

**Statement in Parliament  
7th August 2014**

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Mr. Presiding Member, we are debating a Bill that deals with Prescription, a Bill that is being brought to bring about certain changes in the existing laws pertaining to prescription in regard to the category of persons defined in the new Bill as “disadvantaged persons”. That is, persons who have been unable to pursue their rights shall be entitled to avail themselves of the benefits conferred by this Act until 12 months after the coming into operation of this Act.

In other words, Sir, the original law pertaining to prescription would not apply during the period when they were disadvantaged persons. Thereby, the law of prescription would not run so as to deprive them of title to the land to which they were entitled to. As long as that person continues to be a disadvantaged person, the benefits of this law would be available both to him and to his successors in title. This goes on the basis that many militant groups have taken over lands belonging to civilians and these civilians, over a period of time, after 1983 and particularly until the conclusion of the war in 2009 - it is a continuing phenomenon - have not been able to take any action whatever for various reasons and therefore, when they were in that disadvantaged position of not being able to avail themselves of their rights under the law, the law relating to prescription should not run against them as the law existed earlier. That is the purpose of this law and in that sense, I must say that it provides relief to certain persons. But, one thing, I do not understand, which is in Clause 5. I do not want to get into a debate with the Hon. Minister, but I would like him to think about this. Clause 5 states, “A disadvantaged person who was unable to pursue his rights shall be entitled to avail himself of the benefits conferred by this Act until twelve months after the coming into operation of this Act”, which means that he will be entitled to the benefit of this Act for a period of 12 months after the Act comes into operation. But, if that person has been a disadvantaged person until the Bill becomes law, then in the normal course, the law of prescription will not run against him for a further ten years. So, why should that be confined to 12 months? I do not understand the logic behind this because if a person has been a disadvantaged person until the Bill has been passed and ceases to be a disadvantaged person only when the Bill is passed, he will be entitled to file an action within ten years. So, why should that be confined to twelve months? In the normal run of things, in the normal operation of even the existing law pertaining to prescription, this man will be entitled to take an action against a trespasser, a squatter, a person unlawfully occupying his land for a period of ten years from the time he

ceases to be a disadvantaged person. So, I do not see the logic behind that period being reduced to 12 months under Section 5 of this Ordinance. I would like the Hon. Minister to give that matter a little thought. This also would apply largely, though the Minister said that it applies to the whole country, it is certainly a law applicable to the whole country, but in operation it will be largely applicable to the North and the East where land issues have been quite common and exist in large numbers.

Sir, land is the most complex problem in the North and the East and this relates to both private land and state land. The provisions of this Bill will of course relate to private land. But our problems in regard to state land are very many. Problems relating to both private land and state land are multifaceted in the North-East. I would like to use this Debate to identify some of those problems. There have been High Security Zones in the North and the East. Some of the zones have been possessed by the armed forces as High Security Zones. Some have been legally proclaimed. Others have not been legally proclaimed but have been physically possessed as High Security Zones. All these High Security Zones comprise of private land. What is the rationale behind a High Security Zone? There was a time when the LTTE was in existence, LTTE was possessed of long range artillery. They were able to attack installations of the armed forces from some distance using such high range artillery and in consequence of this, there was a need to declare a High Security Zone preventing even normal civilians living in that zone so as to ensure that these installations were safe and that the LTTE would be kept a distance away that would ensure that their long range artillery would not reach these installations in these High Security Zones. Now, the LTTE is not there. The artillery is not there. What is the need for the High Security Zone? It is not necessary any longer. So, what is the purpose in the army continuing to occupy the land which was being held as a High Security Zone purely for security reasons against the LTTE and the LTTE's long range artillery? When the LTTE is not there, the long range artillery is not there, you are in complete control of all land, what is the need? Now, this land is to be acquired both in the North and the East. Some parts of these lands have been released, but substantial parts of these lands have not been released. The civilians who owned these lands have gone to the Supreme Court both from Walikamam in the North and Sampur in the East. The Government, through the Attorney General, has given commitments to the Supreme Court that these people will be resettled on these lands. It is a matter of record, but the lands have not been returned to those people. I have raised this matter in regard to the land in Sampur in this Parliament and the Minister of Economic Development interrupted me to state that except for a particular land required for the Coal Power Plant in Sampur, people can resettle on all the other lands. That matter is recorded in the Hansard. But, these commitments

have not been kept and these civilians are unable to get back to their lands. A large number of houses, a large number of schools, a large number of temples within these lands have been destroyed. Some lands are possessed by the Army, some lands are possessed by the Navy. They have been used for purpose of occupation, for purpose of cultivation, for purpose of recreation and several other purposes. Tennis courts have come up on these lands, golf courses have come up on these lands, swimming pools have come up on these lands, luxury bungalows for occupation by security personnel have come up on these lands, lands on which our people lived and from which our people, farmers derived their livelihood. They have been taken over, they have been used in this way and tens of thousands of Tamil civilian families are being kept out of these lands for these reasons because the lands are being used by the Armed forces in this way.

These persons are even more disadvantaged than anyone else. You have brought a Bill to Parliament claiming to confer some benefits on some disadvantaged people, there maybe a few people, but what about these people? These people are more disadvantaged than anyone else. Can anyone deny that? There are not just a few people. There are tens of thousands of Tamil families in this position. Why is there no serious effort to address this issue? Despite all the protests and demonstrations that are taking place in the North and the East, despite the matter having been raised in Parliament on several occasions, why is this issue not being addressed seriously? Is this attitude of the Government not indicative of the Government having a sinister objective? I want to pose this question.

Lands have been taken over on various pretexts: security, development, occupation, cultivation, tourism and recreation. This is all for the benefit of the majority community. At the expense of tens of thousands of Tamil families, persons of the majority community are being settled on these lands. Who are the members of the armed forces? The armed forces are almost exclusively Sinhalese. When they come into possession of these lands and when the Tamil civilians are permanently kept out, what will happen? These Armed forces will continue to occupy these lands, they will cultivate these lands, they will derive their livelihood from these lands and they will continue to live in the North and the East. Is this not yet another way of settling the majority community people on lands which have belonged to Tamil civilians for generations and centuries on which they have lived, on which they have farmed, which they have cultivated, and making these lands available to the majority community?

Apart from that, Sir, persons of the majority community are being settled in various areas in the North and the East. This is particularly intensive in the Trincomalee District, the northernmost district in the Eastern Province and in the Mullaitivu District, the southernmost district of the Northern Province. Around 4,000 to 5,000 new voters of the

majority community have been registered in the Mullaitivu District since 2009. My information is that these persons had never been registered as voters before; for the first time, they have been registered as voters. I would not make this allegation if these were persons who were displaced and who have come back. That, I am told, is not the position. These persons were never registered before, but since 2009, around 4,000 to 5,000 people have been registered as voters in the Northern Province, which shows that these persons have been settled on these lands after the war came to an end. This is a serious question. They have been brought in anew. All these actions have State patronage from the highest level to the lowest level, from the national level to the district level.

Private lands from which Tamils were displaced and which were occupied forcibly by the majority community are sought to be acquired by the State to be given to those who occupy the lands unlawfully. This is happening in Sivayogapuram in Trincomalee in close proximity to the Nadesar Temple at a place called Kanniya. Why is it being done? You are talking of disadvantaged persons. Here, these persons were disadvantaged; they were displaced from their lands; they were driven out and other persons of the majority community occupy those lands. Are you prepared to give an assurance to this House to take up this matter and ensure that these persons who were displaced, who were disadvantaged are enabled to get back their lands if they take legal action? Why is the Government acquiring these lands so as to deprive them of the remedy which you are providing under this statute? You are bringing a Bill to Parliament, stating that you want to give such disadvantaged people some rights. But, those rights can never be enjoyed by them because the Government is acquiring these lands.

Sir, Hindu religious places have been destroyed; they have been desecrated. We have revealed information in regard to all this to Government; we have written to the Government; we have written to the President and we have raised this matter on the Floor of this House on a number of occasions. New majority Buddhist places of worship are coming up in the North and the East. I do not mind the statue of Lord Buddha being installed anywhere. We all venerate Lord Buddha. I do not want my Sinhalese friends to misunderstand me. We all venerate Lord Buddha. But, they are coming up even in places where not one Sinhala Buddhist person lives. What is the purpose? Why is this being done? Lord Buddha's statue is being installed in various parts of the North and the East where the Sinhala Buddhist people do not live.

Why is this happening? Hindu cultural places of great veneration have been forcibly taken over. I want to refer to one particular instance, Sir. There is a place called Kanniya in Trincomalee, which has seven hot wells. I must

narrate to this House the history of these hot wells. Ravana, Sir, a great historical figure, went to the Koneswaran Temple in Trincomalee, Koneswaran which is referred in the *Puranas* as *Dakshina Kailas*, as the southern abode of Lord Shiva. He was so impressed by the *lingam* there that he cut the rock wanting to take the *lingam* for worship by his mother. Even today as one enters Koneswaran, on the right hand side one sees the cut on the rock which is called the *Ravanan Vettu* - "the Ravana's cut". When Ravana cut the rock in this way to take the *lingam* away, Lord Shiva was said to have got enraged and with his big toe he moved the rock. Ravana got trapped in the rock. His mother who was in India heard about this and thought that Ravana was killed. She died of shock. But, Ravana was not killed. He was only unable to take the rock away. Ravana implored Lord Shiva that he be pardoned for his fault. Lord Shiva pardoned him and Ravana wanted to perform the 31<sup>st</sup> Day Ceremony of his mother. He went with his spear to a place close by called Kanniya where he dug with his spear in seven places. There were seven sprouts of hot water, each of a different temperature. That is the origin of the seven hot wells in Kanniya in Trincomalee.

There was a Pillaiyar Temple there and over generations and centuries the Hindu-Tamil people have been going there and performing the 31<sup>st</sup> Day Ceremony of their kith and kin. Today some statues of the Lord Buddha have been installed there. I have gone and seen it myself. At one time I wrote to the DIG of the area. He stopped it. There was no statue of Lord Buddha at that point of time. Now, some statues of Lord Buddha have been installed. A new passage is being opened up to the hot wells in such a way, that as you go along the path where the Buddhist Statues have been installed, you thereby take over and annex the seven hot wells to that area. The old road to the seven hot wells is sought be closed and this new road is sought to be constructed. Why is all this being done? The Pillaiyar Temple which was there has been desecrated. Lord Pillaiyar has been planted under a temporary shed; he is presently under a temporary shed. So, Sir, one can see that some people are working on these designs; some people are very assiduously, very studiously pursuing a programme which has certain objectives. This is, Sir, nothing short of being absolutely diabolical and outrageous denying the Hindu-Tamils of an ancient Hindu religious and cultural right. They cannot even freely perform the 31<sup>st</sup> Day Ceremonies of their kith and kin in this area, a right which they have enjoyed from Ravana's time.

I would invite the members of the international community to come to Kanniya in Trincomalee and see for themselves what is happening; see for themselves the situation.

We do not want these types of things to happen. But, you are compelling us to make such an appeal to the international community. I wrote to the President; I wrote to the Hon. Basil Rajapaksa. I have raised this matter in Parliament. You do not reply. You do not respond. But, you quietly carry on with your programme of work and your programme of work is being completed. Why is all this being done?. All this is being done because you want to change the demographic composition of the North and the East and you want to change the cultural and linguistic identity of the districts in the North and the East. These things are being done with a definite purpose, the purpose being to change the demographic composition of the Northern and Eastern Provinces and the cultural and linguistic identity of the Northern and Eastern Provinces so as to make a political resolution, a political solution irrelevant and unnecessary. That is the objective with which you are pursuing this agenda. This is not good for the country. I am not saying these things because I want to cast any slurs or aspersions on anyone. But, I am saying these things because this is not good for the country. In this context, Sir, it is necessary that I refer to certain irrefutable facts which, I think, have a significant bearing on the future of this country and which also have certain geopolitical and strategic dimensions.

I want to refer, Sir, to the Indo-Sri Lanka Agreement signed on the 29<sup>th</sup> of July, 1987. I will not read the whole Agreement but I will read certain important parts of it which are relevant.

Paragraph 1.1 of it states, I quote:

“desiring to preserve the unity, sovereignty and territorial integrity of Sri Lanka ;”

That is sacrosanct. That is something which could not be touched, "to preserve the unity, sovereignty and territorial integrity of Sri Lanka". That is the entire basis, the entire foundation on which the Indo-Sri Lanka Agreement was signed.

Then, Paragraph 1.2 states,

“acknowledging that Sri Lanka is a multi-ethnic and a multi-lingual plural society consisting, inter alia, of Sinhalese, Tamils, Muslims (Moors), and Burghers ;

Then, Paragraph 1.3 states,

“recognising that each ethnic group has a distinct cultural and linguistic identity which has to be carefully nurtured ;”

Then, Paragraph 1.4 states,

“also recognising that the Northern and the Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups ;”

Further, Paragraph 1.5 states,

“Conscious of the necessity of strengthening the forces contributing to the unity, sovereignty and territorial integrity of Sri Lanka, and preserving its character as a multi-ethnic, multi-lingual and multi-religious plural society, in which all citizens can live in equality, safety and harmony, and prosper and fulfil their aspirations ;

Then, Paragraph 2.1 goes on to say,

“Since the Government of Sri Lanka proposes to permit adjoining Provinces to join to form one administrative unit and also by a Referendum to separate as may be permitted to the Northern and Eastern Provinces as outlined below :”

Sir, Paragraph 2.2 of the Agreement states, I quote:

"During the period, which shall be considered an interim period, (i.e. from the elections to the Provincial Council, as specified in para 2.8 to the date of the referendum as specified in para 2.3, the Northern and Eastern Provinces as now constituted, will form one administrative unit, having one elected Provincial Council. Such a unit will have one Governor, one Chief Minister and one Board of Ministers."

Paragraph 2.3 states that there will be a referendum on or before a certain date and the rest of it deals with the referendum.

Now, I want to say this very clearly, Sir. That is why I referred to Trincomalee and Mullaitivu earlier. Trincomalee is the northern most district in the Eastern Province and Mullaitivu is the southern most district in the Northern Province. All these actions of the Government and persons who are working with the Government are concentrated largely in Mullaitivu and Trincomalee because you want to break the linguistic contiguity of the Northern and the Eastern Provinces. That clearly shows that you are pursuing a definite sinister objective which cannot be permitted and this is why I say that these actions of yours have geopolitical and geo-strategic dimensions and there can be consequences which will not be to the benefit of this country. As a Sri Lankan, I have a right to ask that this country be not placed in jeopardy by reason of such actions. I have a right to ask that these actions of yours be terminated because if these action of yours are not terminated, eventually great harm can fall on Sri Lanka.

I also want to read, Sir, a further paragraph. The Hon. Ranil Wickremasinghe, the Leader of the Opposition, a couple of days ago raised a question in regard to the Trincomalee Port and the new facility that the Government is contemplating in Trincomalee with the involvement of some foreign power. He said that that would be in violation of the Indo-Sri Lanka Agreement. When you seek to change the demographic composition of the North and the East,

are you not violating the Indo-Sri Lanka Agreement where there is a clear acknowledgement that the Northern and Eastern Provinces have been the areas of historical habitation of the Tamil-speaking people? On that basis, the Northern and Eastern provinces must become one unit of devolution with one Governor, one Chief Minister, one Provincial Council. Are you not violating the conditions of the Indo-Sri Lanka Agreement which flow on that basis which recognizes Sri Lanka as a multi-ethnic, multi-cultural, plural society, each people, the Sinhalese, the Tamils, the Muslims having a separate identity which must be nurtured, which recognizes the Northern and Eastern Provinces as the areas of historical habitation of the Tamil-speaking people on the basis of which they can be one unit? Are you not violating all these provisions? This is the question, Sir, I wish to pose.

The para 2(ii) of the annexure to the Agreement refers to the question that the Hon. Ranil Wickremasinghe raised. It states, I quote:

“Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India’s interests.”

That is what the Agreement states. Now, when you seek to alter, when you seek to change vital parts of this Agreement, am I wrong in saying that you are working with an insidious objective, which is to change the demographic composition so as to have your own way and do what you please? This is not acceptable, Sir, and if this continues, I would think that it would not be good for Sri Lanka.

I also want to refer to one other matter before I conclude, Sir, and it is this. Your Bill refers to "disadvantaged persons". The Tamil people in this country are disadvantaged in many respects, not merely what is contained in your Bill. We all know that under the Decentralized Budget, every Member of Parliament is given Rs. 5 million. The North and the East, in the course of the 30-year conflict, suffered the worst damage. Our people suffered the most; the Tamil people suffered the most. They were killed the most; their assets were destroyed the most; they suffered denial and deprivation the most. The Tamil Members of Parliament, except for those few who are with the Government, were given Rs. 5 million each under the Decentralized Budget. All the other Members of Parliament have been given Rs. 30 million - Rs. 5 million plus another Rs. 25 million. They have been given Rs. 30 million!

We represent the Tamil people substantially. The vast majority of the seats of the North and the East, where the Tamil people have voted and elected their Members, have come to us, but we are given only Rs. 5 million; everybody else is given Rs. 30 million. Is this fair? Is this just? Is this conscionable? How can you do this? You are



mere trustees of Government money; you are mere trustees of Government property having been elected by the voters. We also have been elected by the voters. Are our people not sovereign? Are our people not equal? Are our people second-class citizens? Is that the reason that you are giving the Members of Parliament representing the Tamil people Rs. 5 million while you give all the others Rs. 30 million? I do not want to confront anyone, but I do not want to beg from anyone and my people do not want me to beg. My people are not beggars and they never want me to beg. But, I want you to know, I want the world to know that despite a 30-year conflict and despite all the denial and deprivation, all the immense losses, destruction that we have gone through and when we are the most in need of assistance, we are being given by this Government only Rs. 5 million while all the other Members of Parliament are given Rs. 30 million. Is it conscionable? Is it just? Is it reasonable? I want your conscience to answer this question and I want you to do the right thing. After all, being in power and having the reins of governance is nothing more than a trust reposed in you by the people to do the just and the right thing. You must not assume that such power will be with you forever.

Sir, we were dealing with the Prescription (Special Provisions) Bill. But, I have used the time of the Bill to refer to some of the grave issues particularly pertaining to land, particularly pertaining to the tens of thousands of Tamil families who have not yet been resettled, who have not yet been rehabilitated, who do not have houses, who are living in camps and welfare centres and who do not have proper livelihood still in the North and the East. Can you deny the fact that there are such people in the North and the East and that you are giving Tamil Members of Parliament of the North and the East only Rs. 5 million and others Rs. 30 million? Can you deny that? Is it fair? How can you permit this? Will God pardon you for doing this? I will not take anymore of the time, Mr. Presiding Member.

Thank you.