THE TRAGEDY
of January Tenth, 1974

REPORT OF THE
COMMISSION OF INQUIRY

CONSISTING OF

MR. O. L. De KRETSER, former Judge of the Supreme Court of Ceylon
President, Classical Association of Ceylon
Chairman

Rt. Rev. SABAPATHY KULANDRAN, former Bishop

MR. V. MANICAVASAGAR, former Judge of the Supreme Court of Ceylon
Members

A. V. VATEPILLAI, Secretary to the Commission

JAFFNA

18th February, 1974
FOREWORD

The eight days, January 3rd to the 10th, span a great event in our national history—the 4th International Conference of Tamil Research Studies, with its Seminars, Exhibition, Cultural shows and Floats, turned the City of Jaffna, for the time being, into the International Capital of Tamil Culture. The motto of the Conference, derived from an ancient Tamil classic, set the tone for the meeting: “Every country is my country. Every man is my kinsman.”

It was at the valedictory session in the late evening of January 10th that the peak hour was reached. An estimated crowd of 50,000 people were there to hear and bid farewell to some of the world’s eminent Oriental Scholars who had come to study this ancient language and its living culture. The palm and green decorations that lined every road, in town and village, bore witness to the spontaneous enthusiasm of those who spoke the language which had been spoken by their saints and sages in an unending series. The long week, and this day and hour saw an upsurge never witnessed before. Aply enough, it was Professor Naina Mohamed, the great Muslim Tamil Scholar of South India, that held the vast assemblage spellbound by his eloquent exposition of the glorious heritage which was enshrined in their common mother tongue.

It was at this moment that grim tragedy struck. Without the least excuse, a cowardly but well-planned assault was let loose, with tear gas bombs, police batons, rifle butts and other weapons. Eight precious lives were lost, scores injured, hundreds and thousands of men, women and children were humiliated. The assault and insulting racial refrains extended to some streets of the city that night and to out of the way places the next following days. Little did the men with racial venom who planned these vile doings and the misguided
men who carried them out realise that they were betraying not only the Rule of Law but the very foundations of the Nation.

For some months preceding the conference, Government politicians and their Tamil henchmen had made every endeavour to get the venue shifted to Colombo. Obviously it was for political ends. But underlying it there was the lack of vision which failed to see that the country's intellectual system should not continue to be concentrated in the erstwhile colonial metropolis, but be more evenly distributed. And there was the lack of vision which failed to see that the richness of the total national culture demanded the flowing together of the distinctive cultural traditions symbolised by the different languages of the nation. Nor indeed did these short-sighted politicians see that the refusal of visas (until about three days before the Conference) to men who should have been the country's honoured guests, not to speak of the affront of sending back some four scholars who had arrived, would irreparably damage Sri Lanka's image abroad.

Even after the lifting of the ban almost at the very last moment, there was little governmental co-operation in what was one of the greatest International Conferences held on our soil. The Sri Lanka Broadcasting Corporation run on taxpayers' money, the so-called National Newspapers, controlled by Government and heavily subsidised by Government advertisements, the Government Film Unit, all failed in their national duty. Contrast this with the previous Conferences of the IATR—Kuala Lumpur, Madras, Paris. Most noteworthy the Kuala Lumpur Conference, 1966, ceremonially opened by Prime Minister Tunku Abdul Rahman and generously supported by the Government, the University of Malaya and covered so well by the mass media of that country. That Conference was followed, as is usual on such occasions, by public lectures on two evenings in order to carry the message of the Academic Sessions to members of the public.

So far there has been no concern expressed by the Prime Minister about the police doings of January 10th, no word of
sympathy for those who lost their lives, not even an acknowledgment of the request of January 11th by 7 Tamil members of the National State Assembly for an Inquiry.

A meeting of representative citizens was held on January 21st at Navalara Mandapam, Jaffna, to lodge a solemn protest against the police action on the 10th, and in the absence of an indication by the Government of any intention to appoint the Commission asked for, the Citizens’ Meeting proceeded to set up a Commission of Inquiry consisting of Mr. O. L. De Kretser, Mr. V. Manicavasagar (both former Judges of the Supreme Court) and the Rt. Rev. Dr. Sabapathy Kulandran (former Bishop in Jaffna) to hear evidence and to submit a report to a Committee of 10 Citizens, also elected at the meeting. On instructions from the Commission, its Secretary, Mr. A. V. Vatipillai wrote to the I. G. P., with copies of the letter to the Hon. the Prime Minister and the local S. P., to assist the Commission by deputing a senior police officer for the purpose, but there was no response to this request.

Not only the Tamil people of Sri Lanka who have suffered so much anguish by the loss of lives, scores injured and hundreds and thousands humiliated and the self-respect of an important ethno-cultural community so grievously hurt, but all men in this country and elsewhere who accept a moral basis for society, would look forward to informing themselves of the facts and the racist animus that lies behind them.

History is replete with examples of tragic experiences which have proved a turning point in the life of a people. They develop fresh strength from within and earn their future anew. The new method of setting up a Commission of Inquiry by the decision of a meeting of citizens is itself a pointer. The De Kretser Commission’s Report is bound to become one of the great documents of history—for ever stirring up the conscience of our people and the conscience of free men everywhere.

Meanwhile, the Tamil Conference Square, around Veerasingham Hall, becomes hallowed ground, and the 10th of
January a solemn anniversary date for our children and our children's children.

The Committee of Citizens desires to say how much they feel beholden to the labours of the honourable members of the Commission of Inquiry and to its indefatigable Secretary. The Committee also deeply appreciates the co-operation of scores of citizens who came forward to give evidence and in other ways made this Inquiry and Report possible.

On behalf of the Citizens' Committee,

(Dr.) V. T. Pasupati
Chairman

Jaffna
3rd March, 1974

V. Yogeswaran
Secretary
REPORT OF THE
COMMISSION OF INQUIRY
held at Palm Court, Jaffna
on the
2nd, 4th, 5th, 12th, and 13th February, 1974

We were nominated by the Citizens of Jaffna "to inquire
and report on the incidents which took place in Jaffna on
the 10th of January, 1974 on the occasion of a meeting held
in Jaffna at the Veerasingham Hall premises to felicitate the
foreign delegates to the International Association of Tamil
Research Conference Seminar, and on the subsequent days".

Our task was to ascertain the facts on the evidence given
before us by the witnesses.

An inquiry of this nature deriving its authority from the
people does not have the power which a judicial tribunal has
of summoning witnesses and ordering the production of
relevant documents; instead we had to be content with a
notice under the hand of the Secretary to the Commission,
published in the English and Tamil newspapers, inviting persons
who had the knowledge of the incidents to testify before us.

In response to the advertisement a large number of
persons informed the Secretary of their willingness to give
evidence.

We made it clear to the Attorney-at-law, Mr. Tambydurai
who appeared as Amicus that we considered it unnecessary
that he should place before us the evidence of several witnesses
on the same facts, and that he should select his witnesses
to avoid duplication.

In as much as the Jaffna Police were involved in the
incidents, which was the subject of our investigation, we
caused the Secretary to write to the Inspector-General of
Police, with copies to the Hon. Prime Minister, and the
Superintendent of Police, Jaffna, requesting the attendance
of a senior police officer to assist the Commission in its task.
We regret that the authorities whom we had apprised of the investigation we had undertaken did not take the opportunity of assisting us by giving the police version of what took place. We questioned some of the witnesses to ascertain whether there was any provocation from the crowd which led to the police assault. There was a complete denial by the witnesses of any such act by the crowd.

The evidence the truth of which we accept with confidence established that the meeting planned for the 10th January, 1974 was a grand finale to the conference which commenced on the 3rd January and concluded on the 9th January. The conference was held in Jaffna not without controversy as to whether it should not be held in Colombo, and with the decision that it should be held in Jaffna, the citizens gave vent to their joy. Jaffna and the surrounding villages were gaily decorated, and the people whose attendance was estimated at several thousands daily were in festive mood.

All that was scheduled for the 10th January, 1974 was a prize giving to be held at Veerasingham Hall in connection with the pageant and the cultural exhibition which took place during the period of the conference; but by about the 7th or 8th of January the organisers decided to fall in with the wishes of the people who desired to see and hear the delegates who so far held their academic discussions in halls to which the public had no access.

A. S. P. Chandrasekera having intimated to the organisers that a fresh permit to hold the meeting on the 10th would be necessary, an application was made on the lines he suggested, namely, that they should give a list of the speakers at the meeting. The evidence establishes that the police wanted to ensure that Janarthanan, a youth leader from Tamil Nadu should not address the meeting. Janarthanan was not a delegate and it was never the intention of the organisers that he should speak. The police gave permission for the holding of the meeting subject to that condition; as in the case of the meetings from the 3rd to the 9th, no permit in writing was issued by the police; the evidence is that it was a case of gentlemen not finding it necessary to give or demand
in writing what was agreed on. It was ironical that the incidents complained of happened so shortly after the police had been thanked and commended by Professor Dr. Vidyananthan, of the University of Sri Lanka, who was the Chairman at the conference, for the co-operation and goodwill they had shown to the organisers.

A fall of heavy rain on the evening of the 9th made the organisers to change the venue on the 10th from the Open Air Theatre to the Veerasingham Hall. In deciding on the change of venue, the organisers apparently did not reckon with the crowd that was likely to attend or rather did not think that they would be dissatisfied with hearing from outside with the aid of loud speakers what was going on within, but would also want to see what was going on; in the result when people were pressing their way into the hall already filled to capacity, the organisers decided some action should be taken; there being no rain, a belated effort to get back to the Open Air Theatre for which the organisers had permission was made; this was unsuccessful as the Mayor of Jaffna and the Muncipial Commissioner could not be found to authorise the care-taker to have the doors of the theatre opened for the meeting. A decision was taken to have the rest of the proceedings outside the hall but within the premises, and an announcement to this effect was made; this was received with satisfaction by the crowd; they took up every vantage point from which they could see what was going on; soon there was a crowd sitting on the road running alongside the hall, and on the esplanade across the road up to the moat as far as eye could see.

Whilst steps were being taken to have the proceedings outside the hall Headquarters Inspector Nanayakara inquired of Dr. Vidyananthan what the organisers proposed to do; Dr. Vidyananthan's evidence is that he told him that he was proposing to have the meeting outside the hall as a large crowd had assembled; and the Inspector told him that it would be all right, and suggested that the people be seated and not crowd round the platform.
The change-over to the entrance to the hall involved the erection of a temporary platform under the Sigaram (pandal) spanning the building, and the installation of a mike connecting it to loud speakers which were fixed to the electric posts on either side of the metal railings of the premises.

When proceedings were about to commence, Janarthanan with a number of admirers came amidst applause and was hoisted on to the platform, and was garlanded by Mr. Amirthalingam, Attorney-at-law, and a former Member of Parliament. Janarthanan’s stay on the platform was of the briefest duration, estimated at about two or three minutes, as Dr. Vidyananthan, the Chairman requested him to step down, which he did. He was thereafter content to be behind the improvised platform signing autographs. Whilst Janarthanan was there, Headquarters Inspector Nanayakara handed him a document and obtained a receipt from him; Nanayakara then left the place and was not seen thereafter.

The proceedings which had been delayed by about an hour due to the change-over, was resumed at about 8 p.m. in the presence of a crowd estimated to be about 50,000 persons.

The first delegate to speak was Professor Dr. Naina Mohamed, a distinguished Tamil scholar from India. He spoke on the beauty of the Tamil language, its antiquity, and the culture of the Tamil people. The evidence of every single witness who listened to him is that his choice of words was in chaste Tamil and the subject was such that the crowd listened to it with rapt attention, except for occasional applause. Whilst he was speaking, there was some disturbance amongst the crowd on the Regal Theatre side, that is in the direction of the Jaffna police station. The evidence is that those at that end stood up and began to move. Dr. Naina Mohamed told them, "ஆங்கிலத்தில் எனது போன்றவே செய்வரை கொண்டாடு" (be calm). Just then a jeep and a truck with policemen armed and in steel helmets endeavoured to make way through the crowd; the truck proceeded forward slowly until owing to the density of the crowd on the road it could not go further. The policemen got off the vehicles and proceeded to hit everyone who stood
in their path; then fanning out, they made a sustained and relentless attack on the people who fled in all directions; the result was a stampede to escape the police attack, and in the rush people fell over each other and over bicycles, and some jumped into the moat to avoid the assault. Tear gas and gun shots added to the terror; several were overpowered by the fumes, and Dr. Vidyananthan and Mr. James Rutnam who were on the platform were rendered unconscious. Mr. Rajaratnam Attorney-at-law, and Mr. Pathinathar, a member of the public service, who were by the metal railings saw the electric wire overhead brought down by gun-shots. The latter lived to tell his tale and described the agony he went through; he said a tear-gas bomb which did not explode was thrown at him by a policeman, who then fired at the electric wire resulting in the burning coil falling on him rendering him unconscious. This resulted in the death of seven others.

We pause here in the recital of these facts to try to ascertain why the police armed with rifles, tear-gas bombs, batons and wicker shields, should make what was an unprovoked and unwarranted attack on defenceless men and women who were listening to a speech by a distinguished Tamil scholar. The evidence of Mr. Kathiravelupillai, an Attorney-at-law, and a member of the National Assembly, sheds light on the matter: hearing of the attack on the people, he telephoned the Superintendent of Police, and asked that the assault be stopped. The Superintendent who was ill with bronchitis told him "that the organisers who had undertaken that a particular person would not speak at the meeting, had in breach of that undertaking allowed that man to speak, and because of this the police had to intervene by stopping the meeting; in this they were obstructed by the people and the police had therefore to use force".

We are completely satisfied that Mr. Kathiravelupillai gave a true narrative of the conversation between him and the Superintendent; that Janarthanan did not speak on that day has been established beyond doubt; it follows that someone had mis-informed the Superintendent that he had. It appears to us that the wise and prudent course would have been to
check on the truth of the information. Be that as it may a
decision to close the meeting was in our view made recklessly:
it does not appear to have occurred to the officer that he
could have in due course prosecuted the organisers for a
breach of the condition on which permission to hold the
meeting was granted: nor does it appear that the officer gave
sufficient consideration, if he considered it at all, that the
tactful decision to make was "quieta non movere" (leave well
alone), for no useful purpose would be served at that stage
as the undertaking according to the information of the Superinten-
dent had been broken; but worse still was the course of action
adopted to communicate the decision to close the meeting.
What seems so difficult to understand is why a police officer
or two could not get to the platform and ascertain who the
speaker was, and if there was no alternative to the closing
of the meeting, to direct the organisers to carry out their order.

What we do find on the evidence is that the police
completely armed, travelling in jeep and truck came along
the road and found it blocked by people sitting on it, as the
police knew would be the case, for they had tacitly acquiesced
in this by permitting policemen at either end of the approach
road skirting the Veerasingham Hall to direct traffic and to
make parking arrangements on that footing. We find both
from the exhibit P5, and our inspection of the area that the
occupation of this road by the crowd would not interfere
with the free flow of traffic towards the clock tower and the
bazaar at one end, and the police station, the Town Hall and
the Rest House at the other end, as two other roads, the Public
Library road and the road by the District Court provided
easy access.

We are satisfied that the police did on entering the road
from the police station side announce to the crowd to make
way, and that the crowd at that end did make way; the
police in vehicles were able to get in within some distance
of the hall, and could not proceed further because of the
density of the crowd. It is in evidence that what was said
on the hailier was not heard by some, and unintelligible to
others; this does not appear to be unlikely, for it is our
experience that what is said on hailers is often distorted beyond recognition; and in this instance we are mindful that at the same time there were loudspeakers already relaying a speech to which people were carefully listening. The fact that the police could not proceed further in their vehicles is not excuse for what they did next; and what they next did we have referred to in the narration of facts which we have accepted.

It is our unanimous view that the witnesses before us were endeavouring to give their version honestly of what they had seen and heard; we accept their testimony as a truthful narrative. In accepting their evidence we have borne in mind that the crowd was an enormous one, the incident took place at night with lights being on the platform and the usual street lamps; naturally the witnesses who occupied different points in this vast expanse could not possibly be expected to recount every incident that took place, to observe and hear every single detail which took place at different points somewhat removed from where each was.

The irresistible conclusion we come to is that the police on this night was guilty of a violent and quite an unnecessary attack on unarmed citizens. We are gravely concerned that they lacked the judgement which we expect of policemen in a civilian police force whose duties call for tactful handling even in the most difficult situation.

The evidence establishes that this was not all that took place that night. The police in their armed might roved the city assaulting whomsoever they came across for no better reason than that the people were doing what they were entitled to do.

And so we find them at about 10 p.m., whilst Mr. Perinpanayagam was driving along Police Station road, towards the Jaffna Library to pick up his wife and children, striking at him with the butt end of a rifle, which fortunately alighted on the door, and hitting the rear of his car 5 or 6 times causing damage to the vehicle. We observed the damage to the car which was produced for our inspection.

We have them assaulting people at the bus-stand, and using tear gas on those who were awaiting buses to take them to their destination.
We see them at Main Street, Jaffna, 25 or 30 of them, assaulting Ponniah Vinayagamoorthy, damaging the mudguard of his motor cycle, which was brought for our inspection, and smashing the glass of the head-lamp.

We find them next with Mr. Thevarajah, Engineer, who was on his way home at about 9-30 p.m. Near Dr. Phillips Nursing Home, a mile away from Veerasingham Hall, he saw a truck and a jeep halt, and 10 or 12 policemen armed with rifles jump out; they belaboured him and he fell unconscious and found himself on revival in hospital. Thevarajah was not one who attended the meeting at Veerasingham Hall. He also said that before he was assaulted the police were throwing stones, and he heard the sound of glass breaking.

We were shown the damage to the Rio Ice Cream shop, which the witness Arnold said was caused by policemen hitting the glass front of the shop.

We heard the evidence of Emmanuel Rajasingham that 10 or 15 policemen armed with batons, rifles and wicker shields followed by a truck on Main Street, Jaffna, damage the motor cycle of Vinayagamoorthy, the glass windows of a funeral parlour, the festive bulbs on the street, and the street lamp, and thus despite the order of an officer who said, "Idiots, get into the van".

We have the evidence of Gnaneswaran on duty at a petrol shed at the junction of Kasturiar Road and Stanley Road, the evidence of Seethaluxmy, wife of Thangaraja who was hospitalised for 5 days, of Perimal Vijayaraj, and others who gave evidence before us, all victims of police assaults, at places far removed from Veerasingham Hall; and 2 days after the fateful 10th, in the early hours before day-break, at Inuvil, miles away from Jaffna town, we see policemen alighting from a truck assault a cyclist, and then set upon Sinnatamby Kandiah, a security officer employed at the Cement Corporation who was on his way to the factory; Kandiah was abused and assaulted; chased by 3 policemen he escaped and on reaching his place of work complained to the manager of the factory who represented matters to the Government Agent.
The witnesses who gave evidence before us were quite certain that prior to the police attack there was no resistance or retaliation by the crowd; they denied that stones and bottles were thrown at policemen and police vehicles, which was the version given by the police to the Magistrate. But there is evidence that long after the incidents at Veerasingham Hall, a policeman was beaten and thrown into the pond near the Open Air Theatre, and there is evidence that some young men who were about to set upon two policemen were prevented from attacking them. Retaliation seems to us to be the natural reaction of young men, who contemplating on the tragic loss of lives, and the physical injuries and indignities to which men and women had been subject to on this night of terror; perhaps other retaliatory acts too may have occurred later that night which the witnesses who gave evidence before us were ignorant of; if there were the police could have led that evidence, but they chose not to do so.

We are of opinion that those who suffered physical injury and material damage, and those who lost their lives were the innocent victims of a chain of events set in motion by a completely wrong and unwise decision on the part of the police officer who made it.

We can find no justification at all for the police assault on defenceless and innocent citizens; indeed there can be no justification for the police to use force, save in the exceptional circumstance of defending person and property, and that too the bare minimum; for it is not the function of the police to punish wrong doors, for that is a function of the courts of law. It appears to us that those who have control over the police service would do well to take necessary action to ensure that policemen clearly understand their functions vis à vis the public, in a manner which will instil public confidence in the police force; for policemen should realise that theirs is a police service and not a police force.

Sgd. O. L. De Kretser
Sgd. Rt. Rev. Dr. S. Kulanadan
Sgd. V. Manicavasagar

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