

SRI LANKA MUSLIMS

We, Muslims are proud of the fact that we are citizens of Sri Lanka, our mother land, where our racial ancestors, the Arabs originated the Sri Lanka Muslims Moor race, more than Two Thousand Five Hundred (2,500) years ago. As people professing the religion of Islam, we have been here for more than 1,400 years according to authenticated historical facts.

Our Arab ancestors were traders. The Malabars – Tamils, were all powerful in most of the commercial ports of the Island at the time when our ancestors were settling here. The Arabs learnt the language of the Tamils and married their women with whom they had business relationships for many centuries.

Although Sri Lanka Muslims speak the Tamil Language, we are not ethnically Tamils. In Sri Lanka the Sinhalese call us “Yonaka” and the Tamils call us “Sonakar.” “Yon” and “Sonakam” means “Arabia” in Pali and Tamil languages respectively. We are the descendants of the people from Arabia – Arabs.

Sri Lanka Muslim Community of today is composed of various cultural groups. The vast majority of them are Sri Lanka Moors – descendants of the Arabs. The Malays who came during the Dutch period after 1640 form Indonesia and Mlaya form the second largest group. Latter during the British period, after 1796 more Muslim Traders came form Indian sub-continent, mostly form Malabar and Coromendal coasts. More recently came the Memons, Bohras and others form India, who have made their homes here and became a part of Sri Lanka Muslim Community.

Sri Lanka population according to 1981 census, comprised Sinhala 10,985,666- Sri Lanka Tamils 1,871,535, Sri Lanka Muslims 1,056,972, Indian Tamils 825,235, Malays 43,378, Burghers 38,236 and others 28,981 – Total 14,850,001. Of the total Muslim population of nearly 1,100,306, about 733,567 live in the Sinhalese speaking areas and the balance 366,783 were living in the Tamil speaking areas – Eastern and Northern Provinces.

The 1991 population was estimated to be about 17,247,000. Sri Lanka Muslim population 7.6% was 1,311,000. Muslim population in the Eastern and Northern Provinces in about 437,000 and the balance 874,000 was in the Sinhalese speaking areas outside the Eastern and Northern Provinces.

AREA OF HISTORICAL HABITATION – HOMELAND

Muslims have always been loyal to the country and were in the forefront of the struggle – resisting the foreign invaders, winning back the lost freedom and consolidating the freedom won. Muslims have fought in the armies of Mayadunne when Portuguese invaded Sri Lanka. Every resistant movement of Sinhalese, whether it was in Kotte or Kandy, had Muslims in their ranks. So much so that we became the target of persecution under all the colonial powers.

The Dutch denied the Muslims even the freedom to practice our religion. For a period of roughly three centuries, between the arrival of Portuguese in 1505 and the departure of the Dutch in 1795, the Muslims in the maritime provinces underwent untold hardships at the hands of the invaders. Muslims have made grate sacrifice for our homeland.

Sinhalese king Senarath settled the Muslims in strategically important areas of the Eastern Province to resist the invaders. These Muslims have since merged with those of the original Arab Settlers in the Eastern Province whose ancient colony is described as "ARABITHA CIVITAS" in the 15th century Vatican Manuscript of Ptolemy's Map.

The Eastern Province was part of the Sinhalese kingdom until it was annexed by the Dutch in the 18th century. Robert Knox in his Memoirs of Ceylon described how he landed in Kottiar in Trincomalee and was taken prisoner by the Sinhalese King of Kandy.

The Eastern province has a land area of 3,839 sq. miles and the population according to 1981 census in 993,435 – Tamil 42%, Muslims 33% and Sinhalese 24%. Tamils are the majority only in the Batticaloa district which has a land area of 1,016 sq. miles - Tamils 73%, Muslims 24% and Sinhalese 3%. Tamils are the minorities in the rest of the Eastern province both Trincomalee and Ampara districts – land area 2,824 sq. miles which is 72% of the land area of the Eastern province – Tamils 26%, Muslims 37% and Sinhalese 37%.

The expression "Tamil Speaking People" refers not to one community but to the Jaffna Tamils, Batticaloa Tamils, Sri Lanka Muslims and Indian Tamils. The expression "Tamil Speaking Area" refers to the geographical area covering the Northern and Eastern provinces. Eastern province is the traditional homeland of Batticaloa Tamils and Muslims. Traditionally the Jaffna Tamils and Indian Tamils never lived in the Eastern province and it is not their homeland.

Although the majority of the Muslims live in the Sinhalese areas it is from the traditional Muslim home lands in the Eastern Province that most of the Muslim representatives are elected by the Muslims for the Muslim to the legislature – Parliament. Even on the extended franchise election held in May – June 1931 the only Muslim member for the first State Council was elected from the Eastern Province - Batticaloa South. Because of Muslim concentration and the availability of Muslim Electorates in the Muslim Traditional home lands in the Eastern Province many Muslims, even from the Sinhalese speaking areas were able to come and contest elections to represent Muslim interest in Parliament.

ECONOMY

The British recognized the Muslims as a separate political entity and removed the irksome civil and economic restrictions imposed on the latter by the Portuguese and Dutch. Muslim began to participate actively in the new economic openings. The traditional trading instinct of the community received a fresh fillip in the 19th century. In Colombo, for example, the Muslims were confined by the Dutch to the "Moor Street" now after the removal of the restrictions; there was an influx of Muslims into business quarters of the City. Generally they began to acquire properties in the Pettah areas of Colombo and in the process of time nearly all the immovable properties here which originally belonged to the descendants of the Dutch passed into the hands of the Muslims. By 1875, in the Main Street of Pettah alone there were 73 business firms belonging to the Muslims. Similarly in Kandy, Galle, Matale and Nuwara Eliya the Muslims, along with the other English, Indians and Low-country men were opening up business firms. They were the best gem merchants at that time. According to the census of 1911. of the 979 gem dealers in Ceylon, 866 had been Muslims. Similarly among a total of 848 Jewellers at that time 411 had been Muslims.

Beside the development of plantation and internal commerce, the growth of Colombo as the metropolis was the most outstanding feature of the 19th century. The building trade prospered as a result the Muslims with their special aptitude for masonry were quick to exploit the opportunity. The General Post Office, the Museum, the Customs, Old Town Hall in Pettah, Galle Face Hotel, Victoria Arcade are but a few of the Architectural wonders shaped by the hands of the Muslim genius.

Economically, there was an air of prosperity among the Muslims in the 19th century. But even at that time the Muslims were not entirely a business community. According to the 1901 census, only 21.6 per cent of earners among the Muslims were dependent on commerce, transport and storage for their main income. As opposed to this nearly 35.5 per cent of the Muslims were involved in pasture and agriculture. In the census report of 1911 Denham says that "the Sinhalese and the Ceylon Muslims (for the most part) are small farmers cultivating their own lands. Even the 1946 census report says that the "Sonahars are cultivators."

POLITICS

The racial harmony and peace which existed during the British rule in Ceylon was shattered as a result of the Sinhala-Muslim riots in 1915. The principal effect of the riots was a sense and feeling of helplessness among the Muslims in Ceylon. The bitter memories and the impact of the 1915 riots, polarized the forces among the Muslims and encouraged them to form various organizations in order to defend their political rights as well as to better their social and cultural backwardness.

The "Moors Union" established on 29th August, 1900 and "Ceylon Muslim Association" formed in 1903 in order to uplift the social, cultural and political life of the Muslims community, contributed towards the maintenance of the separate identity of the community. Sidde Lebbe, M.C. Mohamed and I.L.M. Azeez were the pioneers of the "Moors Union" Through this Union it refuted the charges made by Ramanathan about the Anthology of Moors. When the first Muslim Advocate in Ceylon Mr. M.C. Abdul Cader was forbidden by the Chief Justice in 1905 to appear before the High Court with head and feet covered, the Muslim community immediately agitated and this campaign ended with the withdrawal of the original ruling and was a victory for the Muslim activists.

Manning Reform increased the unofficials in the Legislative council to 36 and 12 members to be elected on communal basis. In this constitution, Muslims were given three communally elected seats, H.M. Macan Markam N.H.M. Abdul Cader and T.B. Jaya were nominated to represent the Muslim community in the new legislative council inaugurated on October 15, 1924.

When Donoughmore Commissioners visited Ceylon to make changes in the constitution, the Muslim political Association led by N.H.M. Abdul Cader, T.B. Jaya and H.M. Macan Marker gave evidence before the commission. Their main representation were to increase the members of Muslim representatives in the legislature from 3 to 5, Communal representation and the safeguarding of their rights from the majority community. The Donoughmore Commissioners abolished communal representation, extended the franchise to all adults over 21 years and recommended the creation of electoral districts with population of 75,000 to 90,000 each, they substituted the state council and handed over its functions to the board of Ministers. The elections on the extended franchise were held in May-June 1931 and when the first State council met in July 7, 1931, there was only one Muslim member elected from Batticaloa South.

The Muslim community was not satisfied with the position to which it had been relegated by the Donoughmore commission, Mr. T.B. Jaya led a deputation to Whitehall London in 1932 and demanded a system of representation in which the Muslim community, scattered as they were, could have adequate representation. The British Government did not make any electoral adjustment favourable to the Muslims. When the election in 1936 was held for the state council, none of the Muslim members won. However A.R.A. Razik and T.B. Jayah were nominated as Muslim representatives.

MINORITY RIGHTS AND INDEPENDENCE

The All Ceylon Muslim political conference which united all the political divisions among the Muslims went before the Soulbury Commission on 5th February, 1945 and demanded that the communal representation to be replaced to safeguard their interests. The Soulbury Commissioners were greatly concerned about the position of the minorities under the New Constitution and expressed the hope that in the demarcation of electorates, such electoral devices as multiple member constituencies, reduced electoral strength for minority areas etc., would be utilized in order to give adequate representation to the Minority communities, especially the Muslims as they are more or less scattered throughout the country.

At the end of the first state council the Board of Ministers demanded full Responsible Government by the removal of the three officers of state and the reserve powers of the Governor. In the meantime, world war II broke out in 1939 and the Secretary of State put off all questions of constitutional reforms. He, however, appealed to the Board of Ministers for their co-operation in the war efforts and made a declaration that Ceylon would be considered for independence after the war. The Ministers and the people gave their full support for the war-efforts.

When the war came to an end, the Board of Ministers reminded the British Government of its promise and presented their Dominion Status Bill before the State council. British Government – Whitehall insisted on approval of it by a Majority of three quarters of the total members of the State council – an impossible task unless the minorities gave their supports. Indeed this requirement of three quarters majority was the most potent guarantee that the wishes of the minorities would be given a great deal of consideration. All the Muslim members supported it. Mr. T.B. Jayah and Dr. M.C.M. Kaleel spoke in favour and A.R.A. Raziks and Dr. Kaleel voted for it. Jaya was not present at the time of the voting.

When the Muslim members of this Council decided to take a definite stand at the time the "Sri Lanka" Bill was introduced, they did so for one and one reason only. The reason was that where political freedom of this country was involved, they were prepared to go to any length, even to the point of sacrificing advantages and benefit as a result of such action.

Mr. S. W. R. D. Bandaranaike expressed his gratitude to the Muslim members on behalf of his own community. Hansard of 22nd March 1945, Column 2062 Hon'ble Bandaranaike "..... May I refer to the support that the main principle of the bill has received from the Hon'ble Nominated member Mr. T. B. Jayah, The Hon'ble Nominated member Mr. Razik and the Hon'ble member for Colombo Central Dr. M. C. M. Kaleel among the minority members".

“What have the Nominated member Mr. T.B. Jayah and his colleagues the Hon. Nominated member Mr. Razik and the Hon. Member for Colombo central have done? There is provided in the bill a scheme of representation under which the Muslim community in this country might suffer in the form in which it appears, but yet, they themselves were so sincerely determined to work for the main idea of freedom that they were prepared to vote for the principle embodied in the bill”

“But I can give the Hon. Nominated Member Mr. Jayah this assurance on behalf of, I think, the vast majority, at least of the community that I represent, that in the struggle for freedom whatever may or may not be the recommendation of the Soulbury Commission on our representation, he may be rest assured that we will be quite prepared to consider any reasonable point of view that he might put forward.”

Many are familiar with the part played by the Ceylon Muslims like Sir Mohamed Macan Markar, Dr. T.B. Jayah, Sir Rzik Fareed, Dr. M.C.M. Kaleel, Mr. M.A.C.M. Saleh, and Dr. Badiudin Mahmud in the constitutional reforms of the country. They enthusiastically supported the demand for Dominion Status and also for independence. They have never obstructed the political progress of the country. With several others like Siddi Lebbe, Wapiche Marikar and I.L.M. Abdul Azeez they have forged close and intimate bonds of friendship with the Sinhalese and Tamils of this country.

ETHNIC CONFLICT

LANGUAGE

After the independence, the Muslims expected the majority community, the Sinhalese, to be reasonable in their dealings with the minorities in this country. The Stat Council adopted a resolution in 1944 that the Sinhalese and the Tamil should be the official languages of the country. It was on that basis that the Tamil speaking people – both Tamils and Muslims joined the Government. After the Independence, in 1955 a wave of Sinhala communalism swept the country, Bhasa Peramunas sprung up demanding that Sinhala be made the ONLY OFFICIAL LANGUAGE of the country. The so called National political parties – viz: the United National party and the Sri Lanka freedom party succumbed to this wave. Mr. S.W.R.D. Bandaranaike, who was swept to power in 1956 introduced the Sinhala only act in Parliament on the 5th of June 1956. The introduction of the Sinhala as the only official language and reduction of Tamil language to an inferior position placed the stamp of perpetual inferiority on Tamils and Muslims whose mother tongue is Tamil. It also resulted in their being denied equality of opportunity in employment.

CITIZENSHIP

At the time of independence it was made out that under Soulbury constitution, out of the 95 members elected to Parliament 42 members would returned from the minority communities. Within four years of Independence, the whole scheme of representation which involved weightage to the minorities, was totally distorted. The passing of the Citizenship Laws which de-citizenised and dis – franchised about a Million Tamil estate workers and deprived them of the representation they had in parliament was the first blow directed against the Minorities in this country.

It also resulted in the Majority community the Sinhalese, who were 68% of the population at that time captured 80% the representation in Parliament. The citizenship Laws also made the totality of the Tamils and Muslims in the country as doubtful citizens and we are still undergoing several hardships in obtaining passports, registering of names in voters lists, obtaining National Identity Cards and many other matters to which hardship the Sinhalese are not subjected to. It is one of the most discriminatory piece of legislation. Not only it was passed and circulars sent to departments not to employ doubtful citizens, but even the issue of Ration Books to the Tamils and Muslims depend on the proof of citizenship. As the law stands with the passing of time we have to prove the birth in Sri Lanka of ourselves and a series of ancestors, if we have to establish their citizenship.

MINORITY RIGHTS

The Sri Lanka Freedom Party of Mrs. Srimavo Bandaranaike, was returned to power on the 27th May, 1970. It received a mandate at the election to repeal the Soulbury Constitution of 1947. So, the Parliament constituted itself into a Constitution Assembly to draft the constitution which came into effect on 22nd May 1972. On that day, having abolished the Senate, declared the country to be a sovereign and independent republic within the British Commonwealth.

The Republican Constitution did away with some of the very important safeguards provided for the minorities by the Soulbury Constitution at the time of Independence. The provisions of section 29 (2) and (3) of the Soulbury Constitution which were designed to give some protection to minorities against legislation which the majority might be tempted to enact to the disadvantage of the minorities, did not find a place in Mrs. Srimavo Bandaranaike's Republican constitution. Secondly, it did not re-enact the provisions of the Soulbury Constitution which empowered the Governor General to appoint members to represent interest that is not adequately represented. Thirdly, the senate where the minority found a forum to air its views and grievances and to stall hasty legislation was abolished.

The UNP- Jayawardene constitution of 1978 is same as the SLFP – Mrs. Sirimavo Bandaranaike's constitution of 1972 with regard to the abolition of safeguards to minorities. More damaging are its provisions with regard to the demarcation of Electoral Districts and the proportional Representation Election System which virtually eliminated Muslim elected representation to the Legislature. This law seems to be directed against the Muslim Community rather than any other community in Sri Lanka.

COLONISATION

Colonisation has been accepted as one of the main grievances affecting the Tamil and Muslim people in Sri Lanka. Land policies persuaded hitherto in the Tamil Speaking area have their far reaching adverse effects

1. The Minorities have been denied their legitimate share of developed state land.
2. Deprivation of Land, more particularly developed land, to landless people in the district of land Alienation.
3. Substantial alteration on the Ethnic composition of Districts in which state lands have been alienated.

This has contributed to the growth of tension and hostilities amongst different communities resulting in ethnic violence. Victims of such violence have always been the minorities.

According to 1921 census, the Sinhalese were 3% of the population in the Trincomalee District and 4.5% in the combined Batticaloa and Ampari District. They were less than 4% in the whole Eastern Province. According to 1981 census the Sinhala Population in the Eastern Province was 25%.

Gal Oya scheme in Amparai District, Allai, Kanthalai, Morawewa and Padavia Schemes in Trincomalee District are examples of Planned Sinhalese colonization in the Eastern Province. These colonisations were carried out in violation of the Land Development laws. The Muslims who were the first majority in the Amparai District, were made minorities by state Aided Sinhala Colonisation.

When the major irrigation Schemes were inaugurated in the East, immediately after the independence, the late Mr. D.S. Senanayake said that the lands that were to become arable would be alienated among the local farmers and the would be Sinhala colonists form outside the province, on a 50 – 50 basis. The successive Governments, whether UNP or SLFP, not only failed to implement the promise but also adopted various methods to ensure the economic and political weakening of the Tamils and Muslims in the Eastern province.

The claims that are being made by the Sinhalese in Muslim areas are exactly the same as the Jews have been perusing in Palestine in dispossessing the Arabs of their homes. Today we find a frantic search for Buddhist shrines in the North and East not for the love of Buddhism but to chase away the Tamils and Muslims.

EMPLOYMENT AND ECONOMY

The Muslims are a misunderstood community as far as the economic position is concerned. They are loosely referred to as a rich community whereas the fact is otherwise. Muslim community has been engaged in trade in the past. In 1875, in the Main Street of Pattah alone there were 73 business firms belonging to the Muslims. Similarly, in Kandy, Galle, Matara and Nuwara Eliya, the Muslims had many big Business. They were the best Gem Merchants at that time. According to the census of 1911, of the 979 gem dealers in Ceylon 866 had been Muslims, and among the total 848 Jewellers at that time 411 had been Muslims. They were dealing in a big way in the export and import Business during the pre-independent period.

With the gaining of independence in 1948, various changes have been effected in the economic structure of the country. The establishment of co-operative movement and the State-owned co-operative wholesale establishment with retail outlets throughout the country has placed the Muslim community in an unfortunate position as trade was one of their main occupations. These and subsequent State monopolies, have created problems and difficulties for the Muslims in Sri Lanka after independence.

The economic position of the Muslims could be summed up by referring to one vital matter, namely the low per-capita income of the Muslims in relation to other communities. Central Bank Surveys have revealed that in rural sector the lowest per Capita income is that of Muslims, below even to the Indian Tamils, most number of whom are employed unlike the Muslims. Mass poverty amongst the Muslims is also reflected in the fact that on a population basis one of the largest group of public assistance recipients, charity and T.B. allowances, etc., are the Muslims.

EDUCATION

The Muslim have long been identified as an educationally backward community. The main cause being the inseparable association of Western Education and and conversion to Christianity. Since Education appeared to them as synonymous with conversion especially in the 16th and 17th centuries, the majority of the Muslims preferred to keep completely out of the Educational scene.

While tracing the recent development of Muslim Education many names are remembered. Dr. W. Dahanayake who showed great interest and took concrete steps to strengthen the position of the Muslim Schools. Where there was 51% of Muslim children in a School, he declared it to be a Muslim School with a Muslim Head.

As Minister of Education, Al-Haj Dr. Badiudin Mahmud, conscious of the grave disabilities of the Muslims of Sri Lanka, due to their educational backwardness, tried very hard to give the Muslims their rightful share in the construction of schools, the up grading of the existing Schools, provision of educational equipments and facilities, appointment of teachers and educational officials in proportion to the Muslim population, out of the appointment he made for the othe communities of the country.

SECURITY

The violence that were unleashed in the past against the Muslim in Kirinda, Ratnapura, Galle, Kalutara, Panadura, Kelaniya, Mawilmada, Dehiwela, Mawenella, Beruwala etc., have proved that the Muslims living scattered all over Sri Lanka, have no security for their life and property. One has to keep in mind the deep feeling of insecurity and alienation that was felt by the Muslims in the Sinhalese areas after the latest spate of violence in July 1983, specially when the Muslims came to know about "The second plan to attack the Muslim" during the July 83 violence, number of Muslims have been killed, many houses have been burned, nearly 300 shops and factories have destroyed. The damage was estimated approximately Rupees 258 Millions. During this violence, the Sinhalese have threatened to attack Mosques if the calling of prayers "Azan" in loudspeakers are not slowed down or completely stopped.

In 1975, five Muslims have been shot in a Mosque by armed Sinhalese Police officers, in Puttalam. One Mosque with a Ziyaram was destroyed in Mawilmada, Kandy during January 1984. On 17th of May, 1986 a few Muslims have been attacked by Arms officers, in Slave Island, Colombo when they were returning after Tharaweeh Prayers during Ramazan. Few years ago in the same area, number of Muslims were shot by the Police in the Mosque premises, when they objected for the use of Mosque Loudspeakers for un-Islamic activities. All these happened in the Sinhalese areas. Under the present political set up the Muslim leadership and the community were unable to prevent such occurrence in the future.

TAMIL MUSLIMS ETHNIC CONFLICT IN NORTH – EAST

A peculiar phenomenon in the Eastern Province is that a Muslim Village is interspersed with Tamil Village and vice versa. Substantial share of the private lands owned by the Muslims are adjacent to the Tamil Villages. Due to the increase of population, Muslims and Tamils are facing acute shortage of lands for expansion. As scarcity of land become acute, tension between the two communities increased, mainly because of fears of

expansion and absorption. As a result of this particular socio-economic factor, new rules and regulations evolved in both communities which forbade members of one ethnic group to sell to the other ethnic community. This is indicative of a desire by both ethnic communities to maintain their separate identities in a situation where they had co-existed for centuries. However, the Muslims were buying lands off the Tamils offering higher prices by virtue of their economic position, whereas the Tamils unlawfully occupying thousands of acres of private land belonging to the Muslims with the help of the Militants, for example the lands of Rasool Estates in the Timitar Estate Komari-Pottuvil, Thirukkovil, Eravur, Thampalakamam, Trincomalle etc.

The occupation of the earlier generation of the Eastern and Northern Province Muslims were, related to cultivation, and to a lesser extent fishing and trading. However, after the introduction of free education and guaranteed price for paddy, in Sri Lanka, the educational and economic status of the Muslims had risen considerably. A large number of doctors, engineers, accountants, lawyers, technicians and university graduates of the Muslim community have emerged from the Eastern Province. In Short the Muslim intelligentsia has now shifted to the Eastern Province.

Contrary to popular claims from various quarters of peace, amity and sense of co-existence among the Muslims and Tamils of the Eastern and Northern provinces, resentment and antipathy among the Tamils have been growing towards the Muslims for the last half a century, particularly after the independence to Sri Lanka in 1948. In fact they feel that the Muslims were better placed economically than the Tamils. Muslim youths were advancing in education and out-pacing the Tamils in higher education at the universities and technical institutions. Muslims were able to obtain more government and private sector jobs thus pushing the Tamil youths into the cadre of unemployment. Muslims were more favourably placed with the Government in power on the strength of their leaders disclaiming separatist policies, while the Tamils caught in the web of "Eelam" activities, were left in the lurch and thus alienated from the government with the onset of the struggle for a separate state for the Tamils. Muslims were unsympathetic towards their separate state demand and therefore considered a danger in their midst.

Owing to the geographical location and economic interdependence of the two communities Tamil and Muslims in the Northern and the Eastern Province, there have been intermittent clashes over the years on comparatively trivial issues such as Muslim farmers being harassed by Tamils when they pass through Tamils areas, waylaying of vehicles, and robbing of paddy and cattle belonging to the Muslims. These conflicts in general were minor and were quickly resolved before they could escalate into serious clashes.

However, after the 1983 ethnic violence, it was found that the Tamils in the Northern and the Eastern Provinces have been openly giving expressions to their feelings of resentments and antipathy towards the Muslims by verbal insinuations, deprecations and even insults regarding the position of the Muslims as "Usurpers" of their lands "Exploiters" of their labour. Tamils began to harass the Muslims, waylay and rob them when ever Muslim traversed the Tamil areas on their way and back home from their paddy fields, administrative denial of civic amenities to Muslim villages situated within the ambit of the Local Government of Tamils, extorting money, jewellery, motor vehicles and agricultural implements from Muslims and abduction of Muslim youths in order to force them to collaborate with the separatist movements became the order of the day.

This volatile atmosphere gave rise to suspicion and made the Muslims in the Northern and Eastern Provinces realize that the prospect of sharing political and economic powers with the Tamils in the event of a separate state or a merged regional council becoming a reality, are remote.

With the increased activities of the separatists, in the early part of 1985, the animosity and resentment of the Tamils towards the Muslims took a more acrimonious turn. Consequent to it, numerous incidents of extortions of money, robbing jewelry, motor-cycles and other valuables at gun point, and threats for co-operations with the separatist movement took place. When such atrocities escalated, the Muslims tried to assuage the situation not by open warfare but by humane methods as prescribed by the laws of Islam.

The breaking point of the Muslims came when the Tamil separatists tried, in the course of robbing a rich Muslim trader, to take his daughter as hostage in Akkaraipattu, a predominant Muslim Town, 14 miles down South of Kalmunai, in the Amparai District. Angered by this, the Muslims registered their protest by peaceful hartal in Akkaraipattu, from 08th to 12th April 1985. All the shops reopened for business on the 13th of April 1995. The National Flag was hoisted in the bazaar, declaring the solidarity of the Muslims with the government and its policy of Unitary State and also their rejection of the division of the Country.

On the 14th of April 1985, at 9.00 a.m. thirteen Tamil Separatists sped into Akkaraipattu by a jeep from Karaithievu, a Tamil village 10 miles North of Akkaripattu. They were fully armed and were firing, the first shot being fired in the vicinity of the Town Mosque of Akkaraipattu. They then raced towards the junction in the main market place. Due to high speed, they were unable to negotiate the turn and the Jeep toppled. Most of them died on the spot and the rest were shot by the police.

With this unfortunate incident, the Tamil, Muslim ethnic violence started and swiftly spread to Kalmunai, Etavur, Ottamawadi, Valaichenail, Muthur and Kinniya. Hundreds of Muslims were killed by the armed Tamil Separatists and many billions of Rupees worth of properties belonging to both the Tamil and Muslims were burnt and destroyed. It is during the April 1985 riots, that the Tamil and Muslims fought each other as separate communities for the first time in the Eastern Province.

During the massive anti-terrorist operation by the Sri Lanka Armed Forces, in Muthur in May 1985, only a month after the Tamil – Muslim clashes in the Eastern Province, Tamils suffered very badly. It was the Muslims who gave the Tamils a helping hand during those difficult days. Unfortunately, this did not in any way changed the anti Muslim attitude of the Tamils.

Tamil Separatists brutally murdered Mr. Habeeb Mohamed, the Assistant Government Agent of Muthur on the 3rd of September 1987, which led to widespread protest – demonstrations by the Muslims throughout the Eastern province. Annoyed by this the Tamil Separatists organized a counter demonstration on the 10th of September 1987 in Kalmunai, which resulted in the Tamils attacking and burning Muslims owned shops, rice mills and houses in the predominant Muslim Town of Kalmunai, Indian Peace Keeping Forces in the presence of the IPKF. Properties belonging to the Muslims damaged by the Tamils was valued approximately Rupees 67 Millions.

Mr. A.L. Abdul Majeed, a former M.P., and Deputy Minister of Muthur was killed on the 13th of November 1987. Mr. Abdul Majeed was actively involved in the relief operation of the thousands of Muslim refugees who came from Muthur, consequent to Tamil armed separatists attack on the Muslim on the 12th of October in the presence of the IPKF.

About 26 Muslims were killed and another 200 were injured when the IPKF shelled Ottamawadi, a predominant Muslim Village in the Batticaloa District on 02nd December 1987. A Number of houses and shops belonging to Muslims were burned and destroyed. Some Muslims women were also reported to have been raped by the IPKF. About 14,000 Muslims became refugees and fled the Eastern province to the North – Central Province, Polonnaruwa.

Kattankudi, the home of nearly 60,000 Muslims, situated 4 miles down South of Batticaloa, was attacked by the armed Tamil separatists on the 30th of December 1987. In this fierce attack, nearly 60 Muslims were killed and more than 200 were injured. Properties worth 200 Millions belonging to the Muslims were burned and destroyed by armed Tamil Separatists. All these happened in the presence of the IPKF. Although the attack lasted for two days, Kattankudi was under siege until the 8th of January 1988. During this period, all movements, in and out of the area were blocked by the armed Tamil separatists while the IPKF was supposed to be in control of the area.

Because of the attacks launched by the IPKF and armed Tamil separatists, nearly 65,000 innocent Muslims who have lived for generation in Mannar, Jaffna, Mullathievu and Vavunia have abandoned their homes and are now living in refugee camps outside their traditional home lands.

The Tamil refugees voluntarily left the Northern and Eastern Provinces because of the Tamil Eelam war and went to India and other Western Countries. But the Muslims were forcibly evacuated by the Tamil Militants. The armed Tamil Militants gave only two days for the Muslims in the North to vacate their homes and leave. Muslim refugees had no place to go. None of the Muslim or Arab countries have accepted any Muslim refugees from the Northern and Eastern Provinces of Sri Lanka. They are undergoing untold hardships in the refugee camps, in the neighboring Provinces. Government security forces and the Rehabilitation Ministry were prepared to resettle the refugees but the armed Tamil Militants are obstructing the Muslim refugees returning to their homes which are only 20 to 30 miles away from the refugee camps, whereas thousands of Tamil refugees are freely returning to the Northern and Eastern Provinces from India and other Western Countries and unlawfully occupying the properties of the Muslims with the help of the Tamil Militants.

The Forcible Eviction

The Muslims from the Northern Province were to leave their homes in the third week of October 1990. The ultimatum in many places was that they should leave the region within 48 hours. Most Muslims refugees continue to live in abject conditions outside the North. Contrary to many other situations of displacement in the country, the majority of the displaced Muslims have not been able to go back to their places of birth in the North. At present, there are about 65,000 Muslims refugees living in the North-Western coastal region in the Puttalam district. The report on assets of Muslim refugees was submitted to the Parliament in 1992 contained a detailed estimate of the losses suffered

by these people. According to the estimates, the Muslim families ousted from the North have lost wealth to the tune of Rs. 5408 million. Of this, a total of Rs. 2967 million would have been considered recoverable if Muslim families had been allowed to return to their homes immediately after their expulsion. The non-recoverable loss of the Northern Muslims is Rs. 2441 millions.

Unlawful Occupation of Lands and other Properties of Muslims In the North – East

This is related to the forced eviction of Muslims from the Northern and the Eastern province. To a larger extent, it applies to Muslim-owned paddy lands adjoin predominant Tamil areas. Nearly 45,000 acres of paddy lands belonging to Muslims of the Eastern province were forcibly taken over by the LTTE and agricultural produce confiscated. The lands belonged to the displaced Muslim form the Northern Province continue to remain under the control of the LTTE. Besides, agricultural implements, motor vehicles and cattle were taken away by force by the LTTE. Under the law of property in force in the country, a land owner loses his right to possession if his property is occupied by a usurper for 10 years. It is now the 12th year since Muslims in the North have been forcibly displaced from their properties.

Economic Destabilisation of Muslims in the North – East

A politico-military strategy of the LTTE has been to weaken the economic power of the Muslim community. In order to realize this objective, the LTTE, as was the case with other Tamil militants, have targeted economic ventures and business places of the Muslims. Robbing of business goods and abduction of business men for ransom remain the common specter in the North-East.

Another form of economic destabilization is discernible in the widely reported incidents of extortion from the Muslim community even after the Ceasefire Agreement has been concluded. The politically motivated violence against the Muslim community in the rest of the country has had as its major thrust, the destabilization of the Muslim economy.

Denial of Fishing Rights

With the eviction of the Muslim community from the North, a considerable section of the Muslim fisher-folk have been rendered unemployed. In areas such as Valaichenai, Ottamavadi, Eravur and other coastal areas in the East, boats and fishing gears are routinely robbed by the LTTE. Many Muslim fishermen have also been killed while at sea by the sea tigers.

Non-respect for Religion and Culture

In many instances, in the Northern and Eastern province, the cultural and religious symbols of the Muslim community have come under attack from the LTTE and other Tamil militant groups. The grenade attack on a mosque in Akkrappattu and massacre of Muslims at congregational prayer at Kattankudy and Eravur, as well as cold-blooded murder of Hajj pilgrims returning in 1990, demonstrate the extent of intolerance shown by the Tamil militants towards the religion and culture of the Muslims.

Gross Human Right Violations

The armed conflict between the Sri Lanka Government and the LTTE has led to gross and massive human rights violations. The Muslims in the North-East have been caught in the middle of the civil war and it has been difficult to maintain their neutrality.

The Indo Sri Lanka Accord of 1987 witnessed the systematic and gross violations against the Muslims living in the East. The attacks on Muslims in their places of worship, the attacks and killings of unarmed civilians amounting to over a 1000 people, the systematic abduction of young Muslims into the army of the LTTE, the forcible confiscation of land and the resettlement of these lands to Tamils, the forced collections of bounty and taxes from the Muslims constitute the level and extent of the gross violations of human rights committed against the Muslims in the East by the Tamil Militants - LTTE.

The Muslims have been the most vulnerable community without protection and security. It is therefore unfortunate that the protection of human rights and minorities has not been inbuilt into the MOU signed by the Government and the LTTE. It is essential therefore that human rights protection and minority safeguards are inbuilt into the provision of the Interim Council arrangements.

MUSLIM REFUGEES IN THE NORTHERN AND THE EASTERN PROVINCE IN DECEMBER 1987.

<u>EASTERN PROVINCE</u>	<u>MUSLIM POPULATION 1987</u>	<u>MUSLIM REFUGEES 1987</u>
<u>Amparai District</u>	<u>201,585</u>	-
Kalmunai	54,576	-
Sammanthurai	45,592	-
Ninthavur	24,860	-
Attalaichennai	24,168	-
Akkaraipura	27,529	-
Pottuvil	24,860	-
<u>Batticaloa District</u>	<u>94,137</u>	<u>10,225</u>
Batticaloa	4,432	-
Kattankidi	31,546	-
Eravur	25,683	-
Ottamwawadi & Valaichenai	32,476	10,225
<u>Trincomalee District</u>	<u>80,884</u>	<u>49,280</u>
Trinco Town Gravat	9,176	5,000
Mutur	22,062	16,000
Kinniya	32,969	18,000
Thampalakamam	9,209	6,280
Kuchchevali	2,401	2,000
Kanthalai	5,067	2,000
<u>NOTHERN PROVINCE</u>		
<u>Jaffna District</u>	<u>10,835</u>	<u>10,835</u>
Jaffna Town	10,270	10,270
Chavakachcheri	565	565
<u>Mannar District</u>	<u>37,899</u>	<u>13,650</u>
Mannar Town	18,291	6,250
Musali	10,982	4,720
Nanaddan	2,187	1,212
Manthai West	6,439	1,468
<u>Mullaithevu District</u>	<u>4,923</u>	<u>3,040</u>
Mariime Pattu	3,964	2,560
Mullaithievu	959	480
<u>Vavuniya District</u>	<u>8,683</u>	<u>4,845</u>
Vavuniya Town & Visit	3,895	2,233
Vengalachettikulum	4,788	2,612
<u>NORTHERN & EASTERN PROVINCES</u>	<u>438,946</u>	<u>92,875</u>

NORTH EAST DEMOGRAPHY – CENSUS 1981

	<i>Total</i>	<i>Sinhalese</i>	<i>S.L.Tamils</i>	<i>Indian Tamils</i>	<i>Sri Lankan Muslims</i>	<i>Others</i>	<i>Land Area Sq. Mts</i>
Northern Province	1109,404	35,128	957,247	63,759	50,828	2,442	3,429.0
	100.0%	3.2%	86.3%	5.8%	4.6%	0.2%	
Jaffna District	738,788	5,648	715,892	4,924	11,839	485	440.0
	100.0%	0.8%	96.9%	0.7%	1.6%	0.1%	
Kilinochchi District	91,764	1,011	74,493	15,056	1,119	85	558.0
	100.0%	1.1%	81.2%	16.4%	1.2%	0.1%	
Vavuniya district	95,428	15,794	54,179	18,714	6,505	236	
	100.0%	16.6%	56.8%	19.6%	6.8%	0.2%	1467.00
Mullethivu District	77,189	3,992	58,209	11,215	3,651	122	
	100.0%	5.2%	75.4%	14.5%	4.7%	0.2%	
Manar District	106,235	8,683	54,474	13,850	27,714	1,514	964.0
	100.0%	8.2%	51.3%	13.0%	26.1%	1.4%	
Eastern Province							
	993,435	255,843	400,490	10,907	320,220	5,973	3,839.0
	100.0%	25.8%	40.3%	1.1%	32.2%	0.6%	
Ampara District	388,970	146,943	77,826	1,411	161,668	1,220	1,775.0
	100%	37.8%	20.0%	0.4%	41.6%	0.3%	
Batticaloa District	330,433	11,255	233,713	4,074	78,829	2,562	1016.0
	100.0%	3.4%	70.8%	1.2%	23.9%	0.7%	
Trincomalee Dis.	274,032	97,645	88,951	5,422	79,723	2.29	1048.0
	100.0%	33.6%	32.5%	2.0%	29.1%	0.8%	
Ampara + Trico Dist.	663,002	244,588	166,777	6,833	241,391	3,511	2,823
	100.0%	36.9%	25.2%	1.0%	36.4%	0.5%	
Batticaloa & Trinco Dis.	604,365	108,900	322,664	9,496	158,552	4,753	2,064.0
	100.0%	18.0%	53.4%	1.6%	26.2%	0.8%	
Northern Province, Batticaloa & Trincomalee District							
	1,713,769	144,082	1,279,911	73,255	209,380	7,295	5,493.0
	100.0%	8.4%	74.7%	4.4%	12.2%	0.4%	
Northern & Eastern Provinces							
	2,102,839	290,971	1,357,737	74,666	371,048	8,415	7,268.0
	100.0%	13.8%	64.6%	3.6%	17.6%	0.4%	

THE NEED FOR POWER SHARING ARRANGEMENTS FOR THE MUSLIMS IN THE NORTH-EAST SRI LANKA

Muslims have not resorted to terrorism or asked for the division of the country for the settlement of our grievances. If there is one community in Sri Lanka that could legitimately complain of being discriminated by the State in the field of education, employment, land alienation, colonization and subjected to cold blooded murder, arson, and looting by the Tamil Militants in our Traditional Homeland in the North & East, it could be the Muslim Community.

Sri Lanka Government refused to listen to the grievances of the minorities. The Tamils went to the Tamil Nadu State in India and the Western Countries with their grievances. We have many Muslims and Arab countries around us to listen to our grievances also. But Muslims have not yet gone to these countries in order to obtain military training and financial help to protect our lives and legitimate rights.

It is for the first time in the history of Sri Lanka that steps are being taken to share power with the minorities. Therefore, we the Muslims do not wish to be ignored and our legitimate rights are denied just because we do not have armed terrorist and fought for the separation of Sri Lanka.

If the unit of devolution of power is Province, a fair and just arrangement would be to establish 7 Provinces for the 74% Sinhalese, 2 Provinces for the 18% Tamils and 1 Province for the 8 % Muslims.

The Northern and the Eastern Provinces are the Traditional Homeland of the Sri Lanka Tamils and Sri Lanka Muslims. The expression "Tamil Speaking People" refers not to one ethnic group but in fact to three ethnic groups, namely the Sri Lanka Tamils, Sri Lanka Muslims, and the Indian Tamils. The expression "Traditional Homeland of the Tamil Speaking People" refers to a geographical area covering the present Northern and Eastern provinces. Indian Tamils never lived here traditionally and therefore it cannot be their Homeland. Eastern and Northern provinces are as much the Traditional Homeland of the Sri Lanka Muslims as that of the Sri Lanka Tamils.

Muslims are a significant minority – 33% in the Eastern Province and we are politically diluted to 18% by merging with the Northern Province. When deciding on minority representation to the House of Representatives – the Parliament, from the Eastern Province, the Delimitation Commission of 1976, had demarcated five (5) electorates for the Tamils and five (5) electorates for the Muslims. Even in the last Provincial Council Election held on 19 November 1988 Muslims and Tamils elected equal representative 17 members each from the Eastern Province. In the parliamentary election of December 2001, 8 Muslims and 5 Tamils were elected.

MUSLIMS ARE POLITICALLY STRONG, ECONOMICALLY AND EDUCATIONALLY BETTER THAN THE TAMILS IN THE EASTERN PROVINCE. THE MERGER OF EAST WITH THE NORTH IS AGAINST THE POLITICAL, ECONOMICAL AND EDUCATIONAL INTEREST OF THE MUSLIMS. LIKE THE TAMILS, THE MUSLIMS ALSO WANT A SEPARATE COUNCIL COMPRISING THE TRADITIONAL HOMELANDS OF THE MUSLIMS IN THE NORTHERN AND EASTERN PROVINCES TO SHARE POWER.

Provincial Council Act No.42 of 1987 prevents the Presidential Proclamation of the merger till the surrendering of arms and cessation of Hostilities by the Militants. But the Former President Jayawardena, used his special powers as Executive President, proclaimed the temporary merger of the Eastern and Northern Province and made the Muslims of the Eastern and Northern Provinces a community of political and social slaves under the Tamils.

Mr. G.G. Ponnambalam demanded fifty-fifty and balance representation because he did not want the 18% Tamils to remain a permanent minority under the 74% Sinhalese. On the same basis, we the 18% Muslims do not wish to remain a permanent minority under the 70% Tamils in the merged North-East Province.

The Muslims in the Sinhalese areas are supposed to be living peacefully among the Sinhalese by supporting the aspirations of the Sinhalese. Similarly, the Muslims in the Tamil speaking areas can also live peacefully by supporting the aspirations of the Tamils. As we all know the aspiration of the Tamils in the Northern and Eastern Provinces is to establish the Tamil Eelam or a single council merging the two provinces. Muslims supporting the Tamils at this crucial time would work wonders to achieve what the Tamils want. The moment the Muslims in the Tamil speaking area join the Tamils, the Sinhalese and Muslims living in the Sinhalese areas would make the biggest noise complaining that we have cut their throats.

On the other hand, with the help of the Colombo based Muslim leaders, Muslim Ministers, and Muslim M.PP of the Eastern Province, if the Sinhalese succeed in dividing the Muslims from the Tamils in the Eastern province and form a coalition with Muslims and Sinhalese, the Tamils will naturally consider the Muslims living among them are a cut-throat community and a hindrance to them to share power devolved on the Eastern Province – Provincial Council, on account of the great sacrifice the Tamil community had made during the last 45 years. Tamils are not so foolish to ignore this eventualities and that is why the Tamils are opposing a single Provincial Council for the Eastern Province and strongly insisting for the merged North-East Provincial Council.

As much as we do not wish to be a hindrance to the Tamils, we do not wish to let down the Sinhalese at the crucial time. That is why the Eastern Province Muslims do not support a single Provincial Council for the Eastern Province and have put forward the proposal for A SEPARATE MUSLIM PROVINCIAL COUNCIL COMPRISING THE MUSLIM HOMELAND IN THE NORTH AND EAST, SO THAT WE COULD DECIDE WHAT IS GOOD OR BAD FOR US WITHOUT HURTING THE SINHALESE OR TAMILS.

NORTHERN AND EASTERN PROVINCES ARE THE HOMELAND OF THE TAMILS AND MUSLIMS. MUSLIMS BEING AN INDEPENDENT ETHNIC COMMUNITY, SHOULD HAVE EQUAL OPPORTUNITY LIKE THE TAMILS TO SHARE POWER. A SEPARATE POWER SHARING COUNCIL IN OUR HOMELAND IS OUR LEGITIMATE RIGHT.

DEVOLUTION

What we have today in Sri Lanka is Ethnic grievances and not a Tamil problem. Grievances are not confined to one community nor to the followers of one religion. The Sinhalese, Tamils and Muslims have grievances. Various political solutions have been attempted for the settlement of ethnic grievances. The Bandaranayake Chelvanayakam Pact, the Dudley Senanayake – Chelvanayakam pact and Annexure " C " are the well-known solutions that have been seriously proposed for implementation. The common feature in all these proposals is the substantial devolution of power. All leading personalities in Sri Lanka at one time or other, have accepted the principal of devolution of power to settle ethnic grievances.

As a compromise between the highly centralized unitary system and a separate State, powers should be properly shared by all ethnic groups-Sinhalese, Tamils and Muslims. Patchwork and halfway measures will only make settlement difficult. There should be genuine sharing of power and the division of powers between the Center and the peripheral units should be incorporated in the Constitution which would ensure the unity, integrity and sovereignty of the country. The powers transferred should enable the ethnic minorities, Tamils and Muslims assume responsibilities and participate fully in decision-making process in those areas where they are a majority.

MUSLIMS NOT OPPOSED TO MERGER

The Tamil moderates and the armed Eelam fighters have said that if they are not given a viable alternative for a separate state, they would continue their struggle till they finally achieve what they want. What they have in mind we believe, as a viable alternative, is a single council merging the Northern and Eastern provinces.

The Merger of Northern and the Eastern Province was refused on the ground that the Muslims in the East are opposing to it. The Muslims oppose the merger mainly because they would become an insignificant minority under the Tamils. But they are not opposed to the merger of the Tamil areas leaving the Traditional Muslim homelands in the North-East for a separate Muslims majority Provincial Council.

MUSLIM MAJORITY PROVINCIAL COUNCIL

Since Muslims are a recognized major Ethnic group in Sri Lanka it is our legitimate right to have a separate Province where the Muslims will be of sufficient majority to form a council and to share powers like the other two major Ethnic Groups – Sinhalese & Tamils.

The proposed Provincial Council for Muslims can be in the Eastern Province. The area of authority of this council would include the three predominant Muslim Electorates-Kalmuani, Sammanthurai, and Pottuvil including the balance part of Wewagampattu South. Extent approximately 920 sq. Miles in the present Amparai District as the base and the non – contiguous Muslim areas of Katankudi, Eravur, Valaichenai, Ottamavadi, Muttur, Kinniya, Thampalagamam and Kucheveli. In the event of a merger of the Tamil areas of the Eastern province with the Northern Province, Musali and Erikalampiti in Mannar District should also be joined with the provincial Council for Muslims . These Traditional Muslim homelands which are non-contiguous should be first made community oriented Pradesheeya Sabhas – and considered as parts of the Muslim Provincial Council. This would incorporate a little more than 85% or 380,000 Muslim of the total Muslims Population of 450,000 in the North-East There will be about 90,000 Tamils and 45,000 Sinhalese also in the Council for Muslims. Muslims will be more than 72% in the proposed Muslim Council.

The Problem of administrating the non-contiguous areas is not as impossible as it is made out to be. For example the former French possession in India-Pondicheri, parts of it fall in the different states Kerala, Tamil Nadu and Andhra Pradesh where three different languages are spoken and administrated as a separate Union State. Where as in Sri Lanka all the Muslims in the Tamil speaking area speak Tamil and their grievances with regard to land, language, economy and employment are same. What we are asking here is a Provincial Council on the administrative pattern of non-contiguous Union State in India.

HISTORICAL ADMISSION OF THE NEED FOR MUSLIMS TO SHARE POWER

1. Resolution at Federal Party Convention in 1959.
Separate Power Sharing Unit for Muslims in the Tamil Region.
2. Bandaranaike – Chelvanayam Pack.
Eastern Province to have two or more councils.
3. Tamil United Liberation Front – TULF Parliamentary Election Manifesto 1997.
Identification of the traditional Muslim homeland in the proposed Tamil Elam and the recognition of the inalienable right to self determination of the Muslims.
4. Discussions between the leaders of the Tamil United Liberation Front and the Council of Muslims of Dr. Badi-ud-din Mahmud in 1987.
Special arrangements for sharing of powers with Tamils in the merged North-East Region.
5. Discussions between the LTTE and MULF in 1988.
Special arrangements for sharing of powers with Tamils in the merged North-East Region.
6. Discussions between the All Ceylon Tamil Congress and Sri Lanka Muslim Congress.
Non-contiguous Power Sharing Unit for Muslims in North-East region.
7. DPA Presidential Election Manifesto 1988.
Non-contiguous Muslim majority power sharing unit in the merged North-East region.
8. PA Government's proposal for constitutional Reforms – October 1997
Establishment of South Eastern Regional Council comprising the electorates of Kalmunai, Samanthurai and Pothuvil.

MUSLIMS AND THE INTERIM COUNCIL IN THE NORTH - EAST

For the Muslims to accept the Interim Council in the merged Northeast region, there should be constitutional safeguards and effective power sharing arrangements for the Muslims.

There are five important concerns:

- (1) The separate and distinct identity of the Muslim and the areas of the identified traditional homelands of the Muslims should be preserved and protected.
- (2) The Law and Order in the identified Muslim home lands should be in the hands of the Muslims.
- (3) Adequate arrangements should be made to ensure that in the representation to the Interim council, Muslims should enjoy and exercise effective political power and influence.
- (4) Adequate arrangements should be made to ensure that in regard to employment and economic investments, the traditional Muslim home lands should have an equitable share.
- (5) Institutional arrangement should be worked out to link the Muslim majority Divisional Secretariat divisions and Pradeshiya Sabhas in the Northeast region in such a manner as to constitute separate administrative and political units within the region.

The proposed Interim Council will have a Police force consisting mainly if not solely of Tamils. In the process one cannot be unmindful of the strong likelihood that most vacancies in the cadre of the proposed police force will be filled with Tamil militants. In such a situation it will lead to considerable fear, anxiety and tension in the Muslim community. Muslims do not wish to be terrorized any longer by the Tamil militants. Therefore, the security arrangements in the traditional Muslim home lands should be in the hands of the Muslims.

Since all settlements in the Northeast region on state land, will be under the control of the Tamil majority Interim Council, the identified traditional Muslim home lands, should be protected from colonization by the Tamils. Entitlement of state lands for the Muslims in the land alienation should not be less than 35% in the Eastern Province, 30% in the Mannar District and 5% in the rest of the Northern Province.

Muslim majority Pradeshiya Sabhas and Divisional Secretariat Divisions comprising the legitimate residential and agricultural areas and natural resources should be created in Kattankudi, Eravur, Oddamawadi and Valaichenai in the Batticaloa District, Muthur, Kinniya, Thanpalagamam, Thoppur and Kuchcheveli in the Trincomalee District and Musali and Erukkalampitti in the Mannar District.

Separate Muslim majority political and administrative districts should be created linking the Muslim Majority Pradeshiya Sabhas and Divisional Secretariate Divisions in the Batticaloa, Ampara Trincomalee and Mannar District.

Since Muslims have to sacrifice their legitimate right for a separate council and the political advantage in the Eastern Province, sufficient weightage should be given for the Muslims.

In order to ensure maximum safeguards and to enable them to enjoy equitable power sharing, provision should be made for the Muslims to be entitled to not less than 30% of the representation and members of the Cabinet of Ministers of the North-east Interim Council.

Unless a Muslim has been appointed as the Chief Minister of the North-East Interim Council, provision should be made to ensure a Muslim is appointed as the Deputy Chief Minister who will be in charge of the affairs in the traditional Muslim home lands.

Muslim should be entitled to job opportunities in the public sector in proportion to their population in each district in the Northeast region.

In the field of Education, special consideration should be given to Muslim Schools in the backward areas. Separate educational facilities should be provided for the benefit of the Muslims upto the university level.

No legislation that would affects the rights of the Muslims or involve their identity and interest will be passed by the North-East Interim Council unless three fourths of the Muslim members in the Council support for such legislation.

INTERIM COUNCIL

1. There shall be established an interim council for the administration of the Northern and Eastern Provinces for a period of 2 years.
2. The objective of the interim council shall be to establish peace and normalcy in the Northern and the Eastern provinces.
3. During the interim period the council shall ensure the de-escalation of violence and the decommissioning of illegally held arms in the possession of all militants.

CONSTITUTION OF THE INTERIM COUNCIL

- i. The total number of the members of the interim council shall consist of such number of members as is equal to the total number of members entitle to be returned in accordance with the determination by the Commissioner of Elections under Section 3(3) of the Provincial Councils elections Act of 1998 from the several districts of the Northern and Eastern Provinces to the Northeast provincial Council.
- ii. The Interim Council should consist of representatives from all three communities living in the Northern and Eastern Provinces.
- iii. President will decide on the proportion of membership among the three communities. (It is suggested that there should be a minimum of 30% of the members ar Muslims)
- iv. President will call upon the political parties representing the people of the Northern and Eastern provinces to nominate their representatives to the interim Council in proportion to the number of seats they have in Parliament.

POWERS AND FUNCTIONS OF THE INTERIM COUNCIL

- (i) The Interim Council shall be entitled to exercise all the powers of *the* Regional Councils established under new Constitution.
- (ii) The powers of the Interim Council shall be enshrined in the Constitution.
- (iii) The functions of the Interim Council and its relations with the Governor will be laid down in the Constitution.
- (iv) The core subjects and functions to be assigned to the Chief Minister, Deputy Chief Minister and the other Ministers shall also be enshrined in the Constitution.

ADMINISTRATION

All Muslim majority Divisional Secretary Division in Ampara, Batticaloa, Trincomalee and Mannar District should be clustered and brought under separate Muslim District Secretaries in each district.

IMPLEMENTING AGENCY OF THE INTERIM COUNCIL

- I. All the development programmes of the interim council shall be channeled through the respective Local Authorities.
- II. As soon as the interim council is established; the central government shall proceed to appoint a delimitation commission to establish ethnic oriented local authority areas all over the North and Eastern Provinces.
- III. As far as possible and practical the commission shall endeavor to bring in within the same Local Authority area all the residential and agricultural and other areas and resources of the people of the same community.
- IV. The delimitation commission in the process shall also re-examine the boundaries of the existing local authorities and may recommend the creation of such additional number of ethnic oriented local authority areas with a view to allay the fears and suspicions of the different communities and people.

- V. Such new local authorities as recommended shall be established within a period of six months (6) and the Central Government with the assistance of the Interim Council shall ensure the holding of elections to all local authorities and other local authorities in the region whose term of office has expired.

MINORITY SAFEGUARDS

There will be the following safeguards to ensure that all communities in the Northern and Eastern provinces can participate and work together successfully in the operation of the Interim Council:-

- I. The Interim Council shall function in committees.
- ii. There shall be allocated Committee Chairs, Ministers and Committee Membership to all communities.
- iii. Key decisions and legislations should be proofed to ensure that they do not infringe the fundamental rights enshrined in the constitution.
- iv. Any decision of the interim council should not be valid.
 - a. If it prohibits to restrict the free exercise for any religion.
 - b. If it makes persons of any community or religion liable to disabilities. or restrictions to which persons of other communities or religions are not made liable, or
 - c. confer on any person or community or religion any privilege or advantage which is not conferred on person of other communities or religions, or
 - d. alter the constitution of any religious body except with the consent of the governing authority of that body (similar to Section 29 of the Soulbury constitution)
- v. The following key decisions and directives that may affect one or more minority communities of the region not to be valid except with a double majority.
 - a. Election of Chair to the Interim Council.
 - b. Election of the Chief Minister
 - c. Election of the Deputy Chief Minister.
 - d. Standing orders, and budget allocations.
- vi. Deputy Chief Minister of the Interim Council also to be a member of the Chief Ministers Conference as well as the Land and Water Use Council.

CABINET AND ITS SIZE

- i. There shall be a minimum of eleven (11) members in the Cabinet of the Interim Council.
- ii. Out of the eleven (11), Three (3) shall be members of the first minority of the region.

- iii. There shall be a minimum of one (1) member from the second minority of the region.
- iv. The Deputy Chief Minister/ and the other cabinet Ministers of the Minority communities of the region should have the confidence of the majority members of their respective communities in the interim council.

LAW AND ORDER

1. Whilst the Chief Minister shall be in over all charge for Law and Order in the Northern and Eastern Provinces – he shall exercise his powers through the Deputy Chief Minister who will be directly answerable for Law and Order in the traditional Muslim home land.
2. There shall be a Police Station in every Local Authority area and the composition of the Police Force shall reflect the ethnic composition of the said Local Authority.
3. All Police Stations in the traditional Muslim home land should come under the respective Muslim District Superintendent, Province Senior Superintendent and Regional Deputy Inspector General.

BUDGET ALLOCATIONS

The Finance Commission shall take into consideration the following matters before allocating funds and give appropriate directives to the Interim Council.

- i. The disparity already prevailing in certain under developed Local Authority areas.
- ii. The size of the population and geographic area of the Local Authority.
- iii. The interim council should expend such funds as are allocated to it by the Central Government in accordance with the guidelines provided by the Finance Commission.
- iv. The Interim Council should also ensure that minority communities within a particular Local Authority should not in any way be discriminated in the allocation of funds for development.

EMPLOYMENT OPPORTUNITIES

All employment opportunities in the Eastern and Northern provinces shall be given on merit and according to the ethnic proportions of the respective districts in which such vacancies are available.

STATE LANDS

1. It shall be illegal for the Interim Council to distribute State lands in any way that would disturb the demographic pattern of any particular Local Authority or Administrative Division or District.
2. State lands shall be preserved by the Interim Council for those landless persons of the district according to the demographic pattern of the said district. Any excess land in any district shall be distributed on priority basis to those landless of the adjoining district subject to the rule relating to demographic pattern.

RESETTLEMENT OF DISPLACED PEOPLE

The Interim Council shall ensure quickly as possible to re-settle and rehabilitate all those people who have been forcibly displaced since the beginning of the ethnic strife. It shall also be the duty of the Interim Council to reconstruct the lives of the forcibly displaced people and enable them to re-possess their lost dwellings and properties with adequate compensation.

CULTURAL COMMITTEES

1. There shall be established three (3) cultural committees one each in respect of every community of the region.
2. All members of the interim council belonging to one ethnic community shall ipso facto constitute the cultural committee of the said community.
3. The cultural committee shall function under the respective chairperson elected by the members of the respective communities.
4. All heads of local authorities belonging to the same community within the region could also take part in the deliberations of the cultural committees.
5. A Cultural Committee in addition to religious and cultural matters may also discuss and decide on any other matters of common interest of the said community in the region.
6. The interim Council shall in the Annual Budget allocate specified sums of money at the independent disposal of each cultural committee for the benefit of the development of the different cultures of all communities in the region.

EQUALITY COMMISSION

There shall also be established an Equality Commission to monitor the statutory obligations of the Interim Council to promote equal opportunity in specific areas and parity of esteem between any two communities and to investigate individual complaints against public bodies.

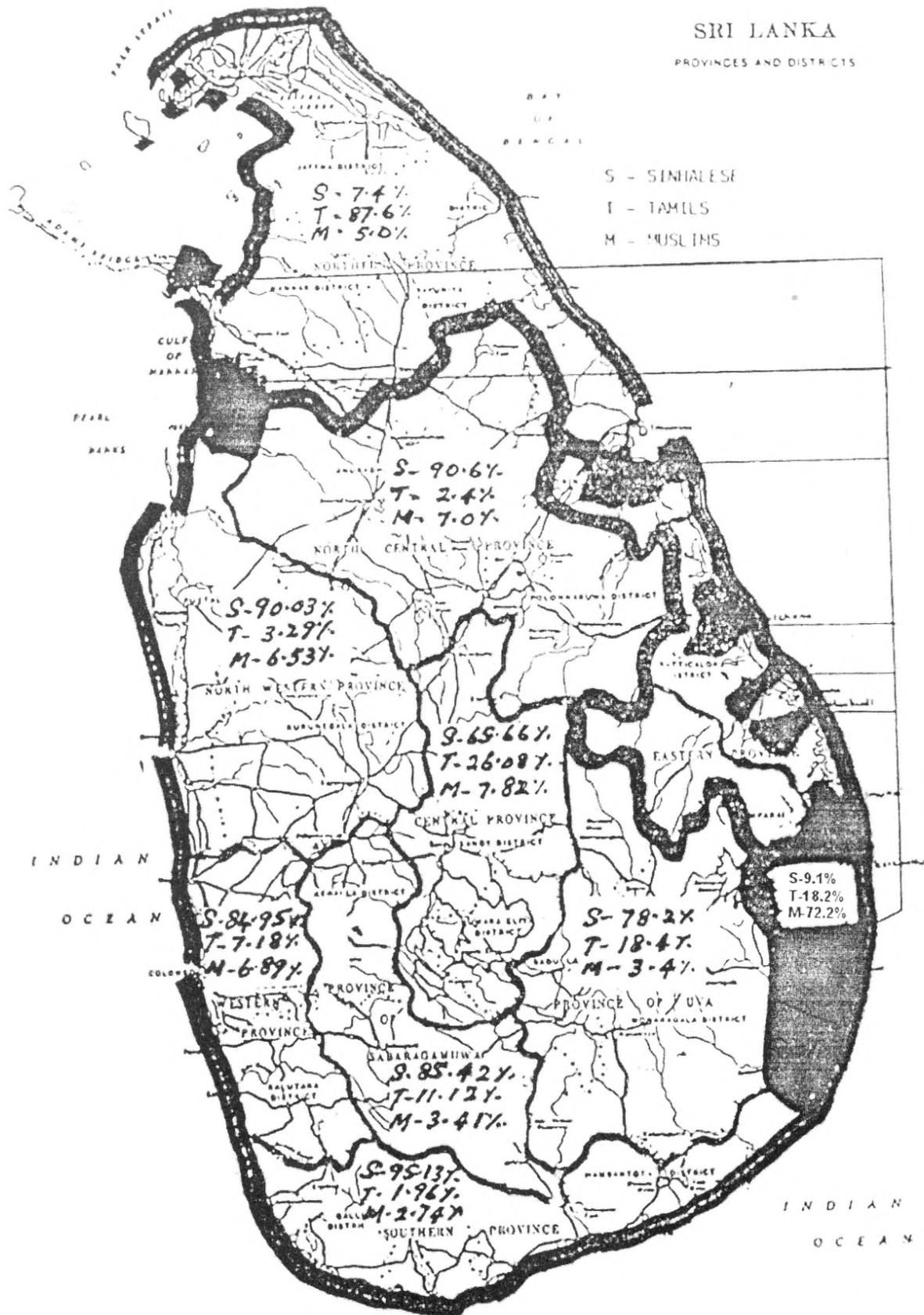
REFERENDUM

A referendum shall be held at the expiration of two years from the commencement of the constitution of the Interim Council, in the traditional Muslim home lands in the administrative districts of Ampara, Batticaloa, Trincomalee, Jaffna, Kilinochchi, Vavunia, Mannar and Mullaithivu, for the Muslim electors of such districts to decide on the question of whether or not the traditional Muslim home lands in Ampara, Batticaloa, Trincomalee, Jaffna, Kilinochchi, Vavunia, Mannar and Mullaithivu should remain to form the region to be designated the North-Eastern Region.

Where at such referendum the question-

1. is answered in the affirmative by a majority Muslim votes caste, a Regional Council shall be established for the North-East.
2. is not answered in the affirmative two (2) separate Regional Councils shall be established-
 - (a) a predominant Tamil unit called North-East Regional Council comprising the combined Northern and Eastern provinces but excluding the areas covered by the predominantly Muslim unit called South Eastern Region.
 - (b) a predominant Muslim unit called South Eastern Regional Council comprising the traditional Muslim home lands in Ampara, , Batticaloa, Trincomalee and Mannar Districts.

MAP SHOWING TRADITIONAL MUSLIM HOME LAND IN THE NORTH-EAST AREAS FOR MUSLIM MAJORITY POWER SHARING UNIT.



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