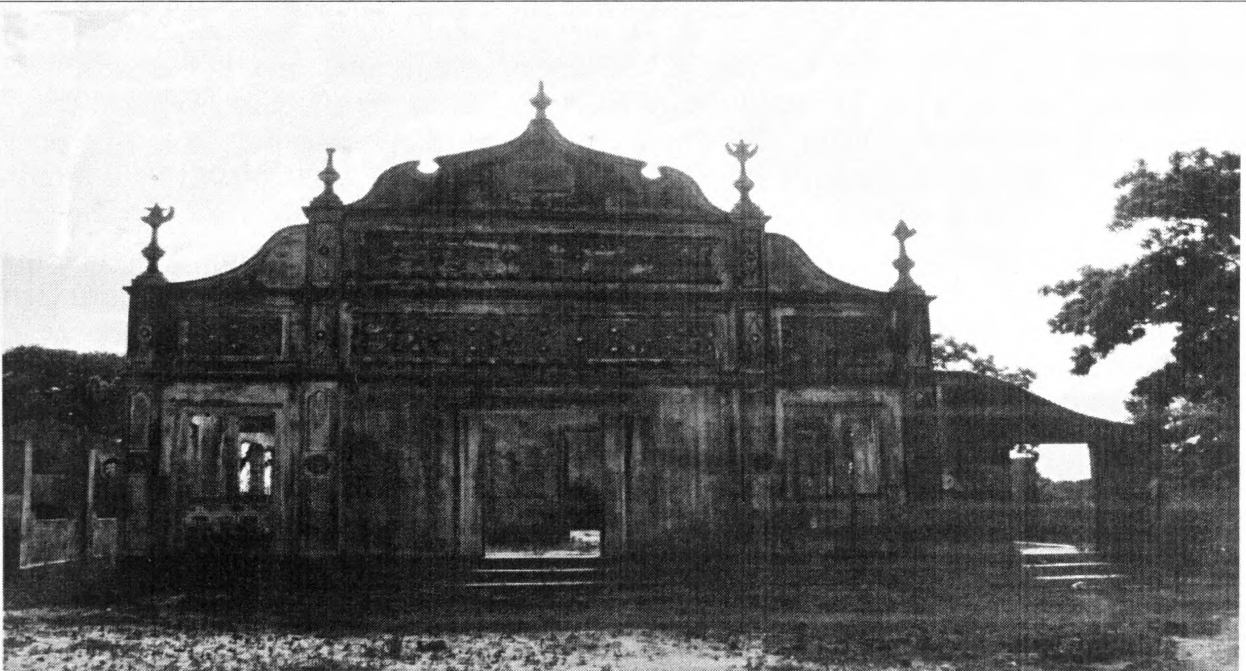
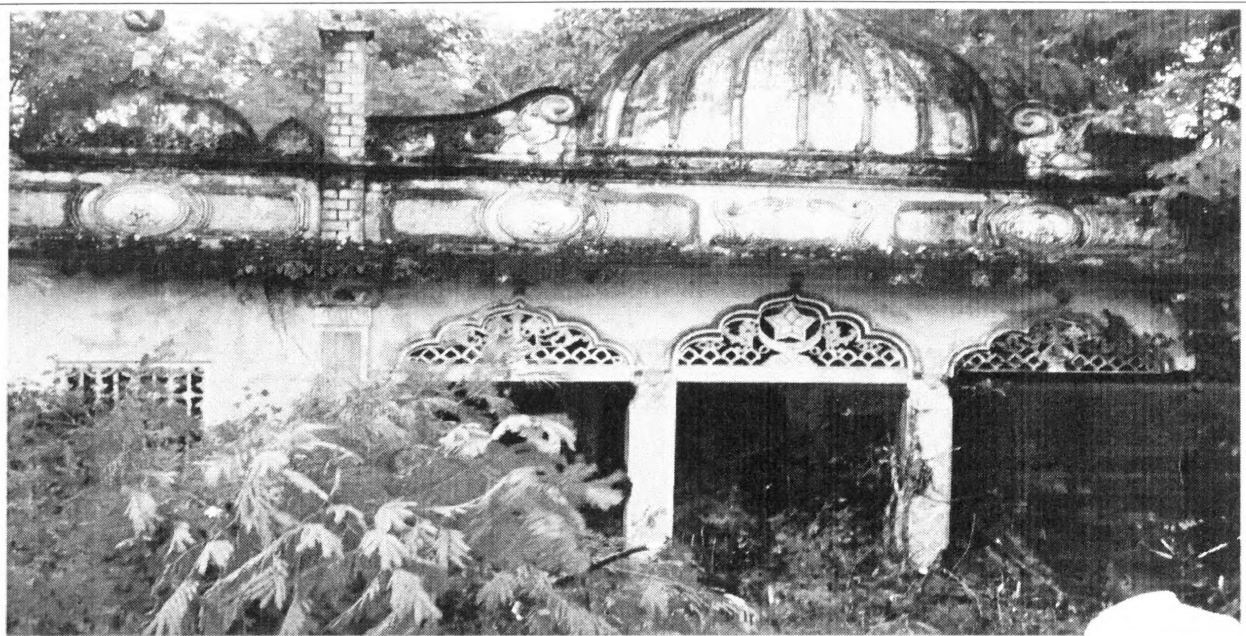
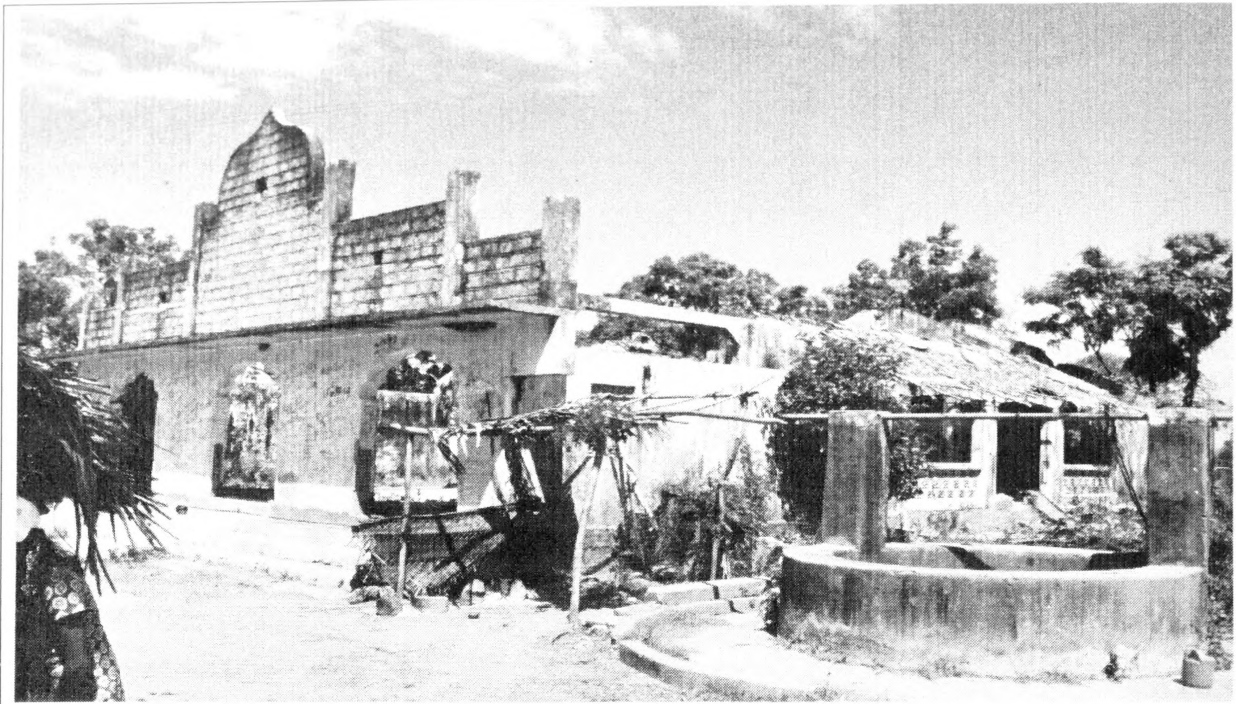


FOREST CONSERVATION LAWS AND RESETTLEMENT OF INTERNALLY DISPLACED MUSLIM FAMILIES IN MUSALI DS DIVISION, MANNAR DISTRICT.

Soon after the war in May 2009, the displaced Muslims in Marichchukkaddi, Karadikkuli, and Palakkuli G.S Divisions in the Musali D.S Division, Mannar District, returned after 25 years, and renovated their old Mosques –Mohideen Mosque, Registered No. R/393/MN/15, Chief Trustee Mr. Dawood Alim in Marichchukkaddi G.S. Division, Mohideen Mosque – Registered No. R/409/MN/16, Chief Trustee Mr. Hussain in Karadikkuli G.S. Division and also the Mohideen Jumma Mosque, Registered No. R/1536/MN/60, Chief Trustee Mr. Hameed in Palakkuli G.S Division.





On October 10, 2012, the Government of Sri Lanka published an extraordinary gazette under section 3 of the Forest Conservation Ordinance (Chapter 451) as amended by Acts, No.13 of 1966, No.56 of 1979, No.13 of 1982, No.84 of 1988, No.23 of 1995 and No.65 of 2009. The notification refers to rules and regulations concerning entry and use of those reserved forest. It also states that violators will be punished by law.

According to the Gazette a total of 6,042 hectares have been declared as reserved forest in the said Marichchukkaddi and Karadikkuli areas. When inspecting the boundary line of Marchchukkaddi / Karadikkuli forest reserve declared, one can notice that it covers the settlement of the most populous villages of Musali DS Division.

His Excellency the president of Sri Lanka, issued orders on 09/05/2015 to immediately halt the deforestation and the settlement of the IDPs inside the declared forest reserved. The order was issued following allegations that the people were being resettled inside the Wilpattu National Park. It became effective from the date of notification, October 10, 2012. The notification entrusts powers to the respective government officials to implement strictly.

The demarcation of reserved forest boundary ignored ground realities. For Example, the demarcation included the places where people lived in the south of Kallaru River up to Modaragama River while it excluded the abandoned cashew plantation where the forest cover was much more dense and taller. It is difficult to ascertain whether it was done intentionally or mistakenly.

The area that had been the place of human habitation and religious practices has become the area of secondary forest owing to the absence of people, who had been forcibly and unlawfully evicted in October 1990.

Many practical problems arise from the demarcation of the forest reserve in Marichchukkaddi, Karadikkuli and Paalakkuli. On the one hand, the Forest Department restricts the habitable area, and the state armed forces forcibly occupying lands and houses is the other.

The declared reserved forest area is the place of living and religious activities for centuries. Can any person or body, any act or policy deny the right of the IDPs to their own places of living and desire to retain their rightful and original assets and properties?

The “IDPs” returned to this area in 2011. They realized that they could not occupy their former homes because some of them had already been taken over by the security forces and the rest was in a state of total dilapidation due to long years of absence of people. Returnees looked for alternative locations within immediate surroundings. They looked for land that felt like home and was close to their areas of livelihood, namely paddy, Chena cultivation and cattle arming.

Basic land clearance had already been completed by the time the gazette notification came into effect. By this time, returnees felt that they had their legal rights to most of the lands of this areas owned on Title Deeds, Government Permits and PLR. In fact, gazette notification can be seen as a directive that was rushed into publication and it has to be understood that the gazette notification came into effect only after October 10, 2012.

The Muslim Internally Displaced People –IDPs have the right to return and the right to regain their own and customary assets, property and also the right to live in their places of origin. They suffered for more than 25 years.

UN Guiding Principles for the Resettlement of Internally Displaced persons (IDPs)

The Guiding Principles on Internal Displacement were adopted by the Commission on Human Right and Economic and Social Council in 1998.

Choice of Residence

Principle 15: Te IDPs have the right to return to the area they used to reside before the displacement. This right is crucial for the Muslim IDPs who have lost their homes and belongings.

Adequate standard of Living

Principle 18: the state is responsible to provide the IDPs with essential food, water shelter, clothing essential medical services and sanitation.

Resettlement of Internally Displaced People (IDPs) in the Marichukkaddi, Karadikkuli and Paalakkukli.

The people affected expect individual attention and specific solutions to suit different families. The agencies that deal with the issues of livelihood restoration will be required to visit each family and or household to find out how best they can be assisted. This is a painstaking exercise but we have no choice in the matter of the objective is to ensure that people who lost their livelihoods regain their economic strength within a reasonable period of time.

Resettlement

For planning the resettlement program, it is essential to have reliable and accurate information from the respective displaced families, It is a complex process that should be handled with the full participation of all stakeholders at the grass roots level. If this is not done properly, it can have adverse effects in the quality of life of the victims.

Unless the displaced people have proper plans, estimates and a comprehensive work program, it is not possible to resettle the families forcibly displaced from Marichukkaddi, Karadikkuli and Paalakkukli.

The activities under this program would be the establishment of Regional Offices in Colombo, Puttalam and Mannar. These project offices would engage professionally qualified and experienced Land surveyors to carry out the investigations and prepare the detail plans and estimates for the work that have to be carried out with the approval of the respective Divisional Secretaries for the resettlement of the Returned internally displaced people from Marichukkaddi, Karadikkuli and Paalakkukli.

Urgent Works that have to be carried out prior to the resettlement.

- a. Clearing of unlawful occupants from all residential, commercial and religious buildings own by Muslim IDPs in Marichukkaddi, Karadikkuli and Paalakkukli.
- b. Surveying of the properties of the IDPs approved by the Respective Divisional Secretaries in Marichukkaddi, Karadikkuli and Paalakkukli.

Discussion Paper – 02

Houses for the Resettlement of Displaced families In the Northern Province.

Building houses for the resettlement of displaced families cannot be stepped up as long as the cost of construction remains high. Therefore, new methods for producing as many houses as possible with the least amount of funds available and within the shortest time have to be found out. The task is insuperable unless our building industry is reorganized by adopting new and quick techniques, which would help to build durable houses cheaper and quicker.

The use of industrially produced components eliminates waste and loses of time normally occur in the orthodox building methods. All components have to be fitted in the space allotted to them without expensive modification at site. Building blocks, concrete lintels, doors, windows, timber Purling, rafters, reapers and roofing tiles are examples of industrially manufactured housing components.

Low-cost houses for the internally displaced families can be built according to Type plans, and obligatory use of industrially produced components. A permanent house of 495 sq ft with tube well water, electricity and toilet can be built for Rs.1,000,000 each.

Village Profile - 2012

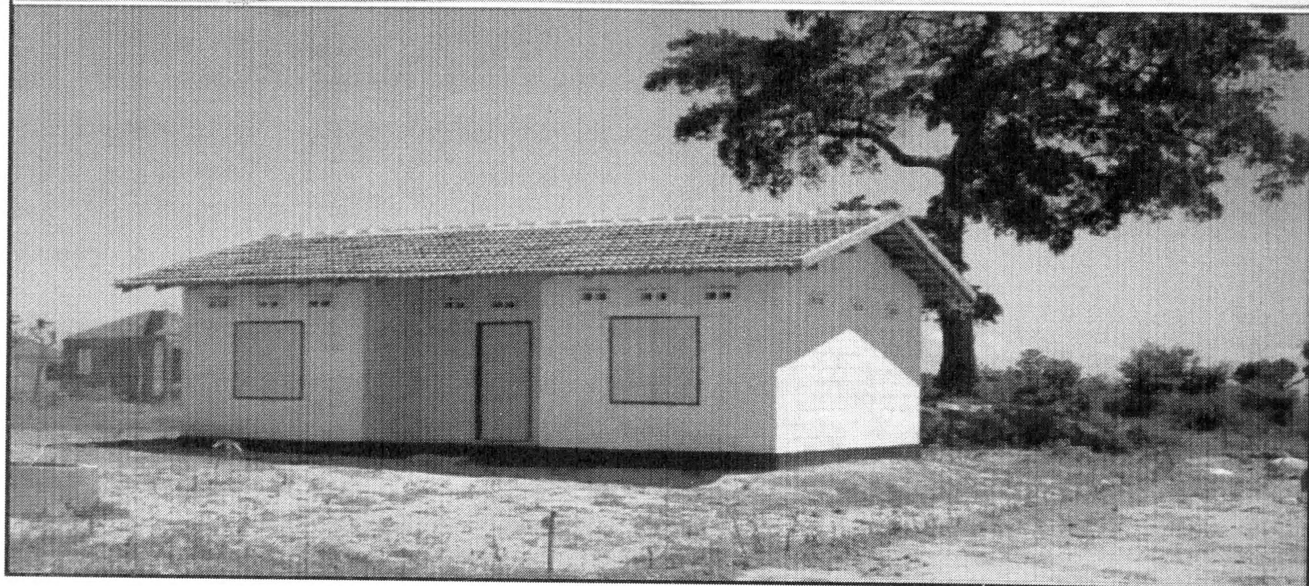
Mannar District	Displaced Population - 2012				Houses Required
DS. Divisions	Muslims	Tamils	Sinhalese	Total	
Mannar DS.Division	8285	941	32	9258	2428
Musali DS. Division	8516	350	0	8866	245
Nanattan DS. Division	2611	594	0	3205	1009
Manthai West DS Division	2401	128	0	2529	2562
Madu DS. Division	732	0	0	732	732
Total	22545	2013	32	24590	6976

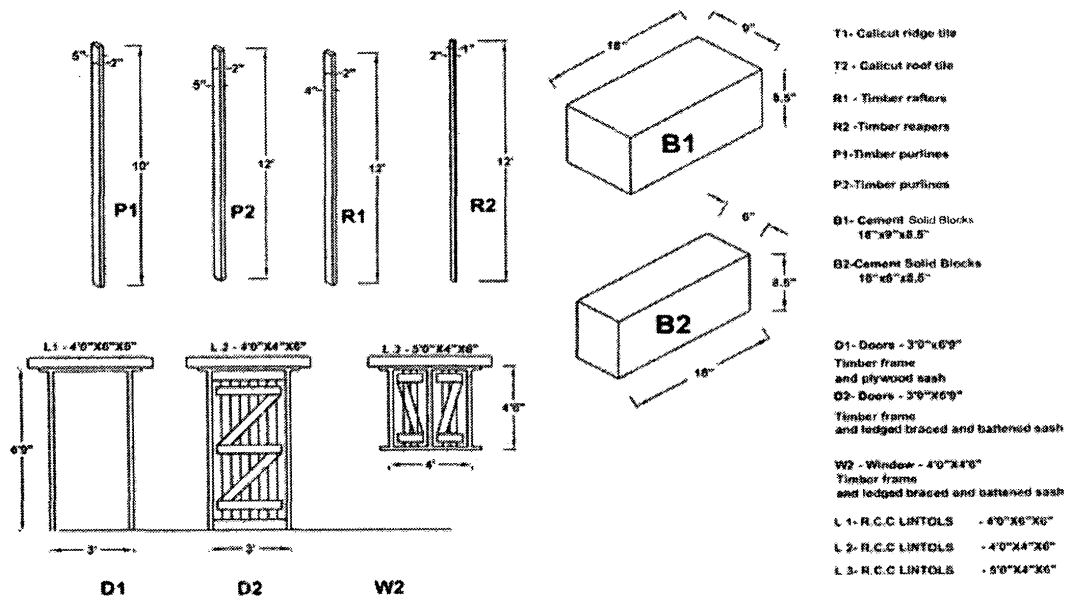
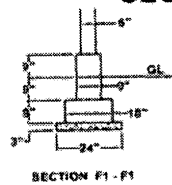
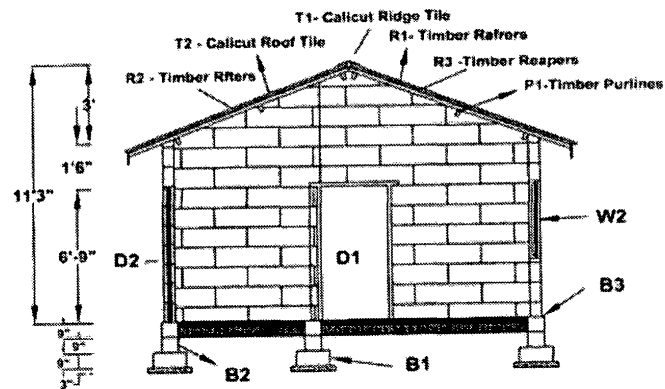
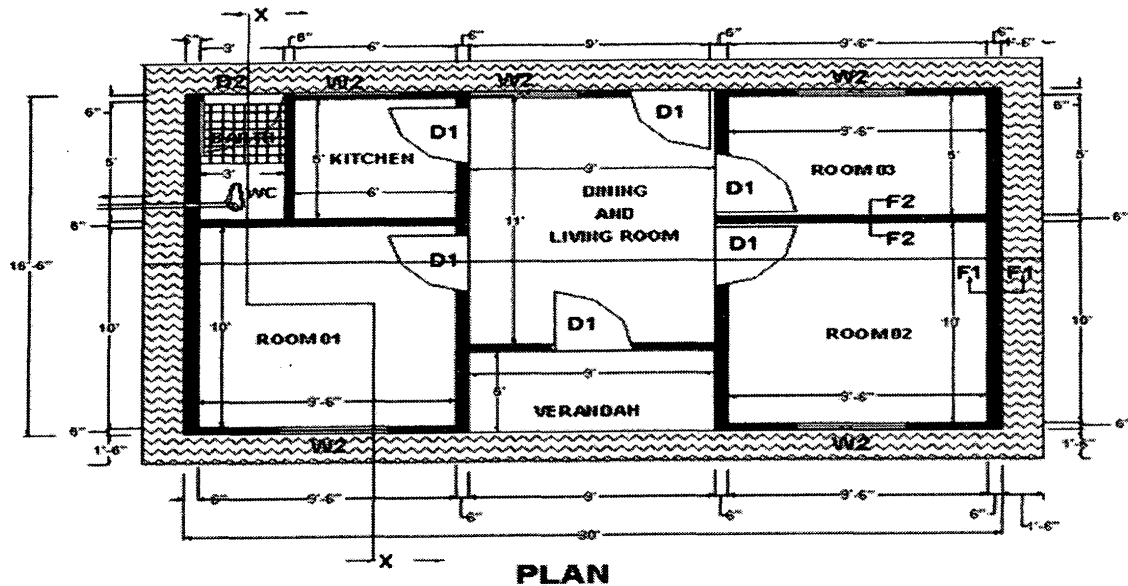
Vavuniya District	Displaced Population - 2012				Houses Required
DS. Divisions	Muslims	Tamils	Sinhalese	Total	
Vengkala chetti kulam DS.Division	2343	0	0	2343	539
Vavuniya DS. Division	1761	982	0	2743	878
Total	4104	982	0	5086	1417

Mullaitheevu District	Displaced Population - 2012				Houses
DS. Divisions	Muslims	Tamils	Sinhalese	Total	Required
Maritamepattu DS. Division	1421	32	0	1453	679
Total	1421	32	0	1453	679

Kilinochchi District	Displaced Population - 2012				Houses
DS. Divisions	Muslims	Tamils	Sinhalese	Total	Required
Karachi DS.Division	715	1831	0	2546	320
Nachikkuda DS. Division	465	364	1	830	300
Total	1180	2195	1	3376	620

Jaffna District	Displaced Population - 2012				Houses
DS. Divisions	Muslims	Tamils	Sinhalese	Total	Required
Jaffna DS. Division	496	2342	0	2838	1128
Total	496	2342	0	2838	1128
Grand Total	29746	7564	33	37343	10820

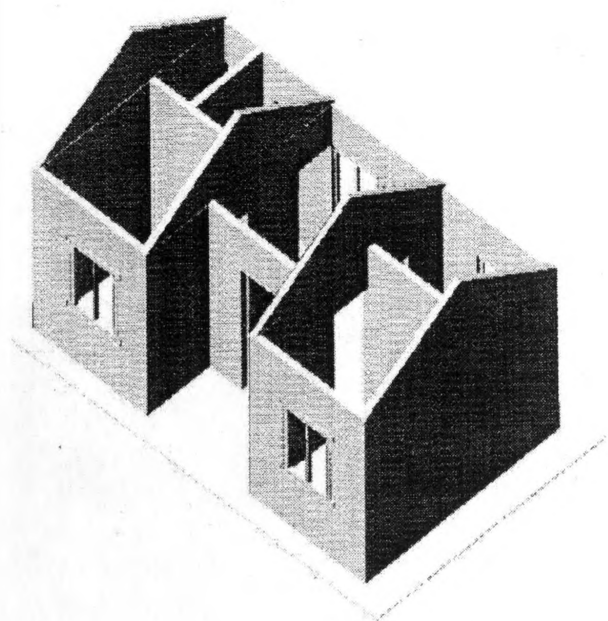




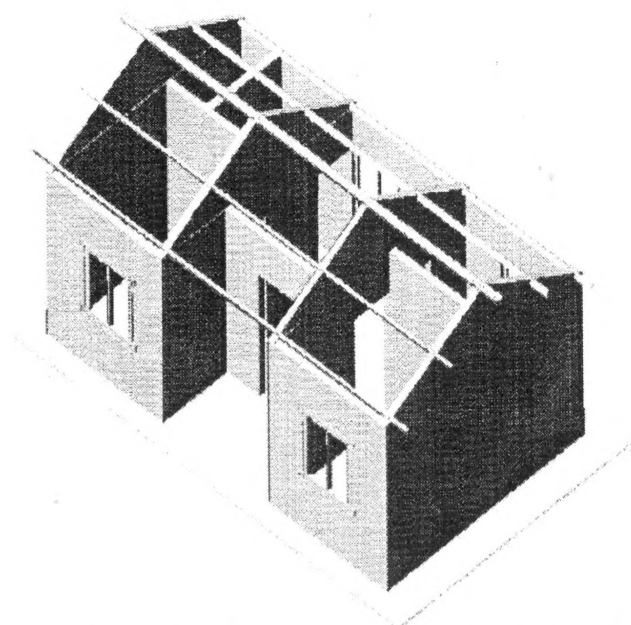




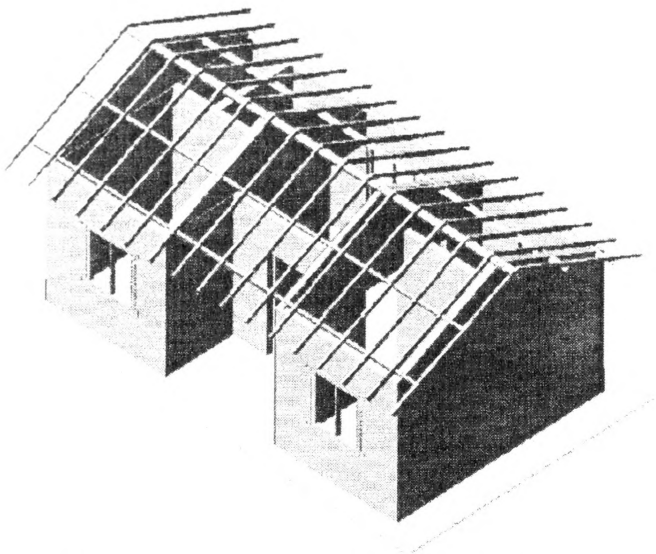




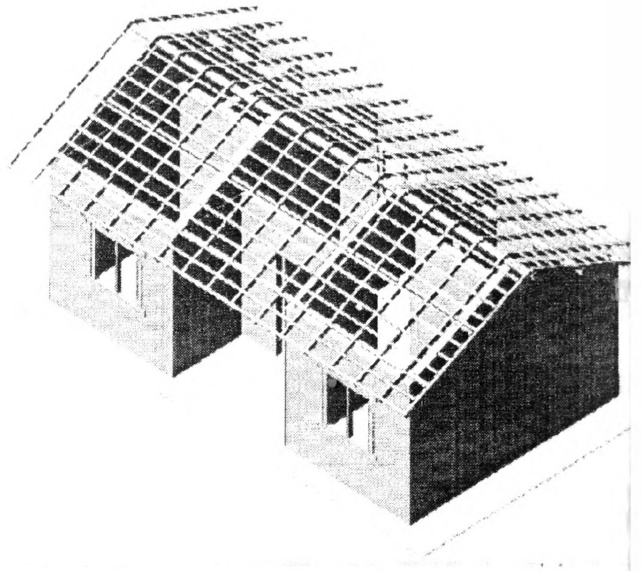
Walls with cement building blocks



Timber perkins on block gable wall



Timber rafters on timber perkins

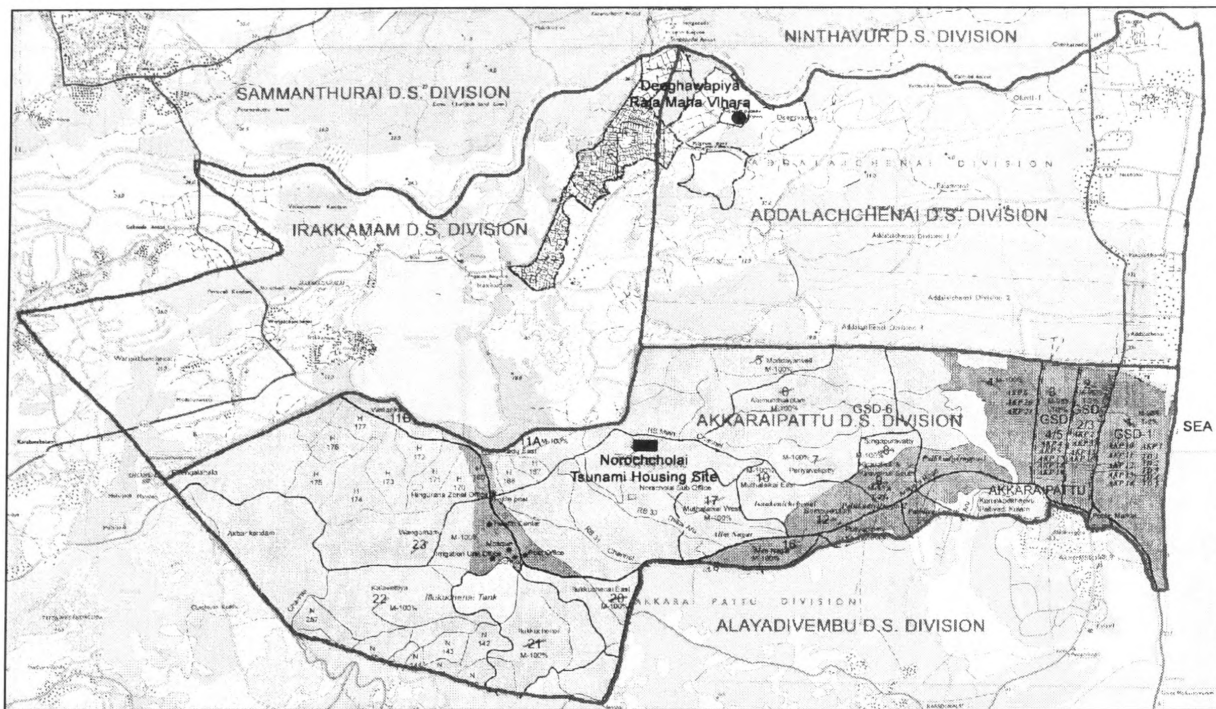


Timber reapers on timber rafters



2004 DECEMBER 26 'TSUNAMI' DESTRUCTIONS

Tsunami Housing project in Norochcholai, Akkaraipattu



1. Houses to resettle the displaced Tsunami victims were built on lands identified and approved by the Government Task Force to Rebuild the Nation – TAFREN. Accordingly 40 acres of highland, in block 223 in Norochcholai owned by Hingurana Sugar Industries Ltd., which was unsuitable for sugar cultivation and abandoned for more than 30 years, was allocated to Sri Lanka Red Cross society by TAFREN to construct 500 houses for the resettlement of Muslim families displaced by the Tsunami in Akkaraipattu D.S. Division, Ampara District.
2. Funds for the construction of this 500 houses and the necessary infra-structure was donated by Saudi Arabia.
3. The housing site at Norachcholai in Akkaraipattu D.S. Division is about 5 km down south of Deegawapi Maha Chaitiya in Addalachchenai D.S. Division.
4. Population, displaced families, housing units damaged and the housing units handed over to the displaced Tsunami victims in Ampara District.

D.S. Division	Population				Displaced Families	Houses Damaged	Houses Handed Over
	Total	Sinhalese	Tamils	Muslims			
Kalmunai (Tamils)	29,025 100%	248 0.9%	26,242 90.4%	1,957 6.7%	3,061	3,259	384
Kalmunai (Muslims)	42,852 100%	48 0.1%	115 0.3%	42,689 99%	2,647	3,766	270
Sainthamaruthu	25,147 100%	3 0%	- -	25,144 100%	1,448	2,381	0
Karathivu	16,656 100%	23 0%	10,034 60.2%	6,534 39.2%	1,209	1,756	141
Nintavur	25,652 100%	9 0%	1,129 44%	24,506 95.5%	771	1,510	100
Addalaichenai	39,721 100%	1,967 50%	404 1.0%	37,349 94.0%	632	568	92
Akkaraipattu	37,070 100%	119 0.3%	80 0.2%	36,864 99.4%	444	875	0
Alayadiwembu	22,289 100%	142 0.6%	22,008 98.7%	42 0.2%	1,097	290	312
Thirukkivil	24,972 100%	27 0.1%	24,944 99.3%	- -	3,724	2,431	458
Pottuvil	33,625 100%	667 0.2%	6,448 19.2%	26,493 78.8%	1,902	1,796	653
Lahugala	8,259 100%	7,500 90.8%	758 9.2%	- -	110	51	91
Total	305,268 100%	10,753 3.52%	98,888 32.39%	201,578 66.03%	17,045	18,683	2,517

Source: Department of Census and Statistics –Special Enumeration – 2007 and Additional G.A. Ampara

- According to the Department of Census and Statistics, there is no Sinhalese or Tamil Tsunami victims in Akkaraipattu D.S. Division.
- Up to June 2008, 91 houses have already been handed over to the Sinhalese in Lahugala D.S. Division, because there were no Tamils or Muslim Tsunami victims. 1,295 houses have been handed over to the Tamil Tsunami victims in Kalmunai, Karathevu, Alayadivembu and Thirukkivil D.S. Divisions because there were no Muslims or Sinhalese Tsunami victims. Similarly 1,115 houses have been handed over to the Muslims in Kalmunai, Nintavur, Addalaichenai and Pottuvil D.S. Divisions because there were no Tamils or Sinhalese Tsunami victims. There is no discrimination against Sinhala, Tamil or Muslim residents of the area in the allocation of houses for the resettlement of displaced Tsunami victims.
- Appointment of a Land Kachcheri for the allocation of the houses constructed for the Tsunami victims of Akkaraipattu to the Sinhalese who were not the Tsunami victims in Akkaraipattu by the Supreme Court judgment has created much dissatisfaction among the Muslims and the doner – Kingdom of Saudi Arabia.

DISCUSSION PAPER – 04

LOCAL GOVERNMENT AND MUSLIM ELECTED REPRESENTATIONS

The New Election System for Local Authorities

The government has approved the election of 70% members on the First Past the Post System based on wards and multi-member wards and the balance 30% members on Proportional Representation for Local Authorities. The Government has also proposed that the Local Authority areas should be re demarcated so as to create a geographically and population wise smaller units Local Government Wards, based on factors such as community participation, management skills, re-organization of development and improvement of economic requirements of the area and ensuring legitimate representation for the minority communities. Further, it is the view of the Government that the number of Local Authorities in a District should be increased, in order to ensure an effective Local Government System and good governance to the people as expected in terms of the new amendments.

National and District Delimitation Committees

- (1) The mandate for the National Delimitation Committee is to make Recommendations to the Minister for the division of each local authority area into wards, multi-member wards, determine the boundaries of each ward and assign a name and a number to such wards.
- (2) The National Delimitation Committee in making its recommendation for the division of a local authority area into wards and multi-member wards to take into consideration.
 - (a) The ratio of the ethnic composition of the local authority concerned, and the need to ensure just and fair representation for each ethnic group in that local authority area.
 - (b) The population of the local authority area and the ethnic density of such population.
 - (c) Equitable distribution of land area and its physical features according to population.
- (3) Where the National Delimitation Committee considers that it is appropriate to create a ward which should return more than one candidate, the Committee shall recommend the creation of multi member ward or wards, as the case may be, for any local authority.

Pradeshiya Sabhas, Urban Councils and Municipal Councils constituted under the provisions of the Pradeshiya Sabhas Act and Local Authorities Election (Amendment) Act did not give equal opportunities for the Muslims to participate in decision making process relating to Administration and Development activities at the local level.

In the list of local bodies, we find that the interests of the Muslim Community have been deliberately ignored when carving out the local bodies. Muslims do not have just and fair opportunity to elect Muslim members in Pradeshiya Sabhas, Urban Councils and Municipal Councils according to our ethnic ratio.

In the Kattukulam Pattu, Trincomalee District only one Muslim majority Kuchchaveli Pradeshiya Sabha is provided for the 33,100 population but for the 27,143 Sinhalese three Pradeshiya Sabhas were provided – Padavisiripura Pradeshiya Sabha 11,858, Gomarankadawala Pradeshiya Sabha 7,339 and Morawewa Pradeshiya Sabha 7,946.

The present Lahugala Pradeshiya Sabha area was part of the former Muslim majority Panamapattu. In 2012, the population of Lahugala Division is 8,900 and the land area allocated is 368 sq. miles, whereas the population of the balance Muslim majority Pottuvil is 34,749 for which the land area left was only 115 sq. miles.

According to the Gazette Notifications dated 12-05-1987 and 01-12-1992, the then governments have unilaterally established the Local Authorities without consulting the people, particularly when these sub-national units were meant to give an opportunity to the minority communities. **This has resulted in more than two-third Muslims living outside the Northern and Eastern Provinces have been denied the opportunity to elect their legitimate representatives in the local authorities.**

Local Authority have been created with lesser population for the Sinhalese–Morawewa 10,000, Gomarankaduwa 7,000 and Padavisiripura 11,000 in the Trincomalee District. Lahugala 6,000 and Padiyatalawe 10,000 in the Ampara District. For the Tamils Korelaipattu North 10,000 in the Batticaloa District, Karaitheivu 9,000 in the Ampara District, Thunukai 8,000 in the Mullaithivu District and Pachilaipatti 12,000 and Poonerin 15,000 in the Kilinochchi District.

But for the Muslims – 270,000 in Colombo District, 115,000 in Gampaha District, 114,000 in Kalutara District, 196,000 in Kandy District, 45,000 in Matale Districts, 118,000 in Kurunegala District, 71,000 in Anuradhapura District, 30,000 in Polonnaruwa District, 60,000 in Kegalle District, 39,000 in Galle District, 25,000 in Matara District and 15,000 in Hambantota District do not have Muslim Majority Local Authorities.

In 1921, the Sinhalese population in the Eastern Province was less than 4%. But the situation had changed considerably with the Sinhala colonization after the Independence. The census in 1981 recorded Tamils 42%, Muslims 33% and the Sinhalese 25% in the Eastern Province. But in the list of Local Authorities the 25% Sinhalese were given 17, but the 33% Muslims only 12. The Original Sammanthurai DRO's Division included Kondavettuwan, beyond the present Hardly Institute including Ampara Kulam and Ampara UC area. Nearly 50 sq. miles of land area was separated from the Muslim majority Sammanthuraipattu DRO's Division and attached to the Sinhala majority Wewegampattu North – Uhena Division, extent 260 sq. miles.

The Batticaloa district consists of 14 Local bodies and covering an extent of 2,633 sq. km. There are 4 predominant Muslim Local Authority divisions and the land area – Kattankudi 3.4 sq. km. Eravur Town 3.89 sq. km., Koralaipaththu West (Ottamavadi) 6.84 sq. km. Koralaipaththu Central 6.50 sq. km. Total extent of Muslim land area approximately 20.0 sq. km., which is less than 1.0% of the total area of Batticaloa District where the Muslim population is nearly 30%.

**PROPOSALS FOR
MUSLIM REPRESENTATIONS IN LOCAL AUTHORITIES WHERE THE MUSLIM
POPULATION IS OVER 2000**

Province	District	Present Member	Total Population		Muslim Population		Members			Wards		Muslim Members				Muslim Majority Local Bodies
			%		%		Total 100%	FPP 70%	PR 30%	Single	Multi	Single	Multi	PR	Total	
Western	Colombo	201	2,309,809	100	271,718	11.76	304	201	103	158	13	20	6	10	42	1
	Gam pa ha	255	2,294,641	100	114,851	5.01	371	255	116	209	23	10	10	8	38	0
	Kalutara	144	1,217,260	100	114,422	9.4	209	144	65	104	20	18	11	8	48	2
	Total	600	5,821,710		500,991	8.6	884	600	284	471	56	48	27	26	128	3
Central	Kandy	242	1,369,899	100	196,347	14.33	351	242	109	184	29	33	19	18	89	5
	Matale	99	482,229	100	44,721	9.27	144	99	45	73	13	6	8	5	27	2
	Nuwara Eliya	78	706,588	100	21,457	3.04	114	78	36	60	9	4	4	1	13	0
	Total	419	2,558,716		262,525	10.26	609	419	190	317	51	43	31	24	129	7
Northwestern	Krruneqala	259	1,610,299	100	117,697	7.31	376	259	117	198	26	24	21	13	79	2
	Puttalam	92	759,776	100	152,280	20.04	133	92	41	64	14	22	11	13	57	4
	Total	351	2,370,075		269,977	11.39	509	351	158	262	40	46	32	26	136	6
North Central	Anuradhapura	124	856,232	100	71,386	8.34	180	124	56	75	10	10	9	7	35	2
	Polormaruwa	35	403,335	100	30,427	7.54	51	35	16	29	3	10	3	3	19	2
	Total	159	1,259,567		101,813	8.08	231	159	72	104	13	20	12	10	54	4
Sabaragam uwa	Ratnapura	105	1,082,277	100	24,531	2.27	157	105	52	71	6	5	6	0	17	0
	Keqalle	128	836,603	100	60,575	7.24	185	128	57	112	8	15	8	4	35	1
	Total	233	1,918,880		85,106	4.43	342	233	109	183	14	20	14	4	52	1
Uva	Badulla	155	811,758	100	47,172	5.81	225	155	70	125	15	13	13	3	42	1
	Moneragala	18	44,142	100	9,702	2.16	26	18	8	14	2	2	2	1	7	0
	Total	173	855,990		56,874	6.64	251	173	78	139	17	15	15	4	49	1
Southern	Galle	19	1,058,771	100	39,255	3.71	27	19	8	15	2	4	2	3	11	0
	Matara	61	809,344	100	25,546	3.16	90	61	29	45	8	4	5	1	15	0
	Hambantota	12	596,617	100	15,163	2.54	17	12	5	8	2	1	2	1	6	0
	Total	92	2,464,732		79,964	3.24	134	92	42	68	12	9	9	5	32	0
Eastern	Am para	88	648,057	100	282,746	43.63	128	88	40	58	15	54	14	32	114	8
	Batticaloa	80	525,142	100	133,939	25.51	117	80	37	62	9	38	8	18	72	6
	Trincomalee	84	378,182	100	159,251	42.11	122	84	38	54	15	36	10	18	74	6
	Total	252	1,551,381		575,936	37.12	367	252	115	174	39	128	32	68	260	20
Northern	Jaffna	23	583,378	100	2,455	0.42	34	23	11	17	3	2	1	0	4	0
	Mannar	37	99,051	100	16,553	16.71	53	37	16	27	5	10	5	4	24	2
	Vavuniya	20	171,511	100	12,341	7.2	29	20	9	14	3	2	2	1	7	0
	Mullativu	11	91,947	100	2,013	2.19	16	11	5	9	1	1	1	0	3	0
	Total	91	945,887		33,362	3.52	132	91	41	67	12	15	9	5	38	2
Grand Total		2370	19746848	100	1966548	10.0	3,459	2,370	1,089	1,785	254	344	181	172	878	44

DISCUSSION PAPER – 05

ELECTORAL REFORMS IN SRI LANKA

1. Legislators must clearly identify the aims and objectives of the proposed changes in the Present Electoral System. In the absence of specific direction to the Delimitation Commission, the electoral reforms could become a futile exercise.
2. It is also necessary to guard against the ruling political parties taking over national interest to continue to remain in power.
3. Stability of Government is paramount for the progress of the country. The main objective of introducing the Proportional Representation election system was to ensure a fair and just representation for a stable government.
4. Those who favour a change in the present election system prefer an equal Mixed system of First Past the Post - FPP and Proportional Representation - PR.
5. **Drawbacks in the Present Proportional Representation Election System**
 - a. No identified member represents an electorate to whom the voter can go to redress his/her grievances.
 - b. In the present PR system the district constituency is very large when compared with the smaller territorial Constituency of the FPP. A candidate who can afford to spend large sums of money for propaganda can accumulate more number of preferences from the existing large district electorates in the present PR system.
 - c. Voters do not have much choice because in the present PR system the party hierarchies' determination is final and conclusive.
6. **1976 (Third) Delimitation**
 - a. In demarcating territorial constituencies the 1976 Delimitation Commission was required to take into account the question of minority interests. Quite contrary to this, the Delimitation Commission had divided a minority village Akkaraipattu, one part in Pottuvil and the other part in Samanthurai electorates and made the People of Akkaraipattu politically insignificant.
 - b. The general rule of each electorate having as possible an equal number of voters was subject to exemption with regard to the representation of minority interests only. But the 1976 Delimitation Commission had created constituencies with less than half the average number of voters in predominant Sinhala areas- Mahanuwa, Teldeniya, Wiyaluwa and Colombo West.
 - c. The 1976 Delimitation Commission had given the 71% Sinhalese an undue advantage to elect more than 82% of the membership in the Parliament while the minorities -12% Tamils had the opportunity to elect 7% members, 8% Muslims to elect 5% members and the 6% Indian Tamils to elect 3% members.

7. 1981 (Fourth) delimitation

- a. 1981 delimitation retained the 160 territorial constituencies determined by the 1976 delimitation. 36 seats added for the 9 provinces-4 seats each without any consideration for the population or land area. Further unelected 29 members were appointed as National List members to the Parliament of total members 225.
- b. The provisions of 1978 constitution with regard to the demarcation of Electoral Districts and the PR election system virtually eliminated the elected representatives for the Muslims outside the Northern and the Eastern Provinces from the legislature. Out of the 22 Electoral Districts, Muslims have been denied the opportunity to elect their own representation in 18 Electoral Districts.

8. Proposals

- a. The proposed reforms should consider all level of governance namely, Parliament, Provincial Councils and Local Bodies and the system devised should be uniform and simple.
- b. Electoral reforms should provide equal opportunities to all communities and reflect the true national ethnic composition.
- c. In view of maximum devolution to the Provincial Councils, the parliament need not be large. Present 225 members should be reduced to 220 members.
- d. The Parliament should be bicameral - House of representative with 220 members and the Senate with 50 members.
- e. One half of the members of Parliament 110 seats from territorial constituencies on First Past the part – FPP and the other half 110 seats on District Proportional Representation – DPR. – Annex II
- f. The 50 members to the Senate should be appointed on the basis of the votes on the District PR each Party/Group received in a General Election.
- g. Both House of Representatives and the Senate should be co-terminus.
- h. The total number of 220 seats of which 110 shall be elected from 90 territorial constituencies on FPP and the balance 110 on District PR.
- i. Two ballots – first to elect the 110 representatives from the territorial constituencies on FPP and the second to elect the other 110 representatives from the 22 Electoral Districts on PR.
- j. The 90 territorial constituencies will consist of 71 one member constituencies, 9 two member constituencies and 7 three member constituencies – Total 110.
- k. Preference votes, cut-off point and the nomination of unelected members on the National List to the Parliament should be abolished.
- l. Crossover should result in losing the seat.

9. New Delimitation Commission

- a. A Delimitation commission should be established immediately.
- b. In the demarcation of constituencies, reduced electoral strength should be utilized by the delimitation commission in order to give adequate representation to the minorities according to their national ethnic ratio.
- c. The delimitation commission should have the power to create multi-member constituencies in appropriate areas in order to render possible the representation of minority communities in the legislature according to their ethnic proportion.
- d. The said 90 territorial Constituencies can be achieved by retaining the boundaries and areas of the present 160 territorial constituencies provided by the 1976 (Third) Delimitation with the adjacent constituencies joined as far as possible.
- e. The 220 seats in Parliament should be allocated as follows: Annex II

Ethnic Groups		Seats/FPP	Seats/DPR	Total
Sinhalese	71%	77	77	154
Tamils	12%	13	13	26
Muslims	10%	12	12	24
Up Country Tamils	7%	8	8	16
Total	100%	110	110	220

- f. Minority Constituencies where the Tamils, Muslims and Indian Tamils could elect their legitimate representatives to the Parliament – Annex III.
- g. The Commissioner of election will determine the total entitlement of seats in Parliament of individual parties/groups based on the composition of the 1st and 2nd ballots.

SRI LANKA ELECTORAL DISTRICTS

1976 (Third) Delimitation

COLOMBO DISTRICT

1. COLOMBO NORTH
2. COLOMBO CENTRAL (3)
3. BORELLA
4. COLOMBO EAST
5. COLOMBO WEST
6. DENIHALA
7. RATMALANA
28. MORATUWA
21. KOLONNAWA
22. KOTTE
23. KADUWELA
24. AVISSAWELLA
25. HOMAGAMA
26. MAHARAGAMA
27. KESBEWA

GAMPAHA DISTRICT

8. WATTALA
9. NEGOMBO
10. KATANA
11. DIVULAPITIYA
12. MIRIGAMA
13. MINUWANGODA
14. ATTANAGALLA
15. GAMPAHA
16. JA-ELA
17. MAHARA
18. DOMPE
19. BIYAGAMA
20. KELANIYA

KALUTARA DISTRICT

30. BANDARAGAMA
31. HORANA
32. BULATHSINHALA
36. AGALAWATTA
33. MATUGAMA
34. KALUTARA
35. BERUWALA (2)
29. PANADURA

MATALE DISTRICT

37. DAMBULLA
38. LAGGALA
39. MATALE
40. RATTOTA

KANDY DISTRICT

41. GALAGEDERA
42. HARPATTUWA (2)
43. PATA DUMBARA
44. UDA DUMBARA
45. TELDENIYA
46. KUNDASALE
47. HEWAHETA
48. SENKADAGALA
49. MAHANUWARA
50. YATINUWARA
51. UDUNUWARA
52. GAMPOLA
53. NAWALAPITIYA

NUWARA ELIYA DISTRICT

54. NUWARA ELIYA - MASKELIYA (3)
55. KOTMALE
56. HANGURANKETA
57. WALAPANE

GALLE DISTRICT

58. BALAPITTA
59. AMBALANGODA
60. KARANDENIYA
61. BENTARA-ELPITTYA
62. HINIOUMA
63. BADDEGAMA
64. RATGAMA
65. GALLE
66. AKMEEMANA
67. HABARADUWA

MATARA DISTRICT

68. DENIYAYA
69. HAKMANA
70. AKURESSA
71. KAMBURUPITIYA
72. DEVINUWARA
73. MATARA
74. WELIGAMA

HAMBANTOTA DISTRICT

75. MULKIRIGALA
76. BELIATTA
77. TANGALLA
78. TISSAMAHARAMA

JAFFNA DISTRICT

79. KAYTS
80. VADDUKODDAI
81. KANKESANTURAI
82. MANIPAY
83. KOPAY
84. UDUPIDDI
85. POINT PEDRO
86. CHAVAKACHCHERI
87. NALLUR
88. JAFFNA
89. KILINOCHCHI

MANAR DISTRICT

90. MANAR

VAVUNIYA DISTRICT

91. MULLAITIVU
92. VAVUNIYA

TRINCOMALEE DISTRICT

93. SERUWILA
94. TRINCOMALEE
95. MUTUR

BATTICALOA DISTRICT

96. KALKUDAH
97. BATTICALOA (2)
98. PADDIRUPPU

AMPARA DISTRICT

99. AMPARA
100. SAMMANTURAI
101. KALMUNAI
102. POTTUWIL (2)

PUTTALAM DISTRICT

103. PUTTALAM
104. ANAMADUWA
105. CHILAW
106. NATTANDIYA
107. WENNAPPUWA

KURUNEGALA DISTRICT

108. GALGANUWA
109. NIKAWERATTIYA
110. YAPAHUWA
111. HIRIYALA
112. WARIYAPOLA
113. PANDUWASNUWARA
114. BINGIRIYA
115. KATUGAMPOLA
116. KULIYAPITTIYA
117. DAMBADENIYA
118. POLGAHAWELA
119. KURUNEGALA
120. MAWATHAGAMA
121. DODANGASLANDA

ANURADHAPURA DISTRICT

122. MEDAWACHCHIYA
123. HOROWPOTANA
124. ANURADHAPURA EAST
125. ANURADHAPURA WEST
126. KALAWEWA
127. MININTALE
128. KEKIRAWA

POLONNARUWA DISTRICT

129. MINNERIYA
130. MEDIRIGIRIYA
131. POLONNARUWA

BADULLA DISTRICT

132. MAHTIYANGANA
133. WIYALUWA
134. PASSARA
135. BADULLA
136. HALI ELA
137. UVA-PARANAGAMA
138. WELIMADA
139. BANDARAWELA
140. HAPUTALE

MONERAGALA DISTRICT

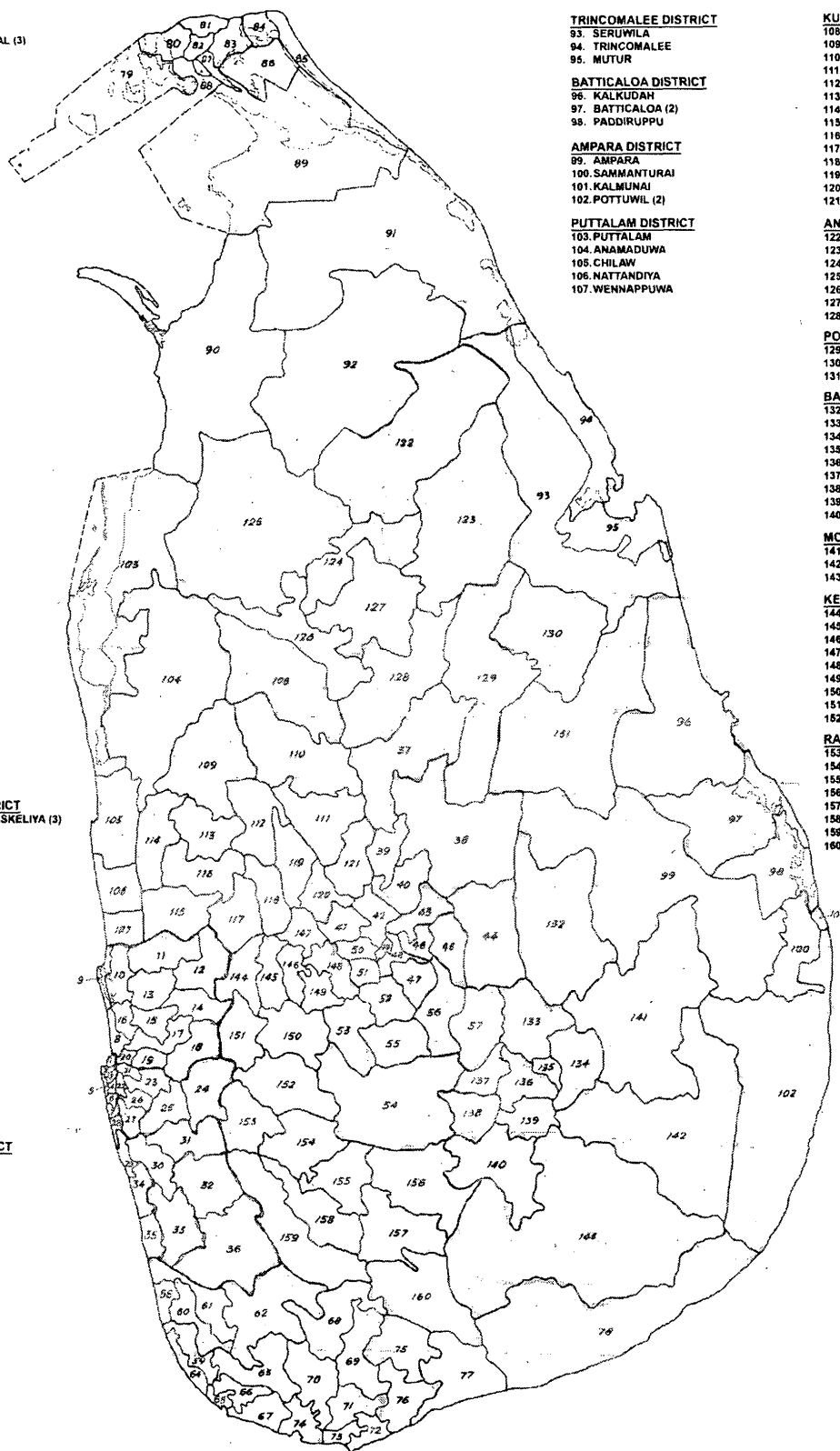
141. BIBILE
142. MONERAGALA
143. WELLAWAYA

KEGALLE DISTRICT

144. DEDIGAMA
145. GALIGAMUWA
146. KEGALLE
147. RAMBUKKANA
148. MAWANELLA
149. ARANAYAKE
150. YATIYANTOTA
151. RUWANWELLA
152. DERANIYAGALA

RATNAPURA DISTRICT

153. EHELIYAGODA
154. RATNAPURA
155. PELMADULLA
156. BALANGODA
157. RAKWANA
158. NIVITIGALA
159. KALAWANA
160. KOLONNA



110 TERRITORIAL CONSTITUENCIES FOR THE FIRST PAST THE POST – FPP
AND
110 DISTRICT PROPORTIONAL REPRESENTATION - DPR

<u>Prov</u> <u>ince</u>	<u>Area</u> <u>Sq.Mls</u>	<u>Electoral</u> <u>District</u>	<u>Regd</u> <u>Votes</u> <u>2015</u>	<u>FPP</u> <u>Seats</u>	<u>PR</u> <u>Sts</u>	<u>1</u> <u>Sts</u>	<u>2</u> <u>Sts</u>	<u>3</u> <u>Sts</u>	<u>Sinhala</u> <u>Sts</u>	<u>Tamil</u> <u>Sts</u>	<u>Muslim</u> <u>Sts</u>	<u>In</u> <u>Tamil</u> <u>Sts</u>
WP	1,432	Colombo	1,586,598	23	12	9	-	1	9	1	1	1
		Gampaha	1,637,537		6	6	-	-	6	-	-	-
		Kalutara	897,349		5	2	-	1	4	-	1	-
CP	2,158	Kandy	1,049,160	16	8	5	-	1	6	-	1	1
		Matale	379,675		2	2	-	-	2	-	-	-
		N' Eliya	534,150		6	-	-	2	3	-	-	3
SP	2,146	Galle	819,666	12	5	5	-	-	5	-	-	-
		Matara	623,818		4	2	1	-	4	-	-	-
		H' tota	462,911		3	1	1	-	3	-	-	-
NP	3,429	Jaffna	529,239	8	5	5	-	-	-	5	-	-
		Vanni	253,058		3	-	-	1	-	2	1	-
		Batticaloa	365,167		5	1	2	-	-	3	2	-
EP	2,984	Digamadulla	465,757	14	6	3	-	1	1	1	4	-
		Trinco	256,852		3	3	-	-	1	1	1	-
		Kurunegala	1,266,443		7	7	-	-	7	-	-	-
NWP	3,016	Puttalam	553,009	11	4	2	1	-	3	-	1	-
		A.pura	636,733		5	5	-	-	5	-	-	-
		P' naruwa	307,125		2	2	-	-	2	-	-	-
NCP	4,140	Badulla	620,486	9	7	3	2	-	5	-	-	2
		M' gala	339,797		2	2	-	-	2	-	-	-
		Ratnapura	810,082		4	4	-	-	4	-	-	-
UVA	4,131	Kegalla	649,878	10	6	4	1	-	5	-	-	1
SAB	1,892											
<u>total:</u>	<u>25,328</u>		<u>15,044,490</u>	<u>110</u>	<u>110</u>	<u>71</u>	<u>9</u>	<u>7</u>	<u>77</u>	<u>13</u>	<u>12</u>	<u>8</u>

MINORITY CONSTITUENCIES - TAMILS 13

<u>Province</u>	<u>District</u>	<u>Old Constituencies</u>			<u>New Constituencies</u>	
		<u>No.</u>	<u>Name</u>	<u>Seats</u>	<u>Name</u>	<u>Seats</u>
WP	Colombo	1	Colombo C.		Colombo C.	1
NP	Jaffna	79	Kayts	1	Vattukottai	1
		80	Vattukottai	1		
		81	K.K'thurai	1	K.K'thurai	1
		82	Manipay	1		
		83	Kopai	1		
		84	Udupitty	1		
		86	C'Kachcheri	1	C'Kachcheri	1
		87	Nallur	1	Jaffna	1
		88	Jaffna	1		
		85	Poind Pedro	1	Point Pedro	1
		89	Kilinochi	1		
EP	Mannar	90	Mannar	1	Vanni	2
	M'thievu	91	M'thievu	1		
	Vavunia	92	Vavunia	1		
	Trinco	94	Trinco	1	Trinco	1
	Batticaloa	97	Batticaloa	2	Batticaloa	2
		98	Paddiruppu	1	Paddiruppu	1
	Ampara	102	Pottuvil	2	Akkaraipattu	1
<u>Total:</u>				<u>20</u>		<u>13</u>

MINORITY CONSTITUENCIES - MUSLIMS 12

WP	Colombo	1	Colombo C.	3	Colombo C.	1
CP	Kandy	42	Harispattuwa		Kalutara	1
					Harispattuwa	1
NP					Mannar	1
EP	Trinco	95	Muthur	1	Muthur	1
	Batticaloa	96	Kalkuda	1	Kalkuda	1
		97	Batticaloa	2	Batticaloa	1
		100	Sammanthurai	1	Sammanthurai	1
	Ampara	101	Kalmunai	1	Kalmunai	1
		102	Pottuvil	2	Akkaraipattu	2
NWP	Puttalam	103	Puttalam	1	Puttalam	1
<u>Total:</u>				<u>12</u>		<u>12</u>

MINORITY CONSTITUENCIES - INDIAN TAMILS 8

WP	Colombo	1	Colombo C.		Colombo C.	1
CP	Kandy	49	Kandy		Kandy	1
	N'Eliya	54	N'Eli.+Mas.	3	N'Eliya	2
		55	Kotmale	1		
		56	Hanguranketa	1		
		57	Walapane	1	Hanguranketa	1
UVA	Badulla	134	Passara	1		
		135	Badulla	1	Badulla	1
		136	Hali Ela	1		
		139	Bandarawela	1		
		140	Haputale	1	Bandarawela	1
SAB	Kegalla	150	Yattiyantota	1		
		152	Deraniyagala	1	Deraniyagala	1
			Total:	13		8

DISCUSSION PAPER – 06

CONSTITUTIONAL REFORMS AND POWER SHARING FOR MUSLIMS IN SRI LANKA.

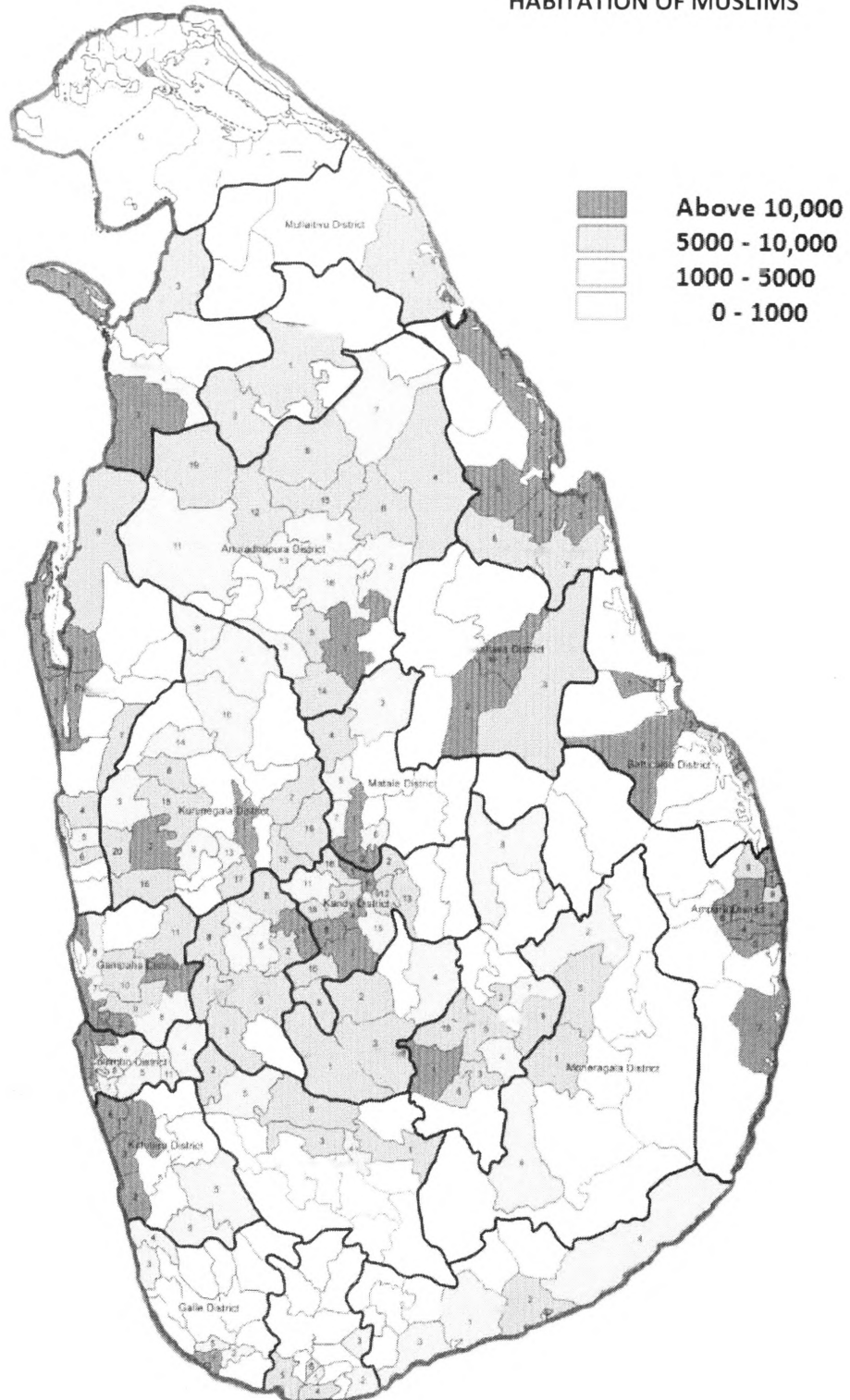
INTRODUCTION

Sri Lanka has experienced three decades of civil war between the LTTE Tamils, who have been fighting to carve out a separate Tamil Elam state in Sri Lanka. Muslims of the North- East have been brought in to the conflict due to some political and economic factors. The war has claimed more than 65,000 human lives and the destruction of millions of Rupees worth moveable and immoveable properties. Since the war escalated in the North and East of the country nearly hundred thousand peoples from all three ethnic groups became displaced and expatriates. The number of mental and physical handicaps in the war zones has increased in an unprecedented level. The economy of the whole country has been affected very badly and it has resulted in the increase of cost of living, high rate of unemployment and poverty among the people.

This discussion paper is an attempt to identify some of the vital aspect of the civil war and the related issues.

. SRI LANKA

AREAS OF HISTORICAL HABITATION OF MUSLIMS



CONSTITUTIONAL REFORMS AND POWER SHARING FOR MUSLIMS IN SRI LANKA.

1. When the Donoughmore Commissioners visited Ceylon to make changes in the constitution, the Muslim association led by Mr.N.H.M. Abdul Cader, Mr.T.B.Jaya, and Mr. H.M. Macan Markan gave evidence before the commission. Their main representation was the safeguarding of Muslims rights.

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 minority interest.

When the war came to an end the board of Minister reminded the British Government of its promise and presented the dominion status bill before the state council. British Government 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 the supports. Indeed the 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.

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 member on behalf of his own community. Hansard of 22nd March 1945, Column 2062 Honorable Bandaranaike.... “May I refer to the support that the main principle of the bill has received from the Honorable nominated member Mr. T.B. Jaya, The Honorable Nominated members Mr. Razik and the Honorable member of the Colombo central Dr. M.C.M. Kaleed among the minority members”.

“I can give the Hon. Nominated Member Mr. Jayah this assurance of the 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 Soul bury 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 were familiar with part played by Sir Mohamed Macan Marker, Dr. T.B. Jayah, Sir Razik Fareed, Dr. M.C.M. Kaleel, Mr.M.C.M. Saleh, and Dr. Badiudeen Mahmud the founder joint secretaries of the All Ceylon Muslims League and Mr. Siddi Lebbe, Mr. Wapiche Marikar and Mr. I.L.M. Abdul Azeez of Moor Association. They enthusiastically supported the independence of Sri Lanka. The Muslims never obstructed the political progress of the country.

2. The Soulbury Constitution – (1947- 1972)

The All Ceylon Muslim Political conference which united all the Political divisions among Muslims went before the Soulbury Commissions on 5th February 1945. They demanded that the communal representation to be replaced to safeguard the ethnic rights of the Muslims in Ceylon.

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 the electorates, such electoral divisions as multiple members constituencies, reduced electoral strength for the minorities areas etc. would be utilized in order to give adequate representation to the minorities communities, specially the Muslims as they are more or less scattered throughout the country. It also provided protection to minorities against legislation which the majority might be tempted to enact to the disadvantages of the minorities.

3. SLFP – Mrs. Srimavo Bandaranaike Constitution – (1972-1978)

The Sri Lankan Freedom Party received a mandate at the general election held on 27th May 1970 to repeal the Soulbury Constitution and drafted a new constitution. SLFP declared the parliament to be the National State Assembly and removed some of the important safeguards provided for the minorities by the Soulbury constitution. The provision of the section 29 (2) and (3) of the Soulbury constitution which were designed to give some protection to minorities did not find a place in the SLFP Republication Constitution.

4. UNP – J.R. Jayawardena Constitution – 1978

The United National Party headed by Mr. J.R. Jayawardena, won the election on 21st July 1977 and drafted a new constitution on 7th September 1978. The UNP constitution is the same with SLFP constitution of 1972 with regard to the abolition of safeguard to the minorities. Both Constitution refrained from re-enacting the provision of the section 29th of Soulbury constitution, reinstating the principals of the appointment and resurrecting the senate. More damaging are the provisions for the Executive Presidency. The demarcation of electoral districts and proportional representation electoral systems introduced in the UNP – Jayawardena Constitution which have seriously affected the rights the Muslims Community enjoyed for more than half a century in this country.

5. The Need for Constitutional Reforms in Sri Lanka

The democratic people's Alliance (DPA) in its manifesto for the presidential Election in 1988 – Part II – Resolution of the ethnic problem – Unit of Devolution (a) the concept of devolution is accepted in Sri Lanka. (b) There shall be a predominant Tamil unit comprising of what is the combined Northern and Eastern provinces but excluding the areas covered by the predominant Muslim unit. (c) There shall be a predominant Muslim unit comprising the predominant Muslim electorates of Kalmunai, Pottuvil and Smmanthurai in the Ampara Districts as the base and identified predominantly Muslims areas in the Batticaloa and Trincomalee District. (d) The right of Sinhalese and all other persons in each unit shall be on the basis of absolute equality.

In the Mangala Moonasinghe Parliament Select Committee of 11th December 1992, members representing the United National Party, Sri Lanka Freedom Party, Sri Lanka Muslim Congress, the Communist Party, Lanka Sama Samaja Party as well as the independence Members Mr.K. Srinivasan, Member of Jaffna District and Mr.Baseer Segudawood, Member of Batticaloa reached agreement: (a) on the establishment of two separate ethnic oriented units of the administration for the North and Eastern provinces. (b) to adopt a scheme of devolution on line similar to those provided in the Indian Constitution and (c) to devolve more subjects that are in List III (Concurrent List) or to dispense with the List.

The geographical merger of the Northern and Eastern provinces to form a single region with adequate power over the land have been the main demands of the Tamils. They hold the view that the Tamil Speaking areas is one and indivisible and that the geographical contiguity and territorial unity of the Tamil speaking areas should be given unconditional recognition for any meaningful solution to the Tamil problem.

6. Sri Lanka Tamils and Sri Lanka Muslims are the Tamil Speaking Peoples traditionally living in the Northern and Eastern provinces.

Tamil and Muslims have separate identified areas of historical habitation in the Northern and Eastern provinces and the Muslims areas should be protected from unlawful occupation by the Tamils and Sinhalese.

Muslims should not be continuously terrorized by the Tamil in the areas of historical habitation of the Muslims in the Northern and Eastern provinces.

Law and order in the Muslims areas of the historical habitation should be in the hands of the Muslims to ensure safety and security for the Muslims in the Northern and Eastern provinces.

It is the legitimate right of the Muslims to have a separate power sharing unit comprising the areas of historical habitation of the Muslims to share power in the Northern and Eastern provinces.

7. The former president Jayawardana circumvented the laws passed by his own government in the provincial council Act and effected the temporary merger under the emergency regulation and made the Muslims of the Eastern province a community of political and social slaves under the Tamils.

Muslims are conscious of the serious problems that are likely to arise when the Northern and Eastern province are merged to form single regional council. After the formation of the Provincial Council in the temporarily merged North East, the Tamil National Army of the EPRLF, TELO and ENDLF attacked the several police stations in the predominant Muslim areas in the Eastern Province and murdered hundreds of Muslims in cold blood.

LTTE shot the Muslims in the back while praying in the Mosque, burned our mosques, schools, unlawfully occupied paddy fields of the Muslims and committed robbery of our Cattles. Finally they gave just two days for the Muslims who have been living for centuries to vacate our homes and leave the Northern Province. Continuous outrages by the Tamil militants against the unarmed Muslim civilian population have made thousands leave their traditional homes in the North and East and suffering as internally displaced people for more than 25 years.

From the recent experience the Muslims have realized that there is a well planned conspiracy by the Tamils to chase the Muslim away and make the Northern and Eastern province a mono ethnic Tamil region in order to create one day the Tamil Elam. Although patronizing remarks and the promises have been made by the Tamil leaders, in actual practice every effort is being made by the Tamils to deny the legitimate rights of the Muslims.

8. Devolution of Power

Devolution of power was first introduced into to the Sri Lankan Constitution with the passage of the 13th Amendment, certified on 14th November 1987, following the Indo-Lanka accord of July 29, 1987. Although the scheme of devolution was meant to cover all the nine Provinces, it is indisputable that the catalyst was the ethnic conflict and the need for a politically negotiated settlement by addressing the legitimate grievances of the minorities of Sri Lanka – Tamils and Muslims.

9. Barriers in the implementing the 13th Amendment to Constitution

- I. The existing institutional structures in the provinces and the Districts are not conducive for devolution.
- II. All the three list of devolution given in the 9th schedule to the constitution are weighted in favor of the centre due to the **unitary character of the Sri Lankan constitution.**

- III. The unitary character of the Sri Lankan Constitution help the Sinhala majority central authorities, most of whom have an anti-devolution mindset to infringe upon the power devolved to the minorities.
- IV. Last thirty years of past experience shows that even the minimum devolution to the minorities will not be possible until the anti-devolution mindset of the Sinhala politicians and bureaucrats are removed.

10. Anti devolution mindset of the Sinhalese

- I. Most of the Sinhalese politicians particularly the leaders of MEP, JHU and JVP have an anti-devolution mindset.
- II. The all island management service not devolution-friendly.
- III. The existing institutional structures in the provinces and the district are not conducive for devolution.
- IV. Even after all the Provincial Council came into existence, only the North- East Provincial Council – NEPC was clamoring for the institutionalizing devolution of powers. The other Provinces waited for the benefits of devolution to accrue to them through the efforts of the NEPC.
- V. All the three list of devolution given in the 9th schedule to the constitution are weighted in favor of the centre, due to the unitary character of the Sri Lankan Constitution.
- VI. The unitary character of the Sri Lankan constitution help the Sinhalese majority central authorities, most of whom have an anti-devolution mindset to infringe upon the power devolved to the minorities.
- VII. Last thirty years experience shows that even the minimum devolution to the minorities will not be possible until the anti-devolution mindset of the Sinhala Politicians and the bureaucrats is first got rid of.

11. Power of Provincial Council under the 13th Amendment.

The power devolved fall under the Provincial List and the Concurrent List.

a) Provincial List :

A provincial council is empowered to make statutes applicable to the Provinces with respect to any matter in the Provincial List.

b) Concurrent List :

A Provincial Council is also empowered to make statutes applicable to that Provinces with respect to any matter in the Concurrent List after appropriate consultation with the centre. (Parliament)

The Centre (Parliament) is also empowered to make laws in respect of any matter in the Concurrent List after appropriate consultation with all the provincial councils.

The Centre (Parliament) has been making laws on subjects in the Provincial List without any reference to the Provinces by using the term "National Policy on all subjects and function" which appears throughout the Reserved List.

Implementation of the subjects and the functions devolved on the provinces through the concurrent List has not taken place at all due to the fact that these subjects and functions were retained by the centre as if they also belonged to the Reserved List.

12. Provincial Subjects Taken over by the Centre.

Although certain subjects and functions are fully devolved, due to inadequate funding and administrative constraints, the Centre had taken over the following important provincial institution and functions:

- a) **Highways** : The Minister in charge of the subject of the Highways has by arbitrarily defining 'national highways' has deprived the provinces of several roads that should have been theirs. A definitions for 'national highways' should be applied in future.
- b) **Hospitals** : The Centre should have control only over the teaching Hospitals attached to medical faculties and special purpose hospitals. The other hospitals should be under the Provinces.
- c) **Schools** : The Centre decided to classify certain schools as ' National Schools ' and then take them over from the Provinces.
- d) **Paddy Cultivation** : ' Agrarian Services' was a devolved subject. Yet, the Centre continues to hold on to the subject and the institution connected with it.
- e) **Social Service and Rehabilitation** : The subject of social Service, Relief and Rehabilitation, Co-operatives, and Indigenous Medicine are subjects that should be under the Provinces. But the Centre exercises a high degree of control over them by having Ministries for these subjects.

13. 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 solution have been attempted for the settlement of ethnic grievances. The Banddaranayake and Chelwanaayakam, the Dudly Senanayake – Chelvanaayakam and annexure "C" are the well-known solution that have been seriously proposed for implementation. The common future in all these proposal is the substantial devolution of power.

As a compromise between the highly centralized unitary systems and separate state, power 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 power between the centre

and the peripheral units should be incorporated in the constitution which would ensure the unity, integrity and sovereignty of the country. The power transferred should enable the ethnic minorities, Tamils and Muslims assume responsibilities and participate fully in decision-making process in those areas where they are majority.

14. Muslims not Opposed to Tamil Aspiration.

The Tamil moderates and the arm Eelam fighter have said that if they are not given a viable alternative for a separate state to share power, 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 North and East provinces and devolution of power under a Federal Systems.

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

15. Power Sharing for Muslims.

NORTHERN AND EASTERN PROVINCES ARE THE AREAS OF HISTORICAL HABITATION OF THE TAMIL AND MUSLIMS. MUSLIM BEING AN INDIPENT ETHNIC COMMUNITY, SHOULD HAVE EQUAL OPPORTUNITY LIKE THE TAMILS AND SINHALESE TO SHARE POWER IN THE AREAS OF HISTORICAL HABITATION OF THE MUSLIMS.

16. Historical Admission of the need for Muslims to Share Power.

- I. Resolution at Federal Party Convention in 1959.
Separate Power Sharing Unit for Muslims in the Tamil Region.
- II. Bandaranaike- Chelvanayam Pact.
Eastern Province to have two or more Councils.
- III. Tamil United Liberation Front – TULF Parliamentary Election Manifesto 1997.
Identification of the traditional Muslim homeland in the proposed Tamil Ealam and the recognition of the inalienable right to self determination of the Muslims.
- IV. Discussion between the leaders of the Tamil United Liberation Front and the councils of Muslims of Dr.Badi-ud-in Mahmud in 1987.
Separate arrangements for sharing of power with Tamils in the merge North-East Region.
- V. Discussing between the LTTE and MULF in 1988.
Separate arrangements for sharing of power with Tamils in the merge North-East Region.
- VI. Discussion between the All Ceylon Tamil Congress and Sri Lanka Muslims Congress.
Non-contiguous Power Sharing Unit for Muslims in North-East Region.

- VII. DPA Presidential Election Manifesto 1988.
Non-contiguous Muslim Majority power sharing Unit the merged North-East
- VIII. PA Government proposal for constitutional Reforms – October 1977
Establishment of South Eastern Regional Council comprising the polling
Division of Kalmunai, Sammanthurai, Pothuvil and the Former Wewgampattu
South DRO Division.

A POLITICAL SOLUTION BASED ON FEDERAL STRUCTURES IN SRI LANKA AND THE NORTH EAST MUSLIMS

1. Brief history of federal thoughts in Sri Lanka

A. Pre-Independent period

A federal thought for power sharing in Sri Lanka is not a new subject in the political history of Sri Lanka. S.W.R.D. Bandaranaike the then leader of the Progressive Nationalist Party advocated a federal structured government in July 1926. When he delivered a lecture to a student congress, he stated as follows, "...There would be trouble if a centralized form of government was introduced into countries with large communal differences. In a federal Government, each federal unit has complete power for itself. Yet they unite to discuss matters affecting the whole country". However, interestingly this suggestion received no support either from minority Tamils or majority Sinhalese. The Jaffna Youth Congress engaged in propaganda against this federal system proposed by Bandaranaike. In 1930s when the Kandyan Sinhalese witnessed to the Donomore commission, which was supposed to introduce a new constitutional reforms demanded federal system to protect their interests from coastal Sinhalese.

B. Post-independent period

In the post-independent period when Chelvanayagam formed the federal party he was demanding for a federal system to secure minority Tamils interests. Therefore, only in late 1940s, Tamils realized the need of a federal system for power sharing in Sri Lanka.

2. Brief history of failed attempts to resolve the ethnic conflict in Sri Lanka

In the post-independent period of Sri Lanka many attempts were made in finding solution to the ethnic conflict. However, almost all such efforts were ended in failure due to the dissatisfaction of either Tamils or Sinhalese.

i. 1957 Banda-Chelva Agreement.

Banda-Chelva agreement of 1957 was the first official agreement signed by the leaders of the government of Sri Lanka and the political leaders of Tamils to diminish the tension between the two ethnic

groups through a power sharing process. Although, they could agree for a solution on the basis of setting up Regional Councils. Due to the mounting communal tensions, which culminated in the riots of May 1958. The government was forced to withdraw the bill.

ii. Dudley- Chelva of 1965-8

A second attempt was made in 1965-8 when the then Prime Minister Mr. Dudley Senanaike and the leader of the federal party Mr. S.J.V. Chelvanayagam signed another agreement. Both leaders agreed to solve the ethnic tension through establishing the District Councils. However, unfortunately, this attempt also failed due to the dissatisfaction and the pressure of the majority Sinhalese people in the country.

iii. 1980- JR'S DDC

When the Tamil politicians entered the Parliament with the intension of establishing a separate nation in the so-called Tamil homeland and to get the international recognition for such separate state, the government attempted to minimize the demand of Tamils by offering District Development Councils. It could be considered as the third major attempt in the process of devolution of powers for the purpose of resolving the issues. However, the DDC also failed when the Tamils felt of insufficient powers they were entitled to receive.

iv. Indo-Lanka agreement of 1987 and the Provincial Councils

Indo-Lanka Agreement of 1987 was the first attempt made with the third party mediation to solve the ethnic conflict. The two leaders of India and Sri Lanka signed an agreement on 29th July 1987 and this agreement led to the introduction of Provincial Councils that was legalized

Through the 13th amendments of the constitution. The powers and functions of the Provincial Councils did not satisfy the majority Tamils, especially the LTTE. Therefore, the system was totally failed in the North - East, where it was necessary but remains in other provinces.

v. Devolution process during 1994 - 2001

During this period, the PA government, under the leadership of President Chandirika Bandaranike Kumaratunga, took some efforts to solve the conflict through power sharing. However, those efforts neither reached the level of agreements nor implementations.

3. The peace process and thoughts on Federal System

After three decades of war a situation has emerged where people anticipate a permanent peace in this country. Internal and external factors have forced both the government and the LTTE to immediately engage in the peace talks. Although the peace process has created a temporary healthy condition in the North-East, the entire success of the peace process depends on the mutual understanding and the constructive contribution that also includes the give and take policy of parties concerned. According to the latest statements of the stakeholders it is understandable that they work for a solution on the basis of setting up a system of federal government in Sri Lanka. They have agreed to share the powers within a united Sri Lanka and the LTTE has expressed its willingness to give up its demand for a separate Elam state and to accept the federal system. Thus, the peace talks in Thailand mainly focused on the possible federal system in Sri Lanka and the method of power sharing between the central government and federal units.

4. OSLO CONSENSUS TO EXPLORE A POLITICAL SOLUTION BASED ON FEDERAL STRUCTURE WITHIN A UNITED SRI LANKA.

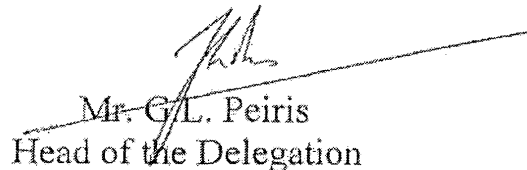
Record of Decisions on 05.12.2002.

Third session of peace talks held at the Radisson SAS Plaza Hotel in Oslo from 2 to 5 December 2002. Working Outline for the Discussion of Political Matters. This includes the following statement:

"Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamilspeaking peoples, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all communities. "



Mr. Anton Balasingham
Head of the Delegation
of the LTTE



Mr. G/L. Peiris
Head of the Delegation
of the Sri Lankan Government



Deputy Minister of
Foreign Affairs, Head
of the Norwegian
Facilitation Team

5. What is Federal System?

Under a federal constitution the powers of the Government are divided between the Government for the whole country and governments for the provinces or federal units. This is carried out in such a way that each government, including the Government for the whole country, is dependent in its own sphere. There is no control over the provincial governments by the Government for the whole country and in turn there is no supervision over the latter by the Central Government.

This emphasizes the fact that the legislature of the whole country has limited power. The provincial governments, too, are with limited legislative powers, which make two sets of government's co-ordination instead of being subordinate. Accordingly, the legislative authority of a federal State is divided between a central government and the provincial governments.

6. Basic requirements for the Federal System

- i. A written and rigid constitution: For a creation of a federal system in a country a new constitution must be drafted and it should be inflexible or rigid that protects constitution from amendments not like amendments in ordinary bill.
- ii. The concept of two sovereignties must be accepted. The sovereignty of the country must be divided between the center and the provincial governments.
- iii. The powers for the center and the provinces must clearly be mentioned in the constitution. For this purpose, it can have lists of powers as follows. (a). Center list, (b). State list and (c). Concurrent list and or (d). Residuary list.
- iv. There shall be no any system of interference of center or state in other's powers and functions.
- v. An independent judicial system. The central government should not try to influence the judiciary. Supreme Courts must function as the courts of the constitution and the judgment of this court must be recognized as the final solution on any issues of the constitution.

7. How will the Federal Proposals protect the Muslim interest in the Power sharing system.

Although, the land and population sizes of the Muslim majority province is smaller than the other nine (09) provinces, it will have the same power as for other Provinces. Muslim majority provincial council will provide the Muslims with complete political, economic and social freedom and protection.

Bringing the Mannar Muslims together with Kalmunai, Batticaloa and Trincomalee Muslims under the Northeast state will help to increase the Muslim percentage in this Muslim majority power sharing province. Consequently this will help the new Northeast Muslim community to have more representation in local politics in the power sharing province level.

The constitutional arrangements for the safeguards of the Muslims also will protect them from any discrimination of Tamil majority. The power sharing province constitution of the Northeast shall speak on the expulsion of the Muslims from their native places in the past (1990) and shall include an article on no repetition of such violence in the future, the right to resist if such violation takes place again, and the interference of the center in such event.

Like the rights and the privileges of the Sinhala and Muslim minorities in the Northeast and Southeast power sharing provinces are protected by the constitutional arrangements, the rights and privileges of the Muslim minority in the Sinhala majority power sharing province will also be protected in the same manner.

8. Muslim Majority Federal Council in the North East

Since Muslims are a recognized Major Ethnic group in Sri Lanka, it is our legitimate right to have separate Provincial Council where the Muslims will be of sufficient majority to form a council and to share powers like the other two Major Ethnic Groups - Sinhalese and 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 Kalmunai, Samanthruai, and Pottuvil including the balance part of Wewagmapattu South. Extent approximately 900 sq. miles in the present Amparal District as the base, and the non-contiguous Muslim areas of Kattankudy, Eravur, Valaichenai, Ottamavadi, Mutur, Kinniya, Thampalagama and Kuchchaveli.

In the event of a merger of the Tamil areas of the Eastern province with the Northern Province, Musali and Erikelampiti in Manar District should also be joined with the Provincial Council for Muslims.

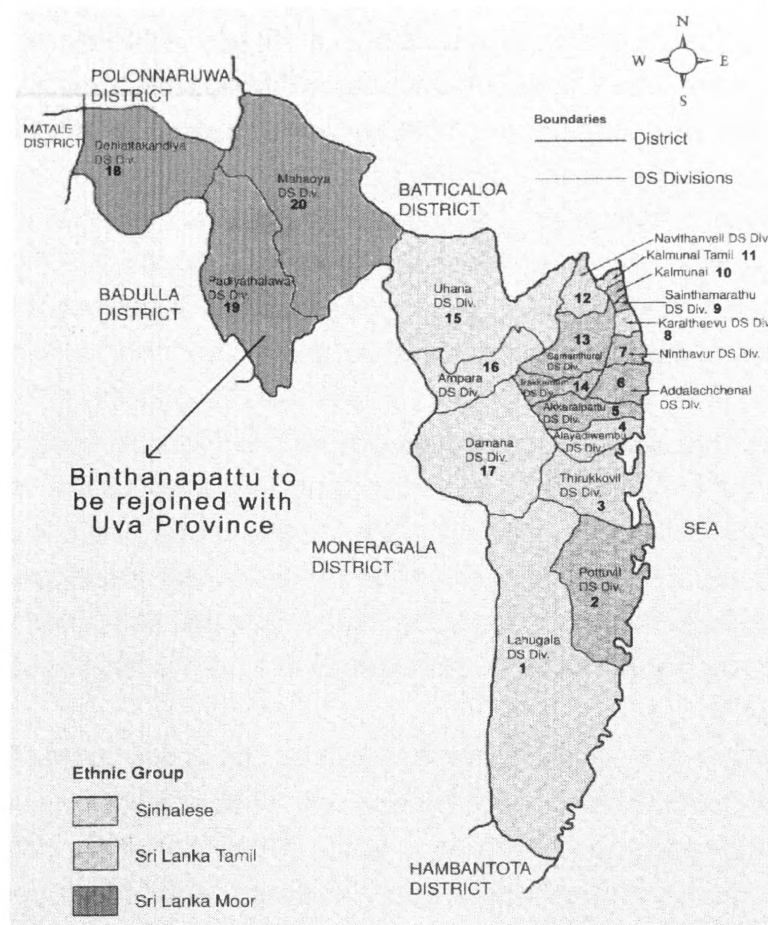
These Muslim areas which are non-contiguous should be first made community oriented Pradesheeya Sabhas as parts of the Muslim Provincial Council. This would incorporate a little more than 85% or 315,000 Muslim of the Total Muslim population of 372,005 in the Tamil speaking area. There will be about 80,000 Tamils and 40,000 Sinhalese also in the Council for Muslims. Muslims will be more than 72% in the proposed Muslim Majority Council.

The problem of administrating non-contiguous areas is not as impossible as it is made out to be. For example, the former French possession in India-Pondicheri, part of it falls in three different states, Kerala, Tamil Nadu and Andhra Pradesh where three different languages are spoken and administrated as a separate Union State. Whereas 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 the Provincial Council on the administrative pattern of non-contiguous Union State in India.

9. While solving the Tamil problem, the Government should not create a community of political and social slaves out of the Muslims in the Northern and Eastern provinces. It is hoped that the Government would not desire such a betrayal of the Muslims at a crucial time of our history.

DISCUSSION PAPER - 07

ADMINISTRATIVE DISTRICT FOR AMPARA COASTAL AREA



No.	D.S. Division	Total Popula. 2012	District %	Land Available sq. km	Land Eligible sq. km	Sinhalese		Muslims		Tamils		Muslim Registered Voters 2008
						2012	%	2012	%	2012	%	
	Panamapattu											
01	Lahugala	8900	1.37	616.87	60.89	8287	93.1	2	0.0	557	6.3	
02	Pottuvil	34749	5.36	367.50	237.72	871	2.5	27215	78.3	5382	15.5	18,264
	Akkaraipattu											
03	Thirukkovil	25187	3.89	190.65	172.31	83	0.3	1	0.0	23965	95.1	
04	Alayadiwembu	22411	3.46	127.50	153.31	217	1.0	22	0.1	19200	85.7	
05	Akkaraipattu	39223	6.05	102.18	268.33	165	0.4	39014	99.5	35	0.1	25,402
06	Addalachchenai	42165	6.51	52.50	288.45	2217	5.3	38950	92.4	952	2.3	25,671
	Ninthavur-Karawahupattu											
07	Ninthavur	26329	4.06	55.62	180.12	8	0.0	25347	96.3	952	3.6	16,833
08	Karaitheevu	16781	2.59	31.25	114.80	13	0.1	6753	40.2	9758	58.1	4,629
09	Sainthamaruthu	25412	3.92	66.87	173.84	6	0.0	25389	99.9	17	0.1	17,254
10	Kalmunai	44509	6.87		304.49	125	0.3	44310	99.6	70	0.2	29,458
11	Kalmunai Tamil	29713	4.58		203.27	164	0.6	2377	8.0	24073	81.0	1,263
	Sammanthuraipattu											
12	Navithanweli	18672	2.88	256.70	127.74	154	0.8	6402	34.3	10240	54.8	4,208
13	Sammanthurai	60596	9.35		414.54	293	0.5	53124	87.7	6650	11.0	33,667
14	Irakkamam	14373	2.22		98.33	934	6.5	13086	91.0	350	2.4	8,248
	Wewagampattu											
15	Uhana	58276	8.99	415.62	398.67	58064	99.6	18	0.0	20	0.0	
16	Ampara	43720	6.75	225.00	299.09	42546	97.3	337	0.8	130	0.3	
17	Damana	38489	5.94	426.25	263.30	38138	99.1	160	0.4	27	0.1	
	Binthanapattu											
18	Dehiyattakandya	59628	9.20	432.50	407.92	59275	99.4	111	0.2	47	0.1	
19	Pathiyathalawa	18209	2.81	466.37	124.57	18063	99.2	88	0.5	21	0.1	
20	Maha-Oya	20715	3.20	600.00	141.71	20590	99.4	40	0.2	8	0.0	
Total		648057	100.00	4433.38	4433.38	250213	38.6	282746	43.6	102454	15.8	184,897

Prior to the establishment of the present Ampara District in 1961, Kalmunai was the center of administration for the areas South of Batticaloa including the present Ampara and Uhana DS Divisions with an Assistant Government Agent as its head. More than two third of the population of the Ampara District live in the coastal area stretching from Periyaneelavanai to Kumana. The Kachcheri and all activities of civil administration operates from Ampara resulting in the aforesaid two thirds of the population who are Tamil speaking having to travel to Ampara in the Sinhalese area to transact all official business.

In addition to the transport difficulties, they also undergo untold communication difficulties as the prime language of Administration of the Ampara Kachcheri is Sinhala.

According to 1971 census the ethnic composition of the Ampara District was 47% Muslims, 30% Sinhalese and 23% Tamils. Although the land eligibility of the Sinhalese is only 675 sq. miles the new electorate carved out in 1976 for the Sinhalese colonized under Gal Oya scheme is about 850 sq. miles. The land in the present Sinhalese areas amounts to 1,330 sq. miles which is 76% of the total land area of the present Ampara District which is 1,775 sq. miles. The 62% indigenous people - the Muslims and the Tamils are left with only 24% of land - 425 sq. miles.

In the old DRO system, Muslims were the majority in Panamapattu, Akkaraipattu, Ninthavur - Karawavupattu and Sammanthuraipattu while the Sinhalese were the majority in Wewagampattu and Binthannepattu in Ampara District. After the independence, when re-demarcating the Administrative areas as AGA Divisions, the land areas of the Muslims and Tamils were restricted to residential pockets only. Most of the land for agriculture, cattle-farming, inland fishing, etc. were first taken out and attached with the residential areas of the Sinhalese, and the Sinhalese majority AGA Divisions were created. Thereafter maps were prepared to establish these areas as being within Sinhala Divisions.

The present Lahugala Sinhalese majority AGA division was part of the former Muslim majority Panamapattu DRO's Division. In 1981, the population of the new Sinhalese majority Lahugala AGA Division was 6,252 and the land area is 380 sq. miles, whereas the population of the Muslim majority Pottuvil AGA Division in the balance area was 20,152 and the land area is only 116 sq. miles.

The original Sammanthuraipattu DRO's Division included Kondavettuwana beyond Hardy Institute, Ampara Kulam and the entire Ampara U C area. The present Muslim majority Sammanthurai AGA Division is left with only 99 sq. miles. Nearly 65 sq. miles have been taken away from the Muslim Majority DRO's Division and attached with the Sinhalese majority Wawegampattu Uhana AGA Division extent 260 sq. miles.

There is wide disparity in the proportion of land holdings between the Muslims and Sinhalese in the Ampara District. For e.g. the extent of the land held by the Sinhalese in the Lahugala AGA Division is 208 times more than the land held by the Muslims in the Kalmunai AGA Division. The average land holding per person in the Sinhalese majority

area is 13 times more than the average land holding per person in the Muslim majority areas.

It is pertinent at this juncture to note that with the enactment of the administrative district Act No. 22 of 1955, the 20 administrative Districts listed below were created and each of those districts were brought under a government Agent.

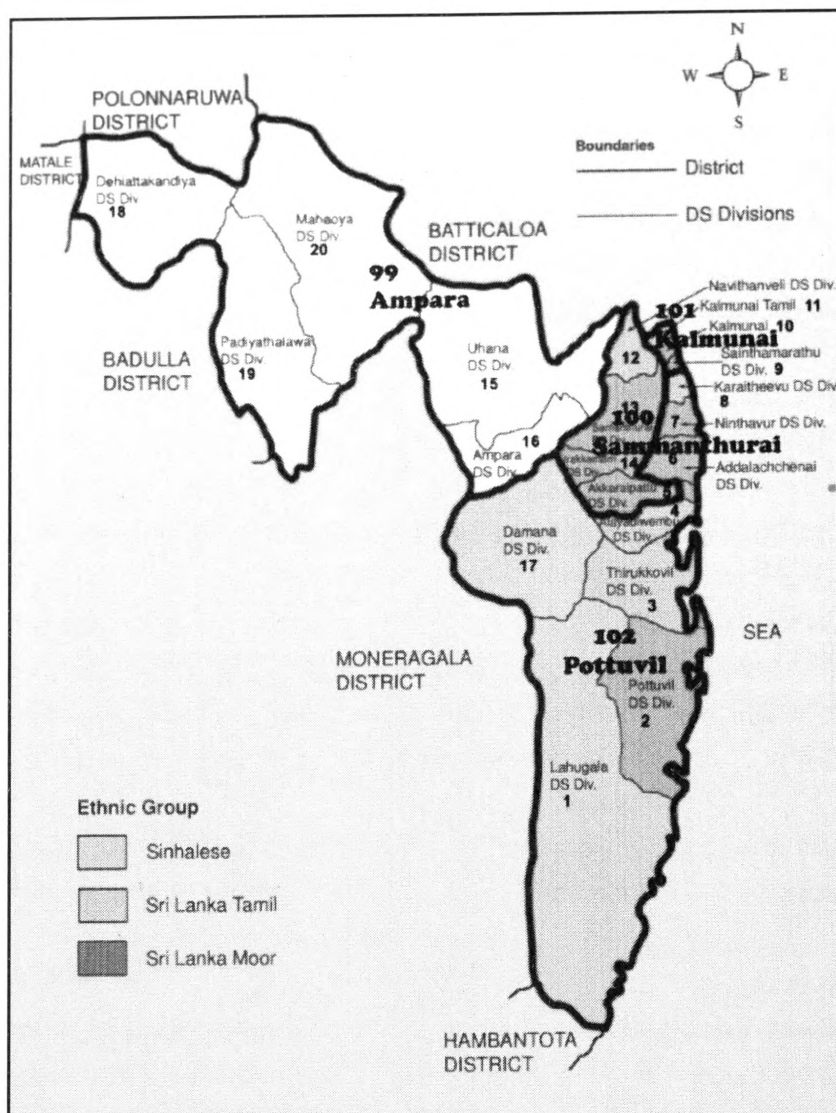
“Colombo, Kaluthara, Kandy, Matale, Nuwara Eliya, Galle, Matara, Hambantota, Jaffna, Mannar, Vavuniya, Batticaloa, Trincomalee, Kurunegala, Puttalam, Anuradhapura, Polonnaruwa, Badulla, ratnapura and Kegalle.”

During the past few decades Monaragala (1959), Ampara (1961), Gampaha (1978), Mullaithivu (1979), and Kilinochchi (1984) have been added to the above list by re-demarcating the district boundaries.

It is thus clear that precedent does exist to re-demarcate district boundaries and create new administrative districts. Such actions would go a long way to correct the great injustice caused by the arbitrary carving out of the land areas at various times since independence.

Under these circumstances we urge the Government, to consider the following which would result in the removal of the grievances caused to the Tamil speaking public of the Ampara coastal area.

1. Create a separate administrative district in the coastal area of present Ampara District comprising the former DRO's Divisions of Panamapattu, Akkaraipattu, Karavahu – Ninthavurpattu, Sammanthuraipattu and Wewagampattu South - Panama, covering the Kalmunai, Sammanthurai, Pottuvil electorates. This new district will cover a land area of 2,293.89 sq. km. and 2012 population – 447,509, Muslims 282,152 – 63.0%, Tamils 102,228 – 22.8%, Sinhalese 51,675 – 11.5%.
2. In order to ensure fair distribution of land and natural resources, re-demarcate the areas of the Divisional Secretariats including the land and natural resources according to ethnic proportions of the different communities within each area.
3. Declare each of the newly carved out DS Area as a Pradeshiya Sabha for the purpose of Local Government.



No.	D.S. Division	Total Popula. 2012	District %	Land Available sq. km	Land Eligible sq. km	Sinhalese		Muslims		Tamils		Muslim Registered Voters 2008
						2012	%	2012	%	2012	%	
	Panamapattu											
01	Lahugala	8900	1.99	616.87	45.62	8287	93.1	2	0.0	557	6.3	
02	Pottuvil	34749	7.76	367.50	178.12	871	2.5	27215	78.3	5382	15.5	18,264
	Akkaraipattu											
03	Thirukkivil	25187	5.63	190.65	129.11	83	0.3	1	0.0	23965	95.1	
04	Alayadiwembu	22411	5.01	127.50	114.88	217	1.0	22	0.1	19200	85.7	
05	Akkaraipattu	39223	8.76	102.18	201.05	165	0.4	39014	99.5	35	0.1	25,402
06	Addalachchenai	42165	9.42	52.50	216.13	2217	5.3	38950	92.4	952	2.3	25,671
	Ninthavur-Karawahupattu											
07	Ninthavur	26329	5.88	55.62	134.96	8	0.0	25347	96.3	952	3.6	16,833
08	Karaitheevu	16781	3.75	31.25	86.02	13	0.1	6753	40.2	9758	58.1	4,629
09	Sainthamaruthu	25412	5.68	66.87	130.26	6	0.0	25389	99.9	17	0.1	17,254
10	Kalmunai	44509	9.95		228.15	125	0.3	44310	99.6	70	0.2	29,458
11	Kalmunai Tamil	29713	6.64		152.31	164	0.6	2377	8.0	24073	81.0	1,263
	Sammanthuraipattu											
12	Navithanveli	18672	4.17	256.70	95.71	154	0.8	6402	34.3	10240	54.8	4,208
13	Sammanthurai	60596	13.54		310.61	293	0.5	53124	87.7	6650	11.0	33,667
14	Irakkamam	14373	3.21		73.67	934	6.5	13086	91.0	350	2.4	8,248
	Wewagampattu South											
17	Damana	38489	8.60	426.25	197.29	38138	99.1	160	0.4	27	0.1	
Total		447509	100.00	2293.89	2293.89	51675	11.5	282152	63.0	102228	22.8	184,897

DISCUSSION PAPER – 08

MISMANAGEMENT OF ABDUL RASOOL AND ASSANALEBBE TRUST PROPERTIES BY THE PUBLIC TRUSTEE UNDER THE MINISTRY OF JUSTICE

1. a. In terms of the Letter of Administration / Probate granted in the Case Nos. 304/T and 401/T by the District Court of Trincomalee, the Public Trustee was appointed in 1957 as the Administrator of the properties of Rasool and Assanalebbe Trust.
- b. According to the property list certified by the Public Trustee, the Abdul Rasool and Assanalebbe Trust owns 184 commercial and residential properties in Trincomalee UC area and more than 900 Acres of Agricultural Land in (Nilaveli) Kuchchaveli, Kinniya, Muthur, Batticaloa and (Timitar Estate, Komari) Pottuvil DS Divisions.
- c. The beneficiaries of M.I. Abdul Rasool and S.S. Assanalebbe Trust.

Institutions

1. Moors' Islamic Cultural Home
2. Lady Fareed Home for the Elders
3. Muslim Ladies College
4. Muslim Scholarship Fund
5. Muslim League
6. Periyakade Arabic School, Trincomalee
7. Moor Street Mosque, Trincomalee

Individuals

8. Proctor Ismail of Trincomalee
9. Son Mohamed Cassim
10. Daughter Hameed Umma
11. Grand Son M. Haniffa
12. Employee S.M.A. Cader
13. Nephew M.S.A. Jabbar
14. Mrs. N.S. Siddique
15. Mrs. R. Mahmood
16. Mr. Lafeer Kariapper
17. Mrs. A.C.M. Rauf
18. Mr. M.A.M. Hussain

- d. Estimated Value of Abdul Rasool and Assanalebbe Trust is more than Rs.1,000,000,000 and the arrears of rent Rs.250,000,000.
 - e. The Public Trustee never questioned the Trincomalee UC for removing some of the properties from the Assessment Register and for issuing trade license and permitting unauthorized constructions in the properties of the Trust.
 - f. The Public Trustee did not register the properties and pay the Assessment Tax to the Urban Council, Trincomalee.
 - g. These properties have been unlawfully occupied for more than 30 years with the support of the Department of Public Trustee and the Urban Council, Trincomalee without the payment of rent.
 - h. While the Public Trustee is administering Billion Rupees worth of properties of the Trust from 1957, many individual beneficiaries of the Trust have died without receiving their legitimate shares.
2. a. Because of the difficulties in administering the properties of the Trust, the former Public Trustee Mr. U. Mapa recommended at the meeting with the beneficiaries

on 10 February 1996, the distribution of the legitimate shares to the beneficiaries by an Executive Conveyance.

- b. To implement the recommendation of the former Public Trustee, the beneficiaries have organized a Special Task Force under the Chairmanship of Mr. Omar Kamil, the President of MICH and Lady Fareed Home for the Aged and appointed Mr. M.I.M. Mohideen as the Coordinator in June 2013.
3. The institutional beneficiaries of the Trust have already given their consent in writing to the Public Trustee in February 2014 to obtain court approval to sell and allocate the sales proceeds as follows:
 - (i) 80% to be distributed among the beneficiaries of Rasool and Assanalebbe Trust according to their legitimate shares.
 - (ii) 5% for Surveying, Valuation, payment of all arrears of Assessment Taxes to the Local Authorities and to Register the Ownership and obtain the Certificates of Ownership and Non-vesting for the sale of the properties and to take necessary legal action to collect the arrears of rent and to eject the unlawful occupants.
 - (iii) 7.5% to the Department of Public Trustee for administrative expenses.
 - (iv) 7.5% for the Special Task Force of the beneficiaries committee to implement the accelerated program. The Coordinator should be paid 3% out of the 7.5% allocated to the Special Task Force.
 4. The beneficiaries have submitted the following to the Public Trustee on 21 July 2014 for the implementation of the Court orders dated 27 January 2011.
 - (i) The list of 179 properties surveyed, plans prepared and the present position of the properties.
 - (ii) The names and the relevant details of the unlawful occupants of the 179 properties in Trincomalee Urban Council area to issue legal notice to vacate and recover the arrears of rent for more than 30 years.
 5. The Committee of the Beneficiaries have requested the Public Trustee on December 18, 2014 an early date to discuss the following:
 - a. Settlement of the Case No.2781/10 and the sale of the properties Nos. 37 and 274 Dock Yard Road.
 - b. Court approval to sell the properties Surveyed on Court order dated 27/01/2011.
 - c. Court approval for the allocation of the Sales Proceeds as proposed by the Beneficiaries.
 - d. Surveying of the properties of the Trust in the D.S. Divisions of Kinniya, Kuchchaveli, Muthur, Batticaloa and Komari – Pottuvil.
 - e. Gazette Notice to acquire the Trust properties in Timitar Estate, Komari, Pottuvil.

No reply has been received up to now.

6. On behalf of the beneficiaries of Rasool and Assanalebbe Trust, I wish to request the Human Rights Commission of Sri Lanka to take suitable action immediately to resolve the disputes.

National Digitization Project

National Science Foundation

Institute : South Eastern University of Sri Lanka

1. Place of Scanning : Main Library, South Eastern University of Sri Lanka, Oluvil

2. Date Scanned : 2018.02.03 15

3. Name of Digitizing Company : Sanje (Private) Ltd, No 435/16, Kottawa Rd,
Hokandara North, Arangala, Hokandara

4. Scanning Officer

Name : I. W. A. C. J. Chandrasena

Signature : *Chandrasena*

Certification of Scanning

I hereby certify that the scanning of this document was carried out under my supervision, according to the norms and standards of digital scanning accurately, also keeping with the originality of the original document to be accepted in a court of law.

Certifying Officer

Designation : Acting Librarian

Name : M. M. Mashroofa

Signature : *Mashroofa*

Date : 2018.02.03 15

"This` document/publication was digitized under National Digitization Project of the National Science Foundation, Sri Lanka"