

23<sup>rd</sup> October, 2009

නීති විරෝධී ලෙස රජයේ ඉඩම්වල පදිංචි වීම  
அரசு காணிகளை பலாத்காரமாக அபகரித்தல்  
UNLAWFUL OCCUPATION OF STATE LANDS

ගරු ආර්. සම්පන්දන් මහතා  
( மாண்புமிகு ஆர். சம்பந்தன் )  
(The Hon. R. Sampanthan)

Mr. Deputy Chairman of Committees, before I commence my speech on the Motion, may I have your permission to mention that at the Party Leaders' Meeting yesterday it was agreed that the time of the Adjournment Debate will be till 4.00 o'clock in the evening, not 3.30 p.m.. I just want to mention that to you, Sir.

Sir, I move the following Adjournment Motion:

"In the recent past, particularly after the Sri Lankan Government's proclamation that it has achieved a military victory and brought all territory in the North-East under its effective control, -

there has been widespread unlawful occupation of State land by members of the majority community acting with total impunity; that such unlawful occupation is a continuing process; that no action has been taken up to date by the Government in regard to such unlawful occupation, and that unless stopped forthwith, would multiply manifold and result in all vacant State land being grabbed and unlawfully occupied in complete violation of the laws of the land. Such unlawful occupation is taking place within the Trincomalee District -

- (i) on both sides of the Trincomalee-Horowpothana Road between the villages of Vepankulam and Mudaliyarkulam up to Pomkulam within the Morawewa-Muthalikulam DS's Division;
- (ii) on both sides of the newly constructed Seruwila-Polonnaruwa Road within the Seruwila DS's Division;
- (iii) in several areas along the Tricomalee-Habarana Road, up to Kithuluthu, the district boundary within the Thampalakamam and Kanthalai DS's Divisions;
- (iv) on valuable land with beach frontage in the villages of Irakkakandy and Kumburupiddy within the Kuchchaveli DS's Division;

that strenuous efforts are being made by members of the majority community to evict members of the minority communities from lands and houses lawfully occupied by them and to which they are legally entitled and that in some instances, such eviction has occurred and that such efforts by the members of the majority community are supported by certain sections of the Government and that unless these unlawful actions are stopped, and the members of the minority communities restored to possession of their lands and houses, grave harm will be caused to members of the minority communities legally entitled to such lands and houses, and that the RULE OF LAW would become dysfunctional in regard to members of the minority communities. Such actions are taking place,

- (i) at Villankulam within the Trincomalee Town and Gravets DS's Division;
- (ii) at Irakkakandy within the Kuchchaveli DS's Division;
- (iii) at Palampodder-Pathinipuram within the Thampalakamam DS's Division;

that members of the minority Tamil community comprising of 1,486 families lawfully owning residential, paddy and other plantation land within the Grama Sevakas' Divisions of Sampur East, Sampur West, Koonutheevu, Navarathnapuram, Soodaikuda, Kadatkarachenai and Sampurkali, and who were displaced have been prevented from returning to their residential and other properties, and resuming their normal lives, apparently for the reason that this area has been declared a High Security Zone.

KU- 12.05

23.10.2009/ 12.05-08/ From LP/ KU 1 (Priyangi)

There were several schools, Hindu Temples and other buildings within this area. All buildings within this area apparently have been destroyed.

These families have lived on and utilized these lands owned by them for generations. Civilians live within High Security Zones in other parts of the country.

The denial of the right to resume occupation of the lands possessed and owned by them, and from which they were displaced is a violation of the fundamental and human rights of these people, and these families should be restored to possession of their residential and other properties so that they can carry on their normal lives as before. These families would conform to conditions which the Government may consider necessary to impose, when they resume occupation.

Similar such illegal occupation pertaining to State land is taking place in other parts of the Eastern Province.

It is urged -

(i) that the Government take action forthwith to stop all unlawful occupation of State land and to evict all persons unlawfully occupying State land referred to in this Motion;

(ii) that the lawful possession of lands and houses by persons lawfully entitled to same be safeguarded and protected, and that appropriate action be taken against persons seeking to unlawfully interfere with such possession, and to evict persons who have unlawfully occupied such lands/houses, and restore such lands/houses to persons legally entitled to same; and

(iii) that appropriate action be taken to permit the 1,486 families in Sampur East, Sampur West, Koonutheevu, Soodaikuda, Nawarathnapuram, Kadatkaraichanai, and Sampurkali to return to their residential paddy and plantation lands from which they were displaced and resume their normal lives."

GW -12.08

23.10.2009/ 12.08 - 12.13/From:KU/ GW 1(Priyangi, Musphika)

That is the Motion that I have placed before the House and before I speak on the Motion, may I have your permission Sir, to make a few introductory remarks.

This Motion, Sir, only seeks to ensure that the rule of law is observed; that the rule of law is enforced and that there is no discrimination in the observance and the enforcement of the rule of law. The rule of law must be made equally applicable to all. The objective of this Motion is not to inflict harm on any one people, but to ensure that justice is done to all peoples who live in this country. We are concerned in this Motion with land, a valuable asset, to which the rule of law must be applied without fear or favour. That is all that I ask.

Now, Sir, I will first deal with instances where there have been unlawful occupation of State land, and where thus far, no action has been taken by the Government to either stop such occupation, prevent such occupation or to evict the persons who have unlawfully occupied such State land. Firstly, Sir, on the Trincomalee-Horawpatana Road, in the Morawewa-Muthali Kulam DS Division, between Veppam Kulam and Mudaliyar Kulam, up to about Pan Kulam, on both sides of the main road about 100 huts have been

built on land cleared using a bulldozer. This is along the main road. This, I am informed, has the full support of the officials in Morawewa-Muthali Kulam DS Division. I have information that a Grama Sevaka was seen at the scene when activities were in progress. This is Sir, if I might say so with respect, outrageous conduct, and unless stopped, all land alongside the road will be similarly occupied by a large number of other persons. Also in Moarwewa- Mudaliyar Kulam DS Division, in Nallakuttiyawa - in Track Number 6 - in an area called 8th Channel, settlement is taking place of persons of the majority community on lands which were not occupied by them earlier. Huts are being constructed by new persons and are being occupied. This is being done without the State granting them any title to these lands. Their occupation is illegal and if permitted, more such occupation will take place and there will be massive encroachment on all vacant State land depriving other landless people of land. It is my submission Sir, that if anyone needs land, such land must be applied for and obtained in keeping with the law of the land. If the present situation continues, it would appear that in regard to State land, the law of the land does not apply to members of the majority community; that the only qualification you need to possess to take State land as you wish, is that you are a member of the majority community.

RB - 12.13

23.10.2009/ 12.13-18/ from GW/ RB/ 1 (Shanthi/ Musfika)

Unless the State takes action to reverse this situation, that would be the irresistible conclusion that one would have to draw from the situation now prevailing. I am informed, Sir, that some important people are behind some of these activities.

The second instance of unlawful occupation of State land, Sir, is in the Seruwila DS Division in the Trincomalee District. When a new road was constructed from Seruwila to Polonnaruwa after the military take over of that coastal stretch in the Eastern Province, I stated in Parliament that settlement of members of the majority community on State land would take place along this road. Now, as many as 60 huts have been constructed on land cleared on both sides of the road by members of the majority community. All these persons, all these settlers, are from outside; none from that area. But land has been cleared and huts are being constructed with absolute impunity as they wish in large numbers. No action has been taken against them. Why is the DS, Seruwila silent in regard to this matter? Why is that no action has been taken against them? Is it not realized that if this is permitted, further constructions will take place? Unless the unlawful occupiers are evicted, such unlawful occupations will continue.

The third matter I want to mention, Sir, is that on the Trincomalee-Kandy Road, from about the 5th mile post, persons have been unlawfully occupying land on both sides of the road. On the 5th mile post of the Trincomalee - Kandy Road at a place called Sumedangapura, a Minister of this Government, without any authority, had given land from an area reserved for an economic zone to 500 members of the majority community. Sheds were constructed by these people. Some sheds are still there. Some families are still there. No authority had been obtained for the land to be given to these people in this way. But it was done. These persons must all be evicted because this is State land reserved for an economic zone and nobody could have given that land as he desired to a large number of people in the way in which it has been done.

The fourth instance of illegal occupation of State land that I want to refer to is in the Kuchchaveli DS Division. There is a valuable State land with excellent beach frontage in areas of Nilaveli and North of Nilaveli in Irakkakandy and up to about Salapai Aru Bridge. Many years ago, Mr. R.G. Senanayake is said to have possessed some land here. It was not clear on what basis. He may have had a short term lease. Subsequently this land was occupied by the National Youth Council which was then chaired by Mr. Charitha Ratwatte.

TG-12.18

23.10.2009/12.18-12.23/From RB/TG/(Shanthi)/

Anyway, whatever projects that were undertaken on this land have not continued and the land remains State land even today; the property is State land. No one attempted to occupy the land illegally. None of the people in the area occupied the land illegally. The land was a barren land. One Tikiri Banda was Mr. R.G. Senanayake's watcher. Recently, in the very recent past, just about a fortnight ago -

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( மாண்புமிகு பாலித ரங்கே பண்டார)  
(The Hon. Palitha Range Bandara)

Sir, I rise to a point of Order.

නියෝජ්‍ය කාරක සභාපතිතුමා  
( குழுக்களின் பிரதித் தவிசாளர் அவர்கள்)  
(Mr. Deputy Chairman of Committees)

கௌரவ சம்பந்தன் அவர்க ளே, சற்று அமைதியாக இருங்கள் . ரංගේ බණ්ඩාර  
මන්නිවුම, බලකුමාගේ රීති පදනම ය මොකක්ද?

ගරු පාලිත රංගේ බණ්ඩාර මහතා  
( மாண்புமிகு பாலித ரங்கே பண்டார)  
(The Hon. Palitha Range Bandara)

.ගරු නියෝජ්‍ය කාරක සභාපතිතුමනි , රටේ සෑම පොලීසියකම අද භවස 4.00ට සාකච්ඡාවක් ලැහැස්ති කර තිබෙනවා . මේ සාකච්ඡාව සඳහා හැම ග්‍රැන්ඩ්ස්ටේට් වසමකින්ම ග්‍රැන්ඩ්ස්ටේට්ක මහත්මයාත් සමඟ කාන්තාවෝ පස් දෙනෙකුත් ඒ වගේම පිරිමින් පස් දෙනෙකුත් සහභාගි වන්න නියෝග කර තිබෙනවා . මේක අනාථ කඳවුරුවල ඉන්න - සරණාගත කඳවුරුවල ඉන්න- සරණාගත ජනතාවටත් මේ සාකච්ඡාව සඳහා කැඳවීම කර තිබෙනවා, ගරු නියෝජ්‍ය කාරක සභාපතිතුමනි. මෙතැනදී කරන මූලික කටයුත්ත මේකයි . රටේ ආණ්ඩුව කෙරෙහි ජනතාවගේ තිබෙන ජනශ්‍රද්ධා මොකක්ද කියන එක මේ කැඳවන ජනතාව තුළින් සිදු කරන්න යනවා. පොලීසිය යොදවා සරණාගත කඳවුරුවල ඉන්න උදවිය යොදවා ගෙන මේ වාගේ වැඩ කටයුත්තක් කරන එක යුක්ති සහගතද? පොලීසිය යෙදවීම සාධාරණද? මේක දේශපාලන කටයුත්තක්, ගරු නියෝජ්‍ය කාරක සභාපතිතුමනි.

නියෝජ්‍ය කාරක සභාපතිතුමා  
( குழுக்களின் பிரதித் தவிசாளர் அவர்கள்)  
(Mr. Deputy Chairman of Committees)

ඔබතුමාගේ දැනුවත් කිරීම ගැන බොහෝම ස්තූතියි.

ගරු පාලිත රංගේ චන්ඩිම මහතා  
( மாண்புமிகு பாலித ரங்கே பண்டார)  
(The Hon. Palitha Range Bandara)

හොඳයි. [බාධා කිරීමක්]

ගරු ආර්. සම්පන්දන් මහතා  
( மாண்புமிகு ஆர். சம்பந்தன்)  
(The Hon. R. Sampanthan)

Sir, the time lost must be taken from the time allotted to the UNP.

May I repeat my last sentence, Sir. Recently, in the very recent past, a fortnight ago, one Sethunga Mudiyansele Kithsiri Bandara, son of the said Tikiri Banda, has come and fenced around 14 acres of land from the main road up to the beach. This man has no title to the land. He was never in this area. He has acted with absolute impunity; he has taken the law into his own hands and come and occupied 14 acres of land from the main road up to the beach. He feels that he faces no danger. This is daylight robbery of State land! There are many landless Tamil and Muslim people living in this area. In any event, State land must be dealt with according to the existing laws and procedures. Why is it that no action has been taken against him thus far? In due course of time, other people will follow the same procedure and forcibly occupy valuable State lands. If a Tamil person or a Muslim person occupied valuable State land in this way, will it be allowed? The State must take back possession of the land. This man must be asked to leave; he must be evicted and the State must take back possession of the land.

I have information, Sir, that to the North of this land, another five plots of ten acres each totalling to about 50 acres, were to be given to five other persons, all of the majority community. But, I do not think that land has been given yet because there was a Circular issued by the Ministry of Public Administration and Home Affairs to the effect that no State land, which is coastal, must be alienated and I believe consequent to that Government Circular, the land has not been given yet. But, there were plans afoot to give five plots of ten acres each to five other persons of the majority community, but for the present, it appears that that has been suspended. That should not be allowed to take place. That will be illegal. It appears to be, Sir, that proper procedures are not being followed in regard to the disposal of State land.

AN-12.23p.m.

23.10.2009/12.23-28/From TG/AN (Dharma)/(1)

Communal chauvinism and venality seem to be the factors guiding the grabbing of valuable State land. The powers of the Provincial Council pertaining to State land are being totally overlooked and the Provincial Council is being totally sidelined in all these activities pertaining to the allocation of State land. Dealing with valuable State land in this way, Sir, must be brought to an end.

I will now deal, Sir, with the other matter. That is in regard to the efforts being made to evict members of the minority communities - both Tamils and Muslims - from land and houses legally occupied by them and by efforts being made by members of the majority community to forcibly occupy these lands and houses. I will first refer to a place called Vilankulam on the Trincomalee-Kandy Road, just beyond Kappalthurai on the right-hand side. Tamil people have been living there for a long time. They have been cultivating paddy under the Vilankulam Tank. Eighty four of them had valid documents of title pertaining to State land in that area. They were given those lands on LDO permits and they are legally entitled to those lands. This can be checked and verified and the truth can be ascertained. During periods of tension, these people were displaced, but they returned to their lands without keeping away completely. Two Tamil people were killed there in 2007. Recently with the assistance of the Rotary Club, 84 houses were constructed for these 84 families on these plots of land. All the people occupied the houses; all the 84 families occupied the houses and they were living there. Six wells were dug for the benefit of these people.

Some years ago, a monk had installed or he claimed to have revived some little Buddhist shrine in close proximity to this area. He began to interfere with this settlement. I am sorry to say that, according to my information, a Minister currently working in the Eastern Province also began to involve himself.

ගරු අමීර් අලි මහතා (ආපදා සහන සේවා අමාත්‍යවරයා)

( மாண்புமிகு அமீர் அலி - அனர்த்த நிவாரண சேவைகள் அமைச்சர்)

(The Hon. Ameer Ali - Minister of Disaster Relief Services)

What is the area?

ගරු ආර්. සම්පන්දන් මහතා

( மாண்புமிகு ஆர். சம்பந்தன்)

(The Hon. R. Sampanthan)

Two Sinhalese families, one, a lady Co-ordinating Secretary of the Minister by the name Susari Rupasinghe, were found accommodation -

ගරු අමීර් අලි මහතා

( மாண்புமிகு அமீர் அலி)

(The Hon. Ameer Ali)

Hon. Sampanthan, in which area the houses have been occupied? Who is the Minister?



23.10.2009 / 12.28 - 12.33 / From - AN / Sin - Dharma / Tamil - Musfika / SU

This priest brought 10 families from Hambantota. Six families have gone back. The priest kept two families with himself on the land that he is unlawfully occupying. Two of the families were settled in two other houses on this land given to the Tamil people. Now more families have come in. There are in all 20 families illegally occupying these houses. Eighteen Sinhalese families, one Muslim family and one mixed Tamil-Sinhalese family are occupying these houses. Some have come very recently, in the past one week or ten days, and this is being done deliberately to keep the Tamil people out. I will now, Sir, place on record the names of the persons who are unlawfully occupying these twenty lands. They are; Nimal Chandrasiri, Pathmasiri, T.G. Saminda Sirisena, T.W. Priyanka Pushpakumari, H.G. Piyadasa, R.G. Jayalath, S.H. Senewiratne, T. Shantha Priyadharshani, Antony Shriyantha, J.A. Supun Laksiri, W.M.H.K. Wijesooriya, M. P. Rubasinghe - who is the lady coordinating Secretary of the Minister- R.F. Rafeek, V. Jeyagowri - the mixed Tamil-Sinhalese family- J.A Samantha Pushpakumara, M.A. Jeevan Presanna Kumara, A.P. Jayantha Sri Lal, L.H. Malini, G. Sisira Jayalath, A.H. Devika. All these persons are unlawfully occupying twenty lands given to the Tamil people and for whom houses were built and in which they were living. Merely because there was tension and the people have moved out temporarily, these families have forcibly moved in with support of very important people.

Twenty two original Tamil families are still living there. Other Tamil families are unable to return in view of the existing situation. They are afraid. I am giving you all the facts to enable you to take appropriate action to ensure that these illegal occupiers of this land are evicted and that the Tamil people are restored to possession of their lands and houses.

This shows, Sir, the dangers inherent to the Tamil-speaking people - whether it be Tamils or Muslims - when little Buddhist shrines mushroom as per the wishes of political personalities, whether they belong to the clergy or the laity. This I submit respectfully, Sir, is an insult to the teachings of Lord Buddha. This is a travesty of Buddhism. I would earnestly request the Government to take appropriate action immediately to evict these unlawful occupiers from these lands and restore possession of these lands to the persons who are legally entitled to same.

The next matter I refer, Sir, is to the situation in Irrakakandy, in the Kuchchaveli DS Division. Forty two Sinhalese families had been given lands in the Irrakakandy Grama Sevaka Division. Eleven of these people still retain their lands and those lands are yet vacant and can be occupied by the original allottees or their heirs. The lands are still vacant even now. The others had sometime ago disposed of their lands to Tamil and Muslim people, who paid the proper value for these lands and bought these lands. Necessary authority has been obtained from relevant authorities for these transactions to take place and these purchasers for good value hold valid documents of title.

NP-12.33

23.10.09/ From SU/NP 12.33-38

The lands have been bought from the persons who wanted to sell them, necessary authority was obtained from the required authorities and these people hold valid documents of title in regard to the lands that they

have purchased. The purchasers have possessed these lands for a long time. They have developed these lands, obtained electricity supply, constructed houses and shops. A Muslim person has even constructed a petrol shed on one of these lands. Some of these original allottees, Sir, the persons who have sold these lands, I am informed, have received lands in the China-Bay and Cod-Bay areas in the Trincomalee District. This is my information. It needs to be verified. In any case, these people got good price for their lands. They must have invested in other property in their native places or even received state land in their native places. One thing is certain, that these people resided elsewhere for a long period of time, not in Irrakakandy, after they sold their land at Irrakakandy. Suddenly, Sir, on 14<sup>th</sup> of September, one Priyantha Pathirana, said to be a Provincial Council Member from Ampara in the Eastern Province, landed at Irrakakandy with around 172 families demanding that the land which had been earlier sold by 31 families quite some time ago be handed over. The 11 lands not sold are yet vacant and can be occupied even now. These families that came from outside with this Provincial Council Member are being kept at the RDS building at Valaiyoottu. The Government Agent, Trincomalee, a retired army official visited the area on 18<sup>th</sup> September and on his instructions food items are being issued to these people under the World Food Programme. I do not know whether the World Food Programme is aware that the relief they give this country is being even used for such purposes. As per information given to me, these people are well-to-do people. They are demanding that the lands which they sold for good value a long time ago and which at great cost had been developed by the buyers and possessed by them be returned to them, if need be, after demolishing all the buildings there; the houses, the shops, the petrol stations, everything. On what basis does one explain such unlawful conduct? The rule of law has been banished and has been transplanted by capricious majoritarian arrogance encouraged by senior government personalities who should uphold the rule of law. Those 11 families, Sir, can occupy their lands. The lands are still vacant. Others who sold their lands quite some time ago and left the place must be asked to return to wherever they came from without troubling persons who have lawfully purchased these lands, who hold valid documents of title in regard to these lands and who today are the lawful owners of these lands. Such situations, Sir, must not recur.

The third matter I want to refer, Sir, is in regard to attempts being made to evict Tamil persons and in regard to what is happening in some Tamil areas pertaining to Tampalakamam DS Division in the Trincomalee District. A new garment factory has been opened by the BOI at Tampalakamam under the scheme for special projects for the North East at a cost of Rs. 50 million advanced by the BOI. It is called the Tristar Apparel Factory owned by a person called Kumar Devapura who is a *Deshamanya*.

SU - 12.38

23.10.2009/from NP/NW/12.38-43

This was a project opened by the BOI for the war-affected people in the North-East and they had advanced the money for the construction of the factory. I am informed that the factory also was constructed by this same gentleman who must have made substantial profits on the construction of the factory itself. As far as this individual is concerned, he has already done well, benefited substantially from the construction of the factory itself. And to construct this factory, a little less than four acres of land which belonged to two Tamil people - one by the name of Muthurajah and one by the name of Muthukumar - was taken over. Their consent was not obtained. They have not been paid compensation. The factory has been constructed and is now being run by Mr. Kumar Devapura.

Sir, Thampalakamam is an ancient Tamil village. It has the *Athi* Koneshwaram Temple. When the Tirukoneshwaram Temple in Trincomalee was destroyed by the Portuguese in 1624, some of the idols in the Tirukoneshwaram Temple were taken to this temple in Thampalakamam, the *Athi* Koneshwaram

Temple. I find that the President has recently gone to the Koneshwaram Temple. Sir, the Lord Koneshwaram Temple was referred to as "Dhakshina Kailasa" in the Puranas. It is a very, very powerful deity who does not tolerate injustice and if anybody commits injustice in Trincomalee that deity ensures that those people who commit injustice are made to realize that injustice will not prevail in Trincomalee. That is the belief of the Hindu people all over the world, not merely in Trincomalee.

Thampalakamam is an ancient Tamil village and despite all the Sinhala colonization, Thampalakamam DS's Division is a predominantly Tamil-speaking DS's Division and it has a substantial Tamil and Muslim population. Now what is the population in Thampalakamam, Sir? The total population is 33,369. Of whom the Tamil-speaking people are 24,215 or more than 70 per cent and the Sinhalese people are 9,124, less than 30 per cent. Now this factory has taken 600 people on employment. What is the ethnic ratio there? That is, 16 Muslims, 36 Tamils and 548 Sinhalese; the Tamils and the Muslims are less than 10 per cent and the Sinhalese are more than 90 per cent. This was a factory built for the benefit of the war-affected people in the North-East with the money advanced by the BOI. In that factory, despite the fact that the Tamil-speaking population in Thampalakamam is 70 per cent, only 10 per cent of jobs have been given to the Tamil-speaking people - to the Tamils and Muslims - and 90 per cent of jobs have been given to the Sinhalese though the Sinhalese are less than 30 per cent. Sir, is this the justice meted out to us in a project meant for the North-East to benefit the people affected by the war in the North-East?

DK-12.43

23/09/2009/12.43 - 12.48/from NW/DK(Saro, N Ram)

This is what is called, "கிழக்கின் உதயம்" - "Awakening of the East" or "வடக்கின் வசந்தம்" - "Spring of the North." The same will happen, Sir, in that industrial estate which is now being built a little distance away from this factory. I want to caution the Government, please, do not do this type of thing. There are people watching you. This is downright injustice. You must be ashamed of yourself to engage in conduct of this nature. If you want to do the same thing in that industrial estate, please, do not open it, please, close it. We do not want it to be opened.

You are doing all these things so bravely, because the LTTE is not alive and kicking. If the LTTE was alive and kicking, you would not have done these things so bravely. I am not supporting the LTTE. You have become courageous. This is why we say that we must have the power to do these things in our areas. You will not give us that power. You want to do it yourself. Even if you want to do it yourself, you cannot do it in a just way, you cannot do it in a right way and that is what is happening. It is your belief that with your armed forces you can suppress the Tamil people and the Muslim people and do what you like however unjust what you do may be.

Sir, moving on from these factories, one other matter in the same Thampalakamam DS's Division is that ten houses were constructed for Tamil people between Palampattu Temple and Paththinipuram Junction along the Trincomalee-Kandy Road. The lands belong to those people. They were displaced people. Houses were constructed for them. It is a heavily guarded area. People had not occupied through fear until normalcy was restored. There are checkpoints all along the road. After the so-called military

victory, in recent months the houses have been dismantled one by one - the roofs, the doors, the windows, the bricks, everything, have been taken away and today they are unfit for occupation. With the checkpoints being there all along the road, virtually at every two, three hundred yards, one cannot understand how this has been done. But, it has been done. Tamil people will definitely not go and what will happen is that the land will remain barren for sometime. After that, it will be occupied by persons of the majority community and this is yet another instance of preventing Tamil people returning to their homes. I am not saying this against the majority community. I am not against the Sinhala people, I have much affection for the Sinhala people. But, I am saying that this type of injustice cannot continue and must not continue. There cannot be national reconciliation in this country if this type of thing continues. That is my complaint. So, you will see, Mr. Deputy Chairman, as to what is happening in these areas and the way in which Tamil people are being treated. State lands are being unlawfully occupied. I will give you the names of the 10 Tamil people, Sir, of the ten houses. The names are: K. Chithravelu, A. Sivalingam, E. Sarawanamuttu, V. Shanmugalingam, K. Mariyamma, K. Nadesalingam, V. Krishnapillai, K. Tambimuttu, S. Sivasekaran and S. Shanmugam. These are the persons who were entitled to those houses from which they have been evicted.

SU-12.48 p.m.

23.10.2009 / 12.48 - 12.53 / From - DK / Sin - Saro / Tamil - NR / SU

The next matter I want to refer to is in regard to the High Security Zone in the Muttur DS Division. This is the area, Sir, in which displaced Tamil families are prevented from resettling. There are the following five Grama Sevaka Divisions, with a total number of 1,486 Tamil families, involved in this decision not to resettle displaced persons. The Grama Sevaka Divisions are, Sampur East with 338 families, Sampur West with 398 families, Koonutheevu and Soodaikuda with 97 and 95 families respectively, Navarathnapuram with 114 families and Kadakkarai Chenai and Sampur Kali with 276 and 168 families respectively; totaling to 1,486 families. These are ancient Tamil villages. These people have lived in these lands for generations and for centuries. These people are historical inhabitants of these areas. There was in Sampur a famous Hindu temple, the Sampur Pathirakali Ambal Temple, much venerated by the Hindu population in Kodyarpattu and in fact the entire Trincomalee District. I have been to this temple as a little child with my parents.

Given the situation now prevalent in these areas, it is not easy to collect information. But with much difficulty my fellow Member of Parliament of that area, the The Hon. K. Thurairtnasingam, has collected all the information pertaining to the lands, residential, paddy and plantation, owned by these families in these areas. The people of these areas that I have referred to, own 411 acres of residential land on deeds; 127 and a half acres of residential land on permits issued by the State; 1,107 and three quarter acres of paddy land on deeds; 539 and a quarter acres of paddy land on permits issued by the State; 240 and a quarter acres of plantation land on deeds and 369 and a quarter acres of plantation land on permits issued by the State. These families own a total of 1,759 acres on deeds, a total of 1,036 acres on permits and a total of 2,795 acres of land. Lands owned on deeds have always been private lands. Lands owned on permits is land given to them by the State, which the people have thereafter owned. These were the lands on which these families lived and cultivated different crops.

These are facts which cannot be denied. These are facts which can be verified. I would urge the Government to verify these facts and satisfy itself that these families own these lands. The Divisional Secretary, the Grama Sevaka and other local officials would be able to state the true position. Today these families are sought to be deprived of these lands. Efforts have been made by the Government to compulsorily settle these families on small extents of land in other places using different tactics, such as threats to deprive them of food relief including the use of force. These families have refused to accept

these other small extents of lands which in any event are neither suitable nor sufficient for their residence or their farming. These families are perfectly justified in insisting that they must be returned to their lands both for residence and farming. These families have committed no wrong and they being compulsorily deprived of their lands cannot be justified on any ground.

In fact, President Mahinda Rajapaksa in the course of a speech delivered at the 55<sup>th</sup> Anniversary celebrations of the SLFP on 4<sup>th</sup> September 2006 declared, I quote:

“ Our Armed forces have captured Sampur for the welfare and benefit of the people living there.”

He must surely honour the commitment he made at his Party Convention almost immediately after Sampur was taken over. If Sampur was captured for the welfare and benefit of the people living there, people who lived there must surely go back to their villages, reside there, engage in their occupation as they have done for generations.

12.53- NP

23.10/09/FromSU/NP 12.53-58

This is their legitimate right and they cannot be denied that right. We have regularly advocated this on the Floor of this House and these families are quite determined that they will not be compelled to surrender their lands. This is because they love their land. That is their historical habitation. They are the sons and daughters of that soil and they cannot be banished from that soil.

The Government under the Emergency Regulations has declared a High Security Zone in this area. When the Emergency comes to an end those regulations will also come to an end. High Security Zones need to be enforced only in a situation of war. I recall, Sir, that in Palaly, some time ago, when they talked about High Security Zones they said that there must be a High Security Zone for a distance beyond the artillery range of LTTE fire. Today, there is no LTTE. There is no artillery. There is no artillery fire. So, what is the need for these High Security Zones? What is the need for a rigid enforcement of High Security Zones? There are High Security Zones in other parts of the country in several places where civilians, even some Tamil civilians live and continue to live. Why should these families be discriminated against? We are being denied the right to equal treatment. We have been denied the freedom to determine our place of residence, the right to return to our original residence. These families are being denied their fundamental human rights. These families are prepared to observe whatever conditions the Government may deem necessary to impose, when these families are able to resume occupation. I would strongly urge that this matter needs to be resolved in an amicable way. Let us talk about it. We are prepared to talk to the Government and come to an arrangement whereby we can assure the Government that their concerns are adequately addressed. At the same time, these people who have lived on these lands for generations and centuries can go back to these lands, live on those lands, cultivate on those lands and survive on those lands. National reconciliation can be built only on the basis of compromise and goodwill. Government should not be unreasonably rigid. This is my respectful submission, Sir.

Before I conclude, Mr. Speaker, I want to ask why are all these things happening in Trincomalee? That is because we have got a Governor who is a Sinhalese - a retired naval officer. Even for the Northern Province we have a Governor who is a retired military officer. Do we have retired naval officers or retired military officers as Governors in any other part of the country? No. But, we even have a Government Agent who is a retired military officer. Sometimes, we do not feel like blaming them. But, these people probably feel the Government has posted them there, to the North and the East and not to any other part of the country, because the Government wants them to keep the Tamil-speaking people, the Tamil and the Muslim people, under their jackboot - under military oppression. We probably cannot blame them. All important positions are being held by Sinhalese officials in the Eastern Province including the post of Land Commissioner. Now, the Eastern Provincial Council, Sir, comprising of Members of the Government Party, your Cabinet - all Ministers have unanimously taken a decision recently that the Governor must be removed. Santhirakanthan, the Chief Minister; Hisbullah, the Minister; Uthuma Lebbe, the Minister; Nawaratnaraja, the Minister and Dissanayaka the Minister. Five Ministers have unanimously decided. What do they say in their letter to the President? I will read from the letter that they have sent to the President.

NW - 12.58

23.10.2009/fromNP/NW/12.58-1.03

It states, I quote:

“He conducts meetings with the Secretaries and Head of Departments, ignoring the Chief Minister and Ministers. As a result, we, the Ministers, do not command any respect from the Secretaries or the Heads of Departments. The Governor ignores decisions of the Board of Ministers and tells the officers that he is all powerful.

Anyhow, we had tried several times to build bridges to the the Governor, but have unhappily failed.

In conclusion it states:

“Finally, having discussed this serious problem at the meeting of the Board of Ministers, today, 15<sup>th</sup> July 2009, we, the Chief Minister and Ministers of the Eastern Province humbly request your Excellency to relieve Rear Admiral Mohan Wijewickrama from the office of the Governor of the Eastern Province and to appoint a humane person .....”

Your Board of Ministers, your UPFA Government in the Eastern Province, have unanimously resolved that the Governor must be removed. But you would not remove him because you want to keep him there and use him to carry on your projects which are the institutionalization of religious and ethnic majoritarian hegemony in the Eastern Province. This cannot continue, Sir; this must come to an end. If this type of situation continues, then I think we are not moving towards peace in this country; we are moving towards a very difficult situation.

I do not want to go into other matters which may not be quite relevant to the matters that I have raised now. What is the position in regard to power on State land, Sir? You are behaving as if the Provincial Councils has no power over State land. I want to refer to a Supreme Court judgement, Sir in the case of Vasudeva Nanayakkarta versus several others, one of the major respondents being Dr. P.B. Jayasundera, the former Secretary to the Treasury. This is what the Supreme Court said in its judgement in regard to State land. The Supreme Court clearly said that the State land in a province can be alienated only on the advice of the provincial Cabinet of Ministers through the Governor, and that is the only way that it can be done.

I am quoting from page 49 of the judgement in S.C. (FR) 209/2007 in the case of Vasudeva Nanayakkara versus Dr. P.B. Jayasundera and others.

It states, I quote:

“A pre-condition laid down in paragraph 1.3 is that an alienation or disposition of State land within a Province shall be done in terms of the applicable law only on the advice of the Provincial Council. The advice would be of the Board of Ministers communicated through the Governor. The Board of Ministers being responsible in this regard to the Provincial Council.”

That is the position. Unless the Provincial Council advises that a State land can be given to X,Y or Z, no one else in this country has the power to give that land. This is the view taken by the Supreme Court not merely in this case, Sir, but in several other cases earlier. But, Sir, small people in these areas who think that they can do whatever they like seem to be taking the law into their own hands and doing whatever they like. I want to repeat again, Sir, I am not saying anything against the Sinhalese people or the majority community. But we want justice. I would not go into the old questions, such as, what was the population in 1881 or 1827, that type of thing. When the country attained Independence in 1948, the Sinhala population in the Eastern Province was 9 per cent.

KU-1.03

23.10.2009/ 01.03-01.08 From NW/KU 1 (Srima/Ram)

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When the Bandaranaike-Chelvanayakam Pact was signed in 1957, it was 13 per cent and when the Dudley Senanayake-Chelvanayakam Pact was signed in 1965, it was 19 per cent. In the year 1981, the last available Census of the North-East, it was 24 per cent. The natural increase in the Sinhala population throughout the country between 1948 and 1981 had been 238 per cent. But the increase in the Sinhala population in the Eastern Province between 1948 and 1981 had been 883 per cent. The increase in the Sinhala population in the Eastern Province has almost been three times the natural increase in the Sinhala population throughout the whole country.

We do not look upon the Sinhala people as our enemies. They are our brothers. We must survive together or, we must all perish together. There is no other way. But, why are you doing this to us? Today, the vast majority of land in the Eastern Province is in the occupation of the Sinhala people. Even the JVP, when they went before the court, stated that particularly in Trincomalee and Ampara, the

vast majority of the land is in their possession, under their control. We, the Tamil-speaking people, both the Tamils and the Muslims, are the most landless people in our areas. No one will deny that; everybody will accept that. Then why are you doing all this unlawful occupation? On the one hand, there is unlawful occupation which must be stopped, must be terminated, all the unlawful occupants must be evicted, there can be no question about it, and on the other, you are trying to evict Tamil people and Muslim people who are lawfully entitled to certain lands or houses from those properties and trying to creep into possession of those lands and houses. How can this be done? How can this be allowed? This is a public duty I have to perform. I do not consider it a pleasant duty to come here and make these complaints, but if I do not do it on behalf of the Tamil-speaking people in the Eastern Province, who else is going to do it? Who else will do it? Therefore, Sir, I want to make an appeal to the Government. The President says that he is opposed to changes in demographic composition in the North-East and he will not allow that. If you say that you are opposed to demographic changes in the North-East and that you will not allow it, then I would respectfully state that you must conform to that policy. Not merely saying it by word of mouth, you must ensure that policy is implemented on the ground. I have given you, Sir, classic instances. I have quoted facts which are irrefutable. I have given the names of places; I have given the names of the persons involved. A man goes and fences 14 acres of land, one acre may be probably worth one crore of rupees, fine beach land in Trincomalee, and no action is taken against him, the man is allowed to carry on. How can you tolerate this type of thing when the entire power in regard to the State land in the province is vested in the province? Land is a provincial subject and only on the advice of the Board of Ministers of the province can any action be taken by anybody else. Can we not as a civilized, as a sober and moderate people resolve these issues in a reasonable and acceptable way? Must we create a situation where a conflict becomes inevitable at some future point of time? If we go on in this way that is what will happen. After all, even the worm will turn some day. You might think the Tamil-speaking people - the Tamils and the Muslims - are worms and they will not turn.

GW - 1.08

23.10.2009/ 1.08 - 1.10/From:KU/GW(NRam, Jayanthi)

But, if you oppress them, if you subject them to injustice, if you deny them their legitimate entitlement, if you do things unfairly and you gain unfair advantages, that worm will turn and there will be resistance. We do not want that. When there is conflict in the country, we suffer the most; our people suffer the most. We do not want conflict. We want peace; we want an honourable peace; we want a just peace. This is why I say Sir, the time has come for the Government to think about these things very clearly and very lucidly. In fact, I do not mind sitting at a table with important Government personalities and discussing this issue one by one and coming to a conclusion in regard to these matters. I would invite the Government to initiate some action of that nature where I can sit at a table with my Friends, my Colleagues and discuss this matter with the Government and come to some arrangement.

I would therefore urge, Sir, that this Adjournment Motion which I have moved, and through which I have raised very fundamental important issues on the question of State land in the Eastern Province, particularly in the Trincomalee District - my Friend the Hon. Hasen Ali, who will second the Motion will also speak in regard to other parts of the Eastern Province - must be addressed by the Government seriously. I want to appeal to the Government, please do not send someone here just to reply me and forget about this. You cannot forget about it. We have got to sit down, discuss this matter and come to some arrangement where this type of thing will stop and where justice will be done.

I thank you, Sir.

1.10