's choice would be acting according to the wishes and aspirations of the people.

The JVP also believed that only a genuinely socialist government led by the working people could abolish discrimination and establish the equality of all national languages. Under the heading of 'Language Rights,' the *Policy Declaration of the Janatha Vimukthi Peramuna* declared the adoption of Sinhala, Tamil and English as national languages of Lanka. It advocated that in the field of language, peoples' representatives in all state institutions may speak in any of the three national languages, while being simultaneously translated into all other national languages. It also pledged to issue all laws, state edicts and proposals in all national languages. It recognised the right of persons in educational institutions to receive their education in the mother tongue or in any national

language of their choice and the right to transact business with the state in the mother language or in any national language of one's choice. It assured that no citizen would be subjected to social, economic, political or any other form of discrimination on the ground of anomaly in language. I believe this policy formulation on language would have ensured that every citizen would enjoy equality of rights in the use of national languages.

With the superimposition of capitalism upon the feudal social system of the island, the English language was also introduced as the only language of administration, and as the language of education and communication. In over a hundred years of British colonial rule, a considerable section of Sri Lanka's population has been using English as its mother tongue. A small segment of the working population also has been using English as its mother tongue. The JVP believed that their contribution to social development of Lanka was also significant, and that they should be allowed to use a national language of their choice in this task. The JVP emphasised that the population in the island that used English as its mother tongue should enjoy the same rights as the Sinhala and Tamil languages, and that these people must not be discriminated against linguistically.

The JVP further exposed the hypocrisy of the representatives and agents of the capitalist class, who have been displaying their skill in the use of the Sinhala and Tamil languages in public, though in their real lives they used English as their mother tongue. They only resorted to the use of Sinhala or Tamil when addressing the servants in their homes, or the workers and other oppressed masses in the wider society. Whether they be Sinhala or Tamil, most capitalist households use English as their normal medium of communication. They educated their children, both locally and abroad, in English. Publicly professing great regard for the Sinhala and Tamil languages, they used the language question in the country as a tool to divide the working class, while conducting their every activity in English.

**11. What were the then JVP's attitude and position with regard to the Federal Party's constitutional proposals to the Constituent Assembly, and more broadly, to Tamil nationalism and to federalism?**

**12. In the years preceding the 1971 insurrection, what were the JVP's relations with Tamils and other minorities?**

**13. In the late 1960s, why did the JVP not adopt the well-known position articulated in Stalin's 1913 essay on 'Marxism and the National Question' in relation to Tamil nationalism?**

Up to the 1940s, the social and political divisions in the island were not based on language and religion; there was no hostilities based on the ethnicity of individuals. The Jaffna Youth Congress (JYC), which was a dominant political force in the north in 1920s and 1930s, also had an influence in delaying the emergence of Tamil ethnic nationalism there. The JYC appreciated the harmonious and tolerant relations that existed at the time between Sinhalese and Tamils, Moors and Burghers.<sup>9</sup>

Since 1948, the Tamils in the island have been systematically denied their legitimate rights, mainly relating to equal opportunities in areas of language, education and employment. It started with the Citizenship Act of 1948, which disenfranchised close to a million Tamil plantation workers. It was followed by the 'Sinhala Only' language policy in 1956. It led Tamil political parties to strongly demand a federal framework.

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<sup>9</sup> K. Nesiiah (1945) *The Mother Tongue in Education* (Colombo: Ola Books), cited in D. Nesiiah (2001) *Tamil Nationalism* (Colombo: Marga Institute).

The abrogation of the Bandaranaike-Chelvanayakam Pact of 1957 and the Dudley-Chelvanayakam Pact of 1965 by the Sinhala political establishment created a lot of anger, frustration and disillusionment among Tamils that eventually led to the birth of separatist militant movements.

Regarding the All Ceylon Tamil Congress (ACTC) and the Federal Party (FP) and their policies, the JVP had a clear class demarcation. They represented the interests and privileges of the capitalist class in the island. Many examples can be cited regarding this matter. For example, their attitude during the colonial era towards the working people in Sri Lanka, their support to the capitalist governments in the island, and the behaviour of the ACTC when the Citizenship Act of 1948 and the Indian and Pakistani Residents (Citizenship) Act of 1949 were enacted to disfranchise almost all Malaiyaha Tamils. This was a deliberate act by the ruling class at that time to weaken the strong linkage between the estate trade union movement and the left movement.<sup>10</sup>

However, I believe the Federal Party (FP) was trapped when Senator M Tiruchelvam sought its support in the constitution-making process.<sup>11</sup> This was based on a promise to incorporate some responses to the demands of the Tamil people in the new constitution. The FP and the All Ceylon Tamil Congress (ACTC) participated in the Constituent Assembly process organised by the UF regime in 1970.<sup>12</sup> However, they were deceived and their demand on the use of language and religion were marginalised at the end of the Constituent Assembly process.

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<sup>10</sup> W.S. Muthiah & S. Wanasinghe (1998) *The Bracegirdle Affair: An Episode in the History of the Lanka Sama Samaja Party* (Colombo: Young Socialist Publication).

<sup>11</sup> K.T. Rajasingham (2010) *Submission to LLRC Part IV - Muslim riots & Tamils' historic blunder of 1972* See <http://www.asiantribune.com/news/2010/09/18/submission-llrc-part-iv-muslim-riots-tamils%E2%80%99-historic-blunder-1972>

<sup>12</sup> A.J. Wilson (1994) *S.J.V. Chelvanayakam and the Crisis of Sri Lankan Nationalism, 1947-1977* (London: Hurst): pp. 113-116.

The UF regime was astute in taking judicial steps to ensure that any challenges to the legality of the 1972 Constitution could not succeed. The judges in the country were forced to pledge allegiance to and uphold the constitution. When the judges complied, the judiciary of the land did not have power or authority to decide on the 1972 Constitution's legality.

This situation led to Mr Chelvanayakam's speech in 1975, after the victory at the Kankesanthurai by-election. This was a real turning point in the Tamil national struggle, which ended up in the demand for a separate state. This followed the Tamil United Liberation Front (TULF) adopting the Vaddukoddai Resolution in 1976, demanding Tamil Eelam, a separate state for Tamils. According to Devanesan Nesiah, the Vaddukoddai Resolution of 1976 had a massive impact on the political landscape of the island.<sup>13</sup>

The State of Emergency has been a permanent characteristic of any bourgeois regime that was in power. On the slightest ground, the security forces arrested Tamil youth on suspicion, and continued to torture them and exact confessions to keep them behind bars under the Emergency Regulations. By 1975, the police excesses led to the escalation of the Tamil youth militancy and later they occupied the central role of Tamil politics.

The social base of the JVP mainly comprised of rural Sinhala Buddhist youth, semi-proletarian to lower middle class in nature. Prior to the insurrection in 1971, the understanding the political leadership of the JVP had about the problems of the Tamils and other non-Sinhala communities was minimal. Moreover, the attempts of the JVP to carry out political activities among the Tamils were extremely limited.

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<sup>13</sup> Nesiah (2001).

Many leaders of the JVP including its founder, the late comrade Rohana Wijeweera were originally from the Communist Party of Ceylon, Peking Wing (CPC-P). The leader of CPC-P, the late comrade N. Shanmugathasan, was a Tamil by ethnicity. By the end of 1964, Rohana became a full-time cadre of the CPC-P, but gradually joined the dissenters within the party, who were dissatisfied with the leadership. He was expelled from the party in late 1966. Rumours abounded that Rohana had left the CPC-P because its leader was a Tamil. This was not the case.

In the 1960s, some on the Left took the position that the vanguard of the socialist revolution in Sri Lanka lay with the Malaiyaha Tamils. The JVP disagreed with this position and argued that the international experience has shown that when the leading role of a revolution was based on a minority community, the ruling elite has used racism and communalism to undermine and prevent it from succeeding. More than 80 per cent of the population of the country was rural and more than 90 per cent of the country's poor comprised of the rural poor, and urban workers. Therefore, the vanguard of the Sri Lankan revolution would be the urban working class allied with the rural peasantry.

Indian Expansionism, one of the controversial political classes of the JVP, touched upon anti-Malaiyaha sentiments, at times, particularly, when Malaiyaha workers were compared with Sinhala *chena* workers. Malaiyaha workers were also considered to be potential allies of India's economic and political interests, not Sri Lanka's.

Most of the Sinhala youth who joined the movement did not have any social linkages to Tamils. The Engineering Faculty of the University of Peradeniya, where the student population was ethnically and culturally more diverse, provided one of the avenues for the JVP to reach out towards Tamil students. However, the social aspirations and the needs of many of the students of the

Science, Engineering and Medical Faculties were different from those of the students of the Arts Faculty.

The leaders of the JVP, who were held behind bars after the 1971 insurrection, made use of the opportunity to reflect back on their Maoist political roots, and to study the National Question in Sri Lanka and the related Marxist policy position. The Tamil youth led peaceful protests against the new constitution of the island adopted in 1972. The blatantly repressive measures adopted by the then government against these youth provided an enlightening environment regarding the issues affecting the Tamils.

The prisons in Hammenheil, Jaffna, and Kandy where Sinhala and Tamil youth had long been held in detention provided an opportunity for a low level exchange of political ideas. Nationalism had started crystallising in a major way among the Sinhalese in the early 1950s and for the Tamils in the early 1970s.

The policy declaration of the JVP had been finalised by the early 1970s. Its political programme recognised the significance of carrying out political activities among the Tamil and Muslim communities, particularly, living in the north, the east, and the central provinces of the island. When emergency rule was withdrawn in the mid-1970s, the JVP re-commenced its public political activities.

By this time, the JVP had already developed contacts with several Tamil comrades in the north, the east, and the plantations. Some of the JVPers had the opportunity to work in areas where Tamils and Muslims predominated, or in workplaces where they could develop initial contacts with them in Colombo and elsewhere. There were also several contacts developed between the JVP and Tamil activists, particularly comrade Rohana, when both groups were detained in the prisons in Jaffna and Hammenheil.

The first Central Committee meeting of the JVP that was held in November 1977 allocated the responsibility of

carrying out political work among the non-Sinhala communities to its Politburo. The first feeble JVP networks among the Tamils, Muslims and Sinhalese in the north, in the east and in the plantations were established by the end of 1977. In the north the first political cells were established in Chunnakam and Kilinochchi in the areas where the traditional Left previously had some hold. Within the next year the network extended to many areas in the north. The JVP activities did not progress much in the east, except in the areas where Muslims were predominant. In the hill country, the JVP established small groups in Kandy, Matale and Nuwara Eliya districts, and there were party cells established in Nuwara Eliya, Talawakelle and Hatton. Furthermore, there were strong political alliances established with the plantation workers trade unions.<sup>14</sup>

Working among the Tamils and Muslims provided the JVP with the best opportunity to understand the real-life problems and issues the Tamil and Muslim people faced in the island. On the one hand, the ordinary people of these communities had socio-economic and cultural problems very much similar to the problems faced by the majority Sinhalese. On the other hand, because of their linguistic and cultural background and circumstances, they had to face specific problems that the Sinhalese did not have to face.

Most of the resources were spent in certain areas where the social elite were resident, but the needs of the ordinary people in the villages were neglected. They lacked even the basic day-to-day means to survive. They lacked land to work on, water for irrigation, and basic educational and health facilities. The JVP experienced these problems among the people irrespective of whether they were Muslim, Tamil or Sinhala.

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<sup>14</sup> Particularly, of comrade Illancheliyan and the *Kandurata Tharuna Peramuna* (Up Country Youth Front) led by comrade V.L. Pereira.

The people who spoke only Sinhala or Tamil were treated with repugnance. If people wore their rural attire, sarong or *vetti*, they were looked down upon. In the south, to look for employment, people had to go after politicians to get a 'chit' addressed to a bureaucrat. However, in the north and parts of the east, the situation was different, because the MPs of these areas were not in the government, thus making the employment opportunities of many educated Tamil youth even more precarious. When Tamil or Muslim people whose mother tongue was Tamil, and who could only communicate in Tamil, corresponded with government departments in Tamil, they received responses in Sinhala only. To find a translator, they had to go to the closest city, adding to their misery and resentment.

Muslim people, especially in villages like Kaththankudy, had to face issues relating to lack of housing facilities, lack of land for paddy cultivation, and finding dowries to give their womenfolk in marriage. Most of the members of these families lived in small one or two roomed huts. In Colombo, for Sinhalese and Muslim families who lived in slums, the situation was just as bad or even worse. Many male members of these families had to go to sleep in shifts due to lack of room to sleep. Many were compelled to engage in minor criminal activities to eke out a living.

When the JVP approached the Tamil youth in the north,<sup>15</sup> already most of them had gravitated towards nationalist political positions. By this time, Tamil youth had commenced associating with diverse Tamil militant groups. Communications between these youth and the JVP, both in public and in private, led to heated debates. It was clear that many young Tamil activists had committed themselves to the nationalist struggle rather than class struggle.

Many JVP cadres from a rural Sinhala background, who came to the north and east for political activities, could

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<sup>15</sup> Many private and public discussions and talks, classes, and rallies were held at houses, libraries, or parks

not see much difference between the issues facing rural Sinhalese and Tamils. Yet it was difficult for them to identify with the issues the Tamil people were facing due to their cultural and linguistic background. They did not understand the language, tradition, customs and behaviours of the Tamil people. One of the distinguishing characteristics of life in the north was the feudal remnants in Tamil society such as caste, religion and social interaction, which were more noticeable than in the south.

Yet the Tamil youth in the north were industrious and productive; parents were keen to educate their children to find good employment that would allow them upward social mobility. Similar to the people in the rural Sinhala south, the rural Tamil people in the north and east were hospitable, welcoming and open to communication. However, as time passed, the JVP also felt that there was a change in the political mood among the youth as the armed forces of the state, which were considered alien to Tamils, were present in many locations in the peninsula.

There were a few Tamil JVP activists in Alaveddy, Mallakam, Thirunelvely and Velvetithurai areas. They encountered verbal threats demanding them to stop their political activities. Which organisations carried out such threats against the JVP activities was not clear. This was because there were many militant organisations blooming at the time. In some areas like Velvetithurai and Thirunelvely, such threats also emanated from those who supported the CPC-P. In other areas, these threats were assumed to be from the militant nationalist groups.

For example, two major public events held in Jaffna in the early 1980s by the JVP were attacked. A chair was thrown at the stage when a 'Songs of Liberation' performance was held at the public auditorium in Jaffna. Stones were thrown at a public meeting where Rohana was speaking, injuring his forehead. Later on, the JVP activists in the north told us that both these incidents were reactions of the Maoist groups to protest against the

growing popularity of the JVP in the north and to frighten Tamil people from joining it. In the early eighties, when a Tamil comrade called Navaratnam was threatened by a militant organisation, and the house of one of his relations was occupied by the militants, the JVP took measures to bring this comrade down to Colombo to stay in the party office for a while.

On the other hand, there were pressures building up in the early 1980s from two sources within the JVP. One was from the Tamil comrades based in the Kilinochchi and Visvamadu area, who demanded that the JVP should specifically campaign for the rights of Tamil people without mixing up the issue of Tamil rights with the socio-economic issues affecting other people in the island. The JVP rejected this idea, as it believed that all these issues arose as a result of the capitalist economic base and the elites' astute policies of divide and rule. While raising the issues affecting all the working people in the island, the JVP also raised the issues that were related to the problems of the Tamil people.

The other pressure point was from comrades of the student wing of the JVP in the university campuses, particularly some who were at the Katubedde campus. They wanted the JVP to completely drop any public discussion on issues affecting the Tamil people. The JVP rejected this idea also on the grounds similar to the ones raised previously. We also argued that Sinhala people should become aware of the issues the Tamil people in the north and east were facing. As there was a necessity to thrash this issue out in public, and to clarify matters to the cadres, a public lecture was held in the latter part of 1981, at the Sugathadasa Stadium in Colombo.

As one of the instigators of the policy, I addressed a packed crowd at the Sugathadasa Stadium. I clearly explained the JVP policy position that the JVP accepted the right to self-determination of the Tamil people in Sri Lanka. However, the JVP did not advocate separation as a solution to their problems; rather it advocated a united

Sri Lanka with regional autonomy, where all residents could live as equals. At the questions and answers session, I had to respond to many questions.

During the presidential election campaign of 1982, the JVP was able to hold successful public rallies in many places in the north and east. Yet, the number of people who voted for the JVP in the north and east was small, although not disappointing. Many JVP leaders, who had higher expectations, were not happy with the island-wide election outcome, and the number of votes the party received in the north and east. This poor election showing was interpreted to mean that the Sinhala electorate did not like the JVP advocating the right to self-determination of Tamils. This was a politically erroneous position. In the presidential election, the majority of the people were aware that only a candidate of the UNP or the SLFP would win. So, most of the sympathisers of other parties, including JVP supporters, became polarised between the UNP and the SLFP.

The JVP as a whole represented Marxist and Sinhala nationalist tendencies. The nationalistic element rested with the historic glory of the past Sinhala kingdoms. The current JVP has shed all its Marxist tendencies and has become purely nationalistic. It wants to achieve a unitary Sinhala state by defending their 'motherland.' Thus the Sinhala Buddhist cultural identity can be made to flourish, while Western cultural decadence and the influences of other cultures on Sinhalese could be negated. Their so-called idea of socialism has been subsumed by its commitment to safeguard this unitary state, which is ironically a colonial construct.

**14. Since your resignation from the JVP, you have become associated with a viewpoint that is different from the present JVP on the questions of ethnic pluralism, devolution, and power-sharing. From this viewpoint, what are your thoughts in retrospect with regard to the**

## **constitution-making process in 1970-72, and the 1972 Constitution?**

My resignation letter handed over to the Politburo in February 1984, regarding the national question, stated in brief as follows:

“On the national question I cannot see a difference between what we are advocating and what a genuine parliamentary party might advocate. What we are advocating is two-faced. While recognising the right of nations to self-determination as being a Leninist principle, to have at the same time a different principle for the destiny of the Tamil people within a JVP government could only be two-faced. Every time the economic crisis intensifies the capitalist class tries to divert peoples’ attention towards the national question. Hence, regardless of how much the economy may deteriorate, the country’s specific social and historical conditions have brought the national question to the forefront as one of the primary conditions for the survival of capitalism. But the national question has in turn created an irreversible crisis for capitalism. Under capitalism, this crisis can only worsen. Hence the main task of a revolutionary party is to enquire into ways to incorporate the national question into Sri Lanka’s socialist revolution and to act accordingly.

By being servile to either Sinhala or Tamil racism this cannot be fulfilled. Even if certain militant Tamil organisations may have originally engaged in terrorist activities, if they are now prepared to follow a progressive path, how can it not be the duty of a revolutionary organisation to have a certain amount of links with these organisations and try and guide them on a correct path. What advantage can be gained for Sri Lanka’s socialist revolution by saying we will be subjected to State

repression and therefore should not have such links? I feel that we can only expect to rally the Tamil people around the banner of Sri Lanka's revolution if and only if we equate their problems with ours and agitate forcefully to solve them, and not by separating ourselves from their problems. The stance I take regarding these questions have been clarified to you before. As we have travelled further along our separate paths since then, I will not dwell on this any further."

Between 1977 and 1982, the JVP made a genuine attempt to forge links between the Sinhala and Tamil youth. This was not successful due to the different historical and nationalist trajectories of these groups, their social base, and some of the opportunistic policies that the JVP espoused, particularly since late 1982. Both the Sinhala and Tamil youth movements expressed their dissatisfaction with the state and their desire for change through political violence. Both the JVP and the LTTE adhered to a mix of socialism and nationalism. The state was their common enemy; however, succumbing to their nationalistic politics of the glories of their respective feudal past, they saw each other as enemies not allies.

The JVP was able to successfully mobilise the southern youth, but it was adventurist and they committed strategic and tactical errors. After the failed 1971 insurrection, the leadership of the JVP made use of the opportunity to reflect on its political theory and practice. Implementation of the new constitution for Sri Lanka in 1972 and the protests of Tamil youth against it also informed these reflections. That is why after the release of its leaders in 1977, the JVP decided to pursue political activities among all communities in the island.

In the 1970s and early 1980s, the JVP was supportive of the right to self-determination of Tamil people, and recognised Sinhala, Tamil and English as national languages of the land. The political interaction of the JVP occurred when many Tamil youth were hardening their

nationalist positions because of the repressive policies of the state. Despite threats from some Tamil militants, the JVP persisted in its political activities in the north and the east until 1982. However, the poor showing of the JVP in the presidential elections of 1982 led to a revision: some ideologues claimed that the party's advocacy of the Tamil people's right to self-determination was one reason for this failure.

I am of the view that the right to self-determination is a bourgeois democratic right advocated by the rulers of the capitalist class as well as the working class. The principle is embodied in Article I of the Charter of the United Nations and has been embraced by U.S. President Woodrow Wilson and the Founder of the Soviet Union Vladimir Illych Lenin. It is recognised as a right of all peoples in the first article common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which both entered into force in 1976.

It is historically evident that the exercise of this right could generate a diversity of outcomes ranging from political independence through to full integration within a state. For some, the only acceptable outcome is full political independence as demonstrated in the case of the Tamil militant struggle. This situation usually arises when nations or nationalities are subjected to occupation or colonisation. Then, there have been other examples, where the demand has been a degree of political, cultural and economic autonomy, sometimes in the form of a federal relationship. For others it is a demand for the right to live on and manage their traditional lands free of external interference and incursion.

I believe that, with the JVP backing away from the recognition of the right to self-determination, it moved from being a socialist party to a chauvinistic one. The political opportunism of its leadership was a critical factor in this shift. They revived the slogan 'Indian Expansionism' which had featured in the JVP

programme before 1972. The JVP's social base mainly comprised of rural, semi-proletarian and petit bourgeois Buddhist Sinhala youth. The neo-colonial political and economic developments in the country were not conducive to building interaction between the Sinhala and Tamil youth; and the interaction of most of the JVP's membership with Tamils was minimal, so that empathy towards the issues facing the Tamil people was limited.

The JVP has been consistently opposed to the implementation of the Provincial Councils system as a measure of devolving power. Various regimes had unilaterally abrogated those pacts they had agreed which pledged to provide a measure of devolution, caving in to pressure from Sinhala nationalist groups. A typical example took place in 1997. After extensive multi-party talks, the then President presented to Parliament a draft Constitution Bill of 2000, to repeal and replace the present constitution. The parties representing minority communities responded favourably, but proposed 40 amendments. The United National Party (UNP) withdrew from the debate. The Bill lapsed with the dissolution of Parliament in 2000. In 2001, a proclamation for a referendum was made to ascertain the public viewpoint for a new constitution. However, the President decided to postpone the referendum again under pressure from multifarious chauvinist organisations. In the end, the referendum was cancelled. The JVP played a crucial role in negating the attempts to devolve power.

Lenin approached the issue from an analysis of the historical context of oppressive and imperialist Russian nationalism, whereas Luxemburg approached it from an analysis of nationalism of the oppressed people in Poland.<sup>16</sup> Lenin explained that in place of all forms of

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<sup>16</sup> However, Rosa Luxemburg argued that “the famous ‘right of self-determination of nations’ is nothing but hollow, bourgeois phraseology and humbug”: R. Luxemburg (1918) *The Nationalities Question in the Russian Revolution*, retrieved from:

nationalism Marxism advances internationalism, the amalgamation of all nations into a larger unity.<sup>17</sup> However, he recognised that such an amalgamation could be achieved only through complete democracy and on a voluntary basis.

The JVP degenerated into a Sinhala nationalist party that has continued to vehemently oppose federation, i.e., any devolution of power to Tamil-speaking regions. They voice slogans on national equality, but did not back them up with any active support for the struggle of the Tamil people. This is contrary to Leninist principles. Lenin wrote: “Bourgeois nationalism and proletarian internationalism – these are the two irreconcilably hostile slogans that correspond to the two great class camps throughout the capitalist world, and express the two policies (nay, the two world outlooks) in the national question.”<sup>18</sup> He showed that, depending on changes in the concrete conditions, the question of secession or federation can have exactly opposite solutions, and some popular movements attempted “to use the letter of Marxism against the spirit of Marxism.”<sup>19</sup>

Marxists often interpreted federation as a tendency to secede.<sup>20</sup> During that period, I was also party to this misconception that Lenin’s position regarding federation was negative, although he recognised that in certain historical conditions federation for some countries was quite warranted. Thus, in his thesis on ‘*The Socialist Revolution and the Right of Nations to Self-Determination*,’ he pointed out that one could be a determined opponent of federation as a matter of principle but still prefer it to

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<http://libcom.org/library/nationalities-question-in-the-russian-revolution-luxemburg> [last accessed: 30th July 2012]

<sup>17</sup> V.I. Lenin (1913) *Critical Remarks on the National Question*, in (1964) *Collected Works*, 4th English Edition, Vol. 20 (Moscow: Progress Publishers). Retrieved from

<http://www.marx2mao.com/Lenin/CRNQ13.html> [last accessed, 30th July 2012]

<sup>18</sup> Ibid: p. 26.

<sup>19</sup> Ibid: p. 433.

<sup>20</sup> Bopage (1977).

national inequality. He said that Marx, for instance, favoured a federation of Ireland and England when the English were threatening Ireland with forcible subjugation.<sup>21</sup>

The opportunistic shift of the Left parties on the National Question was a betrayal of working class solidarity. Other socialist groups continue to recognise this right but have marginal influence on the working class. The Sinhala nationalist groups, their coalitions and chauvinist fronts charge that those who recognise the right to self-determination encourage division and disintegration of the country. Lenin and the Bolshevik Party made a special point of educating the Russian working class on internationalism, because the success of the whole working class including the national liberation struggle depended on the internationalism of the Russian working class.

Marxists consider that a holistic solution to the National Question can only be sought through a radical transformation of the entire society. Unfortunately, we live under capitalism. So, do we wait for socialism to usher in and create a heaven with no conflicts? I do not believe so. The Left and the working class movement need to take a firm and unambiguous stand that any proposed solution to the national question includes guarantees of all democratic rights to all the citizens living anywhere in the island irrespective of their socio-economic and cultural background. It is the duty of the working class movement, socialists and democrats to continue to support the right of Tamil people to determine their own destiny.

The muted examples of political dialogue during the late 1970s and early 1980s indicate that dialogue is feasible

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<sup>21</sup> V.I. Lenin (1916) *The Socialist Revolution and the Right of Nations to Self-Determination*, in *Collected Works* (1964), Vol.22: pp. 143-156, retrieved from <http://marxists.org/archive/lenin/works/1916/jan/x01.htm> [last accessed 30th July 2012]

among restive elements on opposite sides of the political fence. In the present situation, such dialogue is essential to ensure that the aspirations of the marginalised people are fulfilled. However, this requires a paradigm shift in the attitudes and thinking of all the people residing in the island as well as the Sinhala and Tamil expatriate communities.

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