

Pirapaharan

By: T. Sabaratnam

10. Mandate Affirmed

Vaddukoddai Resolution

Nine days after Pirapaharan founded the LTTE, the Tamil United Front held its first national convention at Pannakam in Vaddukoddai in the Jaffna Peninsula. It passed the historic 'Vaddukoddai Resolution' affirming the mandate that the voters of Kankesanthurai gave overwhelmingly in the 6 February 1975 by-election for the establishment of a separate state for the Tamils.

The Convention resolved:

This convention resolves that restoration and reconstitution of the Free, Sovereign, Secular, Socialist State of TAMIL EELAM, based on the right of self determination inherent to every nation, has become inevitable in order to safeguard the very existence of the Tamil Nation in this Country.

The exhaustive, 21-paragraph resolution declared that the Tamils had the right to reconstitute themselves into a separate state because they satisfied the elements required to be considered a separate nation. The resolution stated that in clear terms before resolving to set up a separate state:

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

Thanthai Chelva proposed the resolution and M. Sivasithamparam of the All Ceylon Tamil Congress seconded it. Thanthai Chelva told the convention that he considered himself the fit person to propose the resolution because he had tried to work out a reasonable formula to accommodate the Tamil-speaking people within the constitutional fabric of united Sri Lanka. He confessed:

I am sorry to admit I have failed. From 1948 until recently, I placed before the Sinhala leaders what I perceived as the only possible, workable solution for the problem of the Tamil speaking

people- the formation of a federal region in a united Sri Lanka. They rejected it. Through two pacts and a series of agreements, I tried to lay the foundation for a decentralized administrative structure. That effort failed. Now we are left with no other option but to part company and establish for ourselves a separate state.

Thanthai Chelva spoke in this emotional speech about the two pacts he signed with two Prime Ministers. The first was with Prime Minister S. W. R. D. Bandaranaike in 1957. The pact contained three important arrangements that provided safeguards for the Tamil-speaking people. They were:



- Recognizing Tamil as a National Language without disturbing the position enjoyed by Sinhala as the official language and using Tamil as the language of administration of the northern and eastern provinces.
- Setting up a regional council for the north and two or more regional councils for the east and permitting two or more regional councils to amalgamate even beyond provincial limit.
- Bringing colonization schemes under the subjects reserved for the regional councils and giving the councils the power to select allottees and the personnel employed to work in those schemes.

This pact, known as the 'Bandaranaike–Chelvanayagam Pact,' was torn up by Bandaranaike due to the pressure exerted by the Buddhist priests and politicians.



The second pact, known as the 'Senanayake–Chelvanayagam Pact,' was with Prime Minister Dudley Senanayake in 1965. Elements of the pact with Bandaranaike were the basis for this pact. Thanthai Chelva made use of this pact to make two matters explicit. They concerned the use of Tamil as the language of administration of the north and the east and the procedure to be followed when allocating land under colonization schemes. They are:

- Tamil would be the language of administration and record in the northern and eastern provinces. Legal proceedings would be conducted and recorded in Tamil in those provinces.
- Priorities that should be observed in allocating land under colonization schemes in the northern and eastern provinces was laid down as follows; (a) In the first instance it should be granted to the landless persons in each district; (b) Secondly, to the Tamil-speaking persons residing in the district; (c) Thirdly, to other citizens in Ceylon, preference being given to Tamil citizens in the rest of the island.

Thanthai Chelva, in his speech at Vaddukoddai, also admitted the failure of his policy of cooperating with one or the other section of Sinhala leaders to help form governments in return for the implementation of the fundamental arrangements embodied in the Bandaranaike–Chelvanayagam Pact. In March 1960, he helped the Sri Lanka Freedom Party (SLFP) to defeat the UNP government of Prime Minister Dudley Senanayake on the undertaking that when the SLFP returned to power it would implement the Bandaranaike –Chelvanayagam Pact. The SLFP government that came to

power following the July 1960 election did not honour that understanding. Instead, Prime Minister Sirimavo Bandaranaike pursued a Sinhala chauvinistic policy and implemented the Sinhala Only policy vigorously. Then in 1965, Chelvanayagam switched sides and helped Dudley Senanayake to form the national government on the basis of the pact he signed with him. Senanayake too let the Tamils down.



Acts of Discrimination

Sivasithamparam told the convention the nine major acts of discrimination successive Sinhalese governments had perpetrated on the Tamils since independence. They were included in the resolution as:

- Depriving one half of the Tamil people of their citizenship and franchise rights, thereby reducing Tamil representation in Parliament,
- Planned and state-aided Sinhalese colonization and large scale regularized Sinhalese encroachments, calculated to make the Tamils a minority in their own homeland,
- Making Sinhala the only official language throughout Ceylon, thereby placing the stamp of inferiority on the Tamils and the Tamil Language,
- Giving the foremost place to Buddhism under the Republican constitution, thereby reducing the Hindus, Christians, and Muslims to second class status in this Country,
- Denying to the Tamils equality of opportunity in the spheres of employment, education, land alienation and economic life in general and starving Tamil areas of large scale industries and development schemes, thereby seriously endangering their very existence in Ceylon,
- Systematically cutting them off from the main-stream of Tamil cultures in South India while denying them opportunities of developing their language and culture in Ceylon, thereby working inexorably towards the cultural genocide of the Tamils,
- Permitting and unleashing communal violence and intimidation against the Tamil-speaking people as happened in Amparai and Colombo in 1956; all over the country in 1958; army reign of terror in the Northern and Eastern Provinces in 1961; police violence at the International Tamil Research Conference in 1974 resulting in the death of nine persons in Jaffna; police and communal violence against Tamil-speaking Muslims at Puttalam and various other parts of Ceylon in 1976 - all these calculated to instill terror in the minds of the Tamil speaking people, thereby breaking their spirit and the will to resist injustices heaped on them,
- By terrorizing, torturing, and imprisoning Tamil youths without trial for long periods on the flimsiest grounds,
- Capping it all by imposing on the Tamil Nation a constitution drafted, under conditions of emergency without opportunities for free discussion, by a Constituent Assembly elected on the basis of the Soulbury Constitution distorted by the Citizenship laws resulting in increased weightage in representation to the Sinhalese majority, thereby depriving the Tamils of even the remnants of safeguards they

had under the earlier constitution.

Amirthalingam's was the most provocative speech. He structured it in a manner that it would rouse the youth. In the first part, he reminded them of the past glory of the Tamils. He told them that Tamils lived as an independent nation in the north-eastern portion of Sri Lanka. Since the dawn of history, he said, the Sinhalese and Tamil nations had divided Sri Lanka between themselves, the Sinhalese living in the Southern and Western parts of the island and Tamils inhabiting the northern and eastern regions. Tamils had resisted Sinhala invasions and intrusions and had driven them away whenever they tried to impose their rule on them.

Tamils lived as an independent nation when the Portuguese landed in the island in 1505. The Jaffna Kingdom was in control of the north-eastern parts regions of Sri Lanka. The western and southern regions were under the Kotte Kingdom and the central hills were ruled by the Kandyan Kingdom. The Portuguese conquered the Jaffna Kingdom in 1619 and Kotte before that. They did not capture the Kandyan Kingdom. The Portuguese ruled their Tamil and Sinhala possessions separately, thus maintaining their separate identity.

The Dutch captured the Portuguese possessions and the British who ousted the Dutch also ruled the Tamil regions and Sinhala regions separately. The British joined the territories of the Sinhalese and the Tamil kingdoms in 1833 on the recommendation of the Colebrook Commission. It was done for administrative convenience.

The British, when they granted independence to Sri Lanka in 1948, should have handed over to the Sinhalese and the Tamils their respective territories. They did not do it. They handed over the entire country to the Sinhalese and they, using their numerical majority, reduced the Tamil nation to the position of subject people.



Amirthalingam

Amirthalingam devoted the second part of his speech to sketching the nature and shape of the Tamil Eelam they proposed to establish. Its territory would be Northern and Eastern provinces. Tamil-speaking people living in the northern and eastern provinces would be the citizens of Tamil Eelam. Tamils living in any part of Sri Lanka and Tamils of Eelam origin living in any part of the world could opt for citizenship of Tamil Eelam.

He said Tamil Eelam would be a democratic state with decentralized administration where religious or territorial communities would be free of domination by others. It would be a secular, socialist state. Tamil would be the official language and the rights of the Sinhalese would be protected on a reciprocal basis with the Tamil-speaking minorities in the Sinhala State.

He vowed that an action plan to launch a struggle to win the sovereignty and freedom of the Tamil nation would be formulated soon and exhorted the youth to be ready for the freedom struggle.

Youths, who had gathered in great numbers, gave a full-throated response:

**You are our commander,
Announce the date of the freedom struggle.
We are ready to sacrifice our lives.**

Emotion-choked youths ran to the dais and carried Amirthalingam on their shoulders chanting,

You are our commander. Give us the order.

Pirapaharan, Uma Maheswaran and most of the leaders of the militant movements were present at the Vaddukoddai Convention. It was intended as a delegates conference of the TUF, but large crowds gathered. Processions went from many villages shouting slogans calling for Tamil Eelam. Guards placed at the gates were powerless to prevent the processions from entering the convention ground. They went round the grounds shouting, "We want Tamil Eelam. We are ready to sacrifice our lives to achieve it." There was euphoria in the air. Jaffna had never witnessed such a scene before.

Amirthalingam announced that, in keeping with the resolution which had authorized the launching of the freedom struggle, the name of the party, Tamil United Front, would be changed to Tamil United Liberation Front (TULF). "We are now a liberation organization," Thalopathy Amirthalingam thundered. Youths, in an emotional upsurge, shouted back, "We are ready for the struggle. Launch it now."

Youths expected the Action Committee to meet immediately and work out a plan to launch the freedom struggle. The Action Committee did meet and after a lengthy discussion decided to issue a leaflet explaining the Vaddukoddai Resolution and called upon the people to boycott the Republic Day celebrations. Youths were not pleased. Some youths went in a delegation and asked Amirthalingam: Is this the freedom struggle you promised?

"Be patient," Amirthalingam told them. "We must first prepare the people."

To prepare the people, Amirthalingam and four other Members of Parliament - V. N. Navaratnam, K. P. Ratnam, K. Thurairatnam and M. Sivasithamparam - distributed in Jaffna bus station on May 21 the leaflet calling the people to boycott the next day's Republic Day celebrations. Police arrested them. Amirthalingam was taken to his home in Pannalai and his house searched.

The prime minister, Sirimavo Bandaranaike, and her government made the Vaddukoddai Resolution a national issue by accusing the TULF of trying to establish a separate state. The prime minister told a public meeting at Dambulla Maha Vidyalaya on May 23: The Federal Party has been campaigning for quite a long time for a separate state and on that pretext, they have been attempting to create disharmony in the country. I had to take the stern action to protect the Republican Constitution and maintain peace and harmony in the country."

In an effort to divide the Tamils, the government released Sivasithamparam, a member of the All Ceylon Tamil Congress, and indicted the rest of those arrested before the High Court. The government also decided to try the four leaders at bar before three High Court judges instead of before a jury. This gave the TULF leaders an opportunity to exhibit the solidarity of the Tamil community and to challenge the legality of the Republican Constitution. A

record 61 lawyers, led by Queen's Counsel G. G. Ponnambalam, appeared for the defendants.

By way of preliminary objection, the lawyers challenged the Emergency Regulations under which the four leaders were arrested and the Republican Constitution under which the court inquiring the case was constituted. They refused to plead to the charge and made a statement from the dock;

This court is constituted under a constitution which is not valid. I am not pleading guilty or not guilty to the charges.

Ponnambalam argued the first part of the preliminary objection he raised which said the Emergency Regulations under which the arrests were made were invalid. The argument was based on a technical error in the declaration of the state of emergency. Under the Soulbury Constitution, which was in effect until May 22, the decision whether the state of emergency existed in the country was to be made by the Governor General. Under the Republican Constitution which came into effect on May 22 the decision was the responsibility of the Prime Minister. Hence, the Emergency that was in force before May 22 lapsed on May 22 when the Republican Constitution was promulgated. All arrested under the Emergency Regulations declared before May 22 had to be released.

Tiruchelvam argued the second part of the preliminary objection which said the constitution under which the court was constituted was invalid. He based his arguments on two grounds. The first was that the Soulbury Constitution provided for amendments and not wholesale replacements. Attorney General Siva Pasupathy submitted that the government party, the United Front, had obtained a mandate from the people for the enactment of a new constitution. Tiruchelvam countered this by submitting that the replacement of the constitution was not a major campaign issue.

The second ground Tiruchelvam urged was more important. He said, even if the government had obtained a mandate from the people to replace the constitution, the mandate was from the Sinhala people and not from the Tamils. He submitted that the Tamil people constituted a separate nation and, since 1956, they had voted for a federal constitution.

The court held with Ponnambalam on the first objection. It ordered that the emergency regulations ceased to be in force on May 22 and the accused should be released. It made use of that order to wriggle out of the second objection concerning the validity of the constitution. It said since the emergency regulations under which the court was constituted was invalid, the court had no authority to make a ruling on the validity of the constitution.

This 'wriggling out' demonstrated the unwillingness of the judiciary to take bold decisions to safeguard the interests of the Tamil people. The decision by the 5-member bench of the Supreme Court headed by Chief Justice Victor Tennekoon on the appeal Attorney General filed against the High Court order on the emergency regulations added to the disillusion of the Tamil people about the judiciary. The Attorney General told the Supreme Court that that the High Court order would have far-reaching consequences as the security forces had taken action on the belief that the emergency regulations were valid. The Supreme Court overturned the High Court order to help the government.

The Trial at Bar and the appeal lasted until February 1977 and TULF leaders forgot about the freedom struggle. Not the militants. They were serious about the mandate. They were determined to launch the freedom struggle. They were making their own preparations; collecting money and arms, recruiting cadres and training them.

By the end of 1976, police searches for the militants had intensified. Kumarasuriyar was constantly nudging the police to root out the militants. He had secret planning sessions with Bastiampillai and Pathmanathan in his Wellawatte home. Militant groups found their movements restricted and Pirapaharan had to change his hideouts very often. The militants were thus forced to destroy the police network.

Pirapaharan was also keen to launch the freedom struggle. Though he was meeting Amirthalingam and V. N. Navaratnam and urging them to launch the freedom struggle, he was convinced that the TULF was not taking matters seriously. He readied the LTTE to take on the task. As an initial effort, he decided to undertake two efforts:

- To destroy the network of informants Inspectors Bastiampillai and Pathmanathan had assiduously built.
- To kill the police officers investigating the Duraiappah murder and collecting information about militants.

He built an intelligence wing in the LTTE to collect information about police informants and investigators. He also incorporated intelligence-gathering as part of the training program for cadres. Fresh recruits were used to gather intelligence before they were given their place in attack groups.

The first police informant Pirapaharan picked to kill was N. Nadarajah, owner of the Petrol station in Urumpirai and SLFP organizer. He was picked because he had passed information to the police about Sivakumaran. That was the first murder committed by the LTTE. Pirapaharan did not take part, but two of his colleagues went to Nadarajah's house, called him out and gunned him down.

That set the scene for the year 1977, the year Tamil people ratified the Vaddukoddai Resolution and gave the TULF the people's support to establish the separate state of Tamil Eelam.

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Will be posted on: Monday, September 29

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