

## India and Sri Lanka

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Very recently the Conference of the Commonwealth Heads of Government (CHOGM) was held in Colombo. Traditionally the President or the Prime Minister of every Commonwealth country attends this conference, which is always inaugurated by the Queen of Great Britain. This year, because of Her Majesty's advanced age, Charles, the Prince of Wales, represented the Queen. The heads of government of all the Commonwealth nations attended, but conspicuous by his absence was Dr, Manmohan Singh, Prime Minister of India. India was represented by the External Affairs Minister, Salman Kurshid, who obviously is not of a stature where he can substitute for the Prime Minister in a conference meant for heads of government. This was done under pressure from politicians in Tamil Nadu and allegedly at the behest of Sonia Gandhi, who did not want to run the risk of the Tamil parties distancing themselves from the Congress because the Prime Minister attended the CHOGM conference. After Bangladesh this is the second instance of local politicians influencing the Government of India in a matter of great international and national importance in which exclusive jurisdiction vests in the Central Government.

Contrast this with the behaviour of David Cameron, Prime Minister of Great Britain. He not only went to the CHOGM conference but he also accepted the invitation of the Tamil people of Jaffna and visited the Northern Province of Sri Lanka. He spoke to the Chief Minister of the provincial government and to ordinary citizens and heard their version of the atrocities committed by the Sri Lankan Army during the closing days of the Civil War. He then called upon the President and the government of Sri Lanka to constitute credible enquiries into complaints of war crimes, with the specific threat that if by March 2014 the Sri Lankan Government did not take concrete steps in this behalf he would appeal to the international community to ask the International War Crimes Tribunal to investigate as war crimes the deeds of the Sri Lankan security forces and to bring the guilty to book. The President of Sri Lanka, Mahinda Rajapaksha, has reacted strongly to what he considers undue interference in the internal affairs of Sri Lanka, but the message sent out by David Cameron is unambiguous and strong, much stronger than the message sent by Manmohan Singh through his boycott of CHOGM.

No country has a bigger stake in Sri Lanka than India because whereas geographically Sri Lanka is an offshore island of the Indian subcontinent, in terms of history, ethnicity and religious links Sri Lanka is an extension of India. The entire epic of the Ramayana was centred on Sri Lanka, the abduction of the wife of Ram by Ravan, the war fought thereafter in which Ravan was slain but after which Ram restored the independence of Sri Lanka and put Ravan's brother, Vibhishan, on the throne. That link may be mythological but there is the very real link of Ashoka sending his younger brother Mahendra, known as Mahinda in Sri Lanka, as his emissary to King Tissa of Sri Lanka. According to Sri Lankan belief Mahinda is the younger son of Ashoka, though Indian history records him as the younger brother rather than the son of Ashoka. He was accompanied by his sister Sangamitra, both of whom made their home in Sri Lanka. They brought with them the message of Buddhism, which took deep roots in that country. Even today Article 9 of the Constitution of Sri Lanka reads, "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and

foster the Buddha Sasana, while assuring to all religions the rights granted by Article 10 and 14 (1) (e)". Without being a theocracy Sri Lanka is still a Buddhist State and that is the gift of India to it, despite the fact that Buddhism virtually vanished from India till restored by Ambedkar.

There are ethnic links also. The Sinhala people who form the majority of the population of Sri Lanka claim to be of Aryan origin and state that Kalinga is their homeland from which they migrated to Sri Lanka. Certainly Sinhala is a highly sanskritised language and a person familiar with Hindi can understand almost half of what is said if Sinhala is spoken slowly. The other major ethnic group is that of the original Tamils of northern and eastern Sri Lanka. They migrated to Sri Lanka either simultaneously with or soon thereafter the Sinhala people. Their language, customs, etc., are Tamil, owing their origin to Tamil Nadu. They were and are full-fledged citizens of Sri Lanka. The third ethnic group is the Kandy Tamils, who were brought in by the British as indentured labour for the tea plantations of Central Sri Lanka. They were not original inhabitants of Sri Lanka and did not have citizenship rights. However, because they were in Sri Lanka for several generations ultimately a pact was signed between India and Sri Lanka by which all recently arrived Kandy Tamils were repatriated to India and for the rest the Sri Lankan Government promised citizenship. This promise is only partially fulfilled and the issue of Kandy Tamils comes up from time to time. However, because all the players have their origin in India this country certainly has an enormous stake in Sri Lanka, which interest is geographic, ethnic, linguistic, religious, political, geopolitical and strategic.

Till 1898 Sri Lanka was a part of the Indian Empire and the Governor General of India was also Governor General of Ceylon as Sri Lanka was then called. In 1898 Sri Lanka was separated as a colony on its own, but India continued to enjoy its imperial status which did not confer on it dominion status nor did it make India a classical colony of the British Empire. It is from India that the British sovereign derived the title of Emperor and in a way India was directly linked with the British sovereign. In the colonial history of the world India's status stood out as separate from any other colony. In 1948 Ceylon became independent from Britain but remained a dominion with links to the British Crown almost as strong as those of the White Dominions such as Australia and Canada. In 1978 Sri Lanka declared itself to be a republic. India had already done so in 1950. Under Article 2 of the Constitution Sri Lanka was declared to be a Unitary State, which is also correct in view of the fact that the total territory of Sri Lanka is about the same as that of a smaller Indian State. What differentiated Sri Lanka from our largely linguistic states is that Sri Lanka has distinct ethnic groups within a compact territory and whereas the size of the country militates against a full-fledged federation, ethnicity which has territorial bounds does make out a case for local autonomy of a high order.

In Sri Lanka English, Sinhala and Tamil language had equal status and in fact many of the higher ranks of the armed forces, civil service, judiciary and the police were manned by Tamils. In 1961 Sri Lanka suddenly decided to retain only Sinhala as the State language and suddenly the Tamils felt disenfranchised. That was the beginning of a demand for a separate Tamil State, starting with a desire for local autonomy, to transform itself gradually into a demand for independence. The massive anti Tamil riots that engulfed cities such as Colombo in 1983 was the last straw and led to a complete rupture of relations between the majority Sinhalas and the minority Tamils. The more moderate Tamil parties were swept aside by the highly militant Liberation Tigers of Tamil Eelam, or LTTE, led by Velupillai Prabhakaran. Now the Tamils of the North and the East adopted violent conflict as their weapon and the country sank into civil war. The Sri Lankan Police was busy battling the extreme left wing, largely Sinhala, JVP, which

also used violence as a weapon and the Sri Lankan Army was too disorganised to be able to take on the very ferocious LTTE guerilla warriors. Very soon the districts of Jaffna, Mannar, Vavuniya, Mullaitivu, Batticaloa, Trincomalee and Killinochi passed out of Sri Lankan control and LTTE virtually ruled there. Seven out of the twenty-five districts of Sri Lanka were no longer under the control of the Sri Lankan Government.

The Sri Lankan Government, realising that the position in that country was untenable because of conflict, enacted the Thirteenth Amendment to the Constitution. Section 2 of the Amendment corrected the injustice done to the Tamil language by Article 18 of the Constitution which made Sinhala as the sole official language of Sri Lanka and instead recognised Tamil also as an official language and English as the link language. This amendment was too little and too late to alter the incredibly strained relations between Sinhalis and Tamils. The Amendment to the Constitution, while recognising that Sri Lanka would continue to be a Unitary State, would still divide the country into nine provinces as given in the Eighth Schedule of the amended Constitution. Northern and Eastern provinces were largely Tamil and the North Central Province had both Tamil and Sinhala population. New Article 154 B provided for a Governor for each province, Article 154 D provided for an elected Provincial Council and Article 154F for a Board of Ministers consisting of the Chief Minister and not more than four other ministers, to aid and advise the Governor. List 1 of the Ninth Schedule gave the legislative competence of the Provincial Council and the administrative powers of the Provincial Government which, while falling short of the autonomy enjoyed by States in a true federation, transferred adequate powers to the provincial government to function with a degree of autonomy. This was a very important step forward in the decentralisation of powers in Sri Lanka because it did give the Board of Ministers of a province some room for administrative manoeuvre and for proving their worth as a government in dealing with local issues. It is not quite a State Government of the Indian model, but it is certainly much more than a Municipal Corporation or a Zila Panchayat. This distinction is important because even under the Sri Lankan Constitution, now that Jaffna as headquarters of the Northern Province has a provincial government and a Chief Minister, there is scope for the provincial government to prove its worth within the overall envelope of Sri Lanka so that, if the system works, in the next phase Sri Lanka can move even closer to a federation in which powers are shared between the Centre and the Provinces on a logical basis in which national issues are dealt with by the national government and provincial issues by the provincial government. The third tier would be the local councils, urban and rural, which would bring true democracy to Sri Lanka up to the grass-root level.

Indian interaction with Sri Lanka has always been an ongoing affair. Historically, for example, whereas the main troops for the South East Asia Command were provided by India, the Command headquarters under Admiral Mountbatten were in Kandy. The Baudh Vihar at Sanchi has always had Bhikhus from Sri Lanka in charge of the Vihar and the University of Buddhist Studies set up by the Madhya Pradesh Government at Sanchi was not only inaugurated by the President of Sri Lanka, but it also has a strong faculty interaction with that country. On a purely political front, as already stated, the interests of the Kandy Tamils have always been looked after by the Government of India and the pact about their future was also negotiated between the Governments of India and Sri Lanka. When the JVP insurgency reached a level of threat when even Colombo was not considered safe, contingents of the Central Reserve Police Force were made available to Sri Lanka to help in strengthening security. This came well before we intervened through the Indian Peace Keeping Force (IPKF) when the threat of secession reached proportions where the Sri Lankan Government was hard put to handle it and when the Tamils

themselves cried for Indian help against excesses committed by the Sri Lankan Forces. When India first tried to negotiate with Prabhakaran and his closest rival and subsequently offered humanitarian aid to the Tamils, the interaction increased. However, it is the Rajiv-Jayawardane pact which opened the doors for active intervention by India, resulting in a corps level IPKF being sent to Sri Lanka, which, in effect, was an expeditionary corps. Without assigning blame let it be stated that the situation deteriorated so fast that ultimately it became an open war between IPKF and LTTE. The Indian Army took horrendous casualties, with approximately 1500 dead and over 4000 being seriously wounded on our side. However, the tactical superiority and the courage of the Indian troops resulted in LTTE being overwhelmed, the North and North East being secured and the LTTE being made to vacate all its strongholds.

Unfortunately the incoming President, Premadasa had his own ambitions and at his behest India decided to withdraw IPKF without its task being completed. The rest is history. LTTE made a major come back, Jaffna was lost to the Sri Lankans and it ultimately took the tenacity and ruthlessness of President Mahinda Rajapaksh to eradicate LTTE completely from the Sri Lankan scene.

It is against this background that one has to view the present developments in Sri Lanka. LTTE was perhaps the most ferocious guerilla force in the world and its fighters were prepared to commit suicide rather than surrender. The only defence against a kamikaze soldier is to kill him because he would rather die than surrender. A fighter from LTTE who carried a cyanide pill with him was unlikely to accept peaceful overtures and give himself up. To defeat him you had to kill him. The options before the Sri Lankan Army were reduced to one, that is, physically liquidate LTTE. One cannot fault the Sri Lankan Army for ruthlessness in fighting LTTE. What however, is inexcusable is the killing of persons who had surrendered, which is what the Sri Lankan Army is accused of having done. However, because the people who died were Tamils does not give an excuse to politicians in Tamil Nadu to say that the Indian Prime Minister shall not interact with the Sri Lankans. India is not at war with Sri Lanka, nor does Sri Lanka infiltrate its equivalent of LeT (probably because they do not have such an equivalent), to cause murder and mayhem in India. The Sri Lankan civil war was long drawn out and was extremely bloody and to expect the Sri Lankan security forces to strictly follow the Geneva Convention in a war which followed no conventions is unreasonable. Even if the Sri Lankans are to be called to account this is to be done through dialogue, not through condemnation and boycott.

By not attending the CHOGM conference what has the Prime Minister achieved? In the matter of civil rights he has surrendered the high ground to David Cameron merely by being absent. In the matter of retaining the goodwill of Sri Lanka there could be no worse move than the boycott. In terms of promoting the interests of Jaffna Tamils a visit by the Indian Prime Minister would be a morale booster, whereas his absence is a signal to the Tamils that they cannot expect anything from India. If the Jaffna Tamil turns his back to India and the Sinhala also decides that India is no friend, then only two countries benefit. The first is China which got a toehold in Sri Lanka by building the Bandaranayake Centre. It then expanded its footprint by the Sri Lankan Government entrusting China with the job of creating a first rate port at Hambantota. The Indian presence at Trincomalee through the Indian Oil Corporation is now in danger because apparently IOC is under notice to hand over its port facilities to the Sri Lankan Government. All this is at the cost of India. The second is Pakistan which has made overtures to Sri Lanka. If the Prime Minister felt that there was a case for talking to the Prime Minister of Pakistan and to have a form of continuous dialogue with Pakistan despite every effort by that

country to destabilise India through violence, is there not an even stronger case for our Prime Minister to engage seriously with the Sri Lankans with a view to protecting Indian interests in its own backyard and simultaneously ensuring that the Tamils get a fair deal in the matter of rehabilitation, participation in government at provincial and national level and generally being reintegrated into the national mainstream? By boycotting CHOGM Manmohan Singh has lost the wider picture. We had thus completely mucked up our Sri Lankan policy, which is about par for the course considering our record in Nepal, Afghanistan, Bangladesh and Myanmar.

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