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Statement on the General Principles of the Agreement:

"Representatives of the Federal Party had a series of discussions with the Prime Minister in an effort to resolve the differences of opinion that had been growing and creating tension.

"At the early stages of these conversations it became evident that it was not possible for the Prime Minister to accede to some of the demands of the Federal Party.

"The Prime Minister stated that from the point of view of the government he was not in a position to discuss the setting up of a federal constitution or regional autonomy or any step which would abrogate the Official Language Act. The question then arose whether it was possible to explore the possibility of an adjustment without the Federal Party abandoning or surrendering any of its fundamental principles and objectives.

"At this stage the Prime Minister suggested an examination of the government's draft Regional Councils Bill to see whether provisions can be made under it to meet reasonably some of matters in this regard which the Federal Party had in view.

"The agreements so reached are embodied in a separate document.

"Regarding the language the Federal Party reiterated its stand for parity, but in view of the position of the Prime Minister in this matter they came to an agreement by way of an adjustment. They pointed out that it was important for them that there should be a recognition of Tamil as a national language and that the administrative work in the Northern and Eastern Provinces should be done in Tamil.

"The Prime Minister stated that as mentioned by him earlier that it was possible for him to take any step that would abrogate the Official Language Act."
USE OF TAMIL. "After discussions it was agreed that the proposed legislation should contain recognition of Tamil as the language of a national minority in Ceylon, and that the four points mentioned by the Prime Minister should include provision that, without infringing on the position of the Official Language Act, the language of administration in the Northern and Eastern Provinces should be Tamil and any necessary provision be made for non-Tamil-speaking minorities in the Northern and Eastern Provinces.

"Regarding the question of Ceylon citizenship for people of Indian descent and revision of the Citizenship Act, the representatives of the Federal Party forwarded their views to the Prime Minister and pressed for an early settlement.

"The Prime Minister indicated that this problem would receive early consideration.

"In view of these conclusions the Federal Party stated that they were withdrawing their proposed Satyagraha."

JOINT STATEMENT BY THE PRIME MINISTER AND REPRESENTATIVES OF THE FEDERAL PARTY ON REGIONAL COUNCILS:

"(A) Regional areas to be defined in the Bill itself by embodying them in the schedule thereto.

"(B) That the Northern Province is to form one Regional area whilst the Eastern Province is to be divided into one or more Regional areas.

"(C) Provision is to be made in the Bill to enable two or more regions to amalgamate even beyond provincial limits; and for one Region to divide itself subject to ratification by Parliament. Further provision is to be made in the Bill for two or more regions to collaborate for specific purposes of common interest.

DIRECT ELECTIONS. "(D) Provision is to be made for direct election of regional councillors. Provision is to be made for a delimitation Commission or Commissions for carving out electorates. The question of M.P's representing districts falling within regional areas to be eligible to function as chairmen is to be considered. The question of Government Agents being regional Commissioners is to be considered. The question of supervisory functions over large towns, strategic towns and municipalities is to be looked into."
SPECIAL POWERS. "(E) Parliament is to delegate powers and specify them in the Act. It was agreed that Regional Councils should have powers over specified subjects including agriculture, cooperatives, land, land development, colonization, education, health, industries and fisheries, housing, and social services, electricity, water schemes and road. Requisite definition of powers will be made in the Bill.

COLONIZATION SCHEMES. "(F) It was agreed that in the matters of colonization schemes the powers of the Regional Councils shall include the powers to select allottees to whom land within their area of authority shall be alienated and also power to select personnel to be employed for work on such schemes. The position regarding the area at present administered by the Gal Oya Board in this matter requires consideration.

TAXATION AND BORROWING. "(G) The powers in regard to the Regional Councils vested in the Minister of Local Government in the draft Bill to be revised with a view to vesting control in Parliament wherever necessary.

"(H) The Central Government will provide block grants to Regional Councils. The principles on which the grants will be computed will be gone into. The Regional Councils shall have powers of taxation and borrowing."
1. Action to be taken early under the Tamil Language Special Provisions Act (No.28 of 1958), to make provision for the Tamil language to be the language of administration and of record in the Northern and Eastern Provinces. Senanayake also explained that it was the policy of the Party that a Tamil-speaking person should be entitled to transact business in Tamil throughout the island.

2. Senanayake stated that it was the policy of his party to amend the Language of the Courts Act to provide for legal proceedings in the Northern and Eastern Provinces to be conducted and recorded in Tamil.

3. Action will be taken to establish District Councils of Ceylon vested with powers over subjects to be mutually agreed between the two leaders. It was agreed, however, that the Government should have power under the law to give directions to such Councils in the national interest.

4. The Land Development Ordinance will be amended to provide that Citizens of Ceylon be entitled to allotment of land under the Ordinance. Senanayake further agreed that in granting land under Colonization Schemes the following priorities to be observed in the Northern and Eastern Provinces:

(a) Land in the Northern and Eastern Provinces should in the first instance be granted to landless peasants in the District;

(b) Secondly, to Tamil-speaking persons resident in the Northern and Eastern Provinces; and

(c) Thirdly, to other citizens of Ceylon, preference being given to Tamil residents in the rest of the island.
APPENDIX - III

PREVENTION OF TERRORISM ACT OF 1979

Whereas Sri Lanka is a Free, Sovereign, Independent and Unitary State and it is the duty of the State to safeguard the independence, sovereignty, unity and the territorial integrity of Sri Lanka.

And whereas the independence, sovereignty, unity and the territorial integrity of Sri Lanka has been threatened by activities of certain persons, political parties and other associations and organisations.

And whereas, it has become necessary to prohibit such activities and to provide punishments therefor:

Now be it therefore, enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

(1) The Act may be cited as the Sixth Amendment to the Constitution.

(2) The following Article is hereby inserted after Article 157 and shall have effect as Article 157A of the Constitution of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as 'the Constitution').

157A (1) No person shall, directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka.

157A (2) No political party or other association or organisation shall have as one of its aims or objects the establishment of a separate State within the territory of Sri Lanka.

(3) Any person who acts in contravention of the provisions of paragraph (1) shall on conviction by the Court of Appeal, an indictment and according to such procedures as may be prescribed by law

(a) be subject to civil disability

(b) forfeit his immovable and movable property
(c) not be entitled to civic rights for such period not exceeding 7 years as may be determined in such Court,

(d) if he is a Member of Parliament or a person in such service or holding such office as is referred to in paragraph (1) of Article 165, cease to be such member or to be in such service or to hold such office.

(4) Where any political party or other association or organisation has as one of its aims or objects the establishment of a separate State within the territory of Sri Lanka, any person may make an application to the Supreme Court for a declaration that such political party or other association or organisation has as one of its aims or objects the establishment of a separate State within the territory of Sri Lanka. The Secretary or other officer of such political party or other association or organisation shall be made a response to such application.

(5) Where the Supreme Court makes a declaration under paragraph (4) in relation to any political party or otherwise in relation to other association or organisation in pursuance of an application made to it under that paragraph:

(a) that political party or other association or organisation shall be deemed, for all purposes to be proscribed;

(b) any person who holds office or is a member of that political party or other association or organisation, after the date of such declaration, shall be guilty of an offense and shall on conviction, by the Court of Appeal--

(i) be subject to civic disability

(ii) forfeit his movable and immovable property

(iii) not be entitled to civic rights for such services or holds such office as is referred to in paragraph (1) Articles 165, cease to be in such member or to be in such service or hold such office.
The execution of any sentence imposed under paragraph (3) or sub-paragraph (b) of paragraph 5 shall not be stayed or suspended or other conviction in consequence of which such sentence was imposed.

Every officer or person who was or is required by Article 37 or Article 53 or Article 64 or Article 107 or Article 165, to make or subscribe or to take or subscribe an oath of affirmation shall:

(a) if such an officer or person is holding office on the date of coming into force of this Article make or subscribe, or take or subscribe an oath of affirmation substantially in the form set out in the Seventh Schedule, within one month of the date on which this Article comes into force;

(b) if such person or officer is appointed to such office after the coming into force of this Article make or subscribe or take or subscribe, an oath of affirmation in the form set out in the Seventh Schedule, within one month of his appointment to such office.

The provisions of Article 165(1) and Article 169(12) shall mutatis mutandis apply to and in relation to any person or officer who fails to take or subscribe, or make or subscribe, an oath of affirmation as required by this paragraph.

Parliament may, by resolution, determine such other categories of persons or officers to whom the provision of paragraph (6) shall apply and thereupon, the provisions of such paragraph shall mutatis mutandis, apply to, and in relation to, officers or persons of that category.

The jurisdiction of the Court of Appeal in respect of its powers under this Article shall be exercised in the manner provided in such paragraph (iv) of the proviso of paragraph 2 of Article 146.

In this Article, 'Civic rights' means:

(a) the right to obtain a passport

(b) the right to sit for any public examination

(c) the right to own any movable property
(d) the right to engage in any trade or profession
which required a license, registration or other
authorisation, by or under any written law.

(11) Article (6) of the Constitution is hereby amended in paragraph (d) of that Article as follows:

(1) in sub-paragraph (iii) of that paragraph, by the substitution for the words to fill such vacancy:
Upon receipt of such nomination the Commissioner,
of the following to fill such vacancy. A nomination
made by the Secretary of such political party
under this sub-paragraph shall be accompanied
by an oath of affirmation as the case may be,
in the form set out in the Seventh Schedule, taken
or subscribed or made or subscribed, as the case
may be, by the person nominated to fill such
vacancy. Upon the receipt of such nomination,
the Commissioner.

(2) in the proviso to sub-paragraph (iii) of that
paragraph by the substitution for the words 'within
thirty days of his being required to do so' of the
following: 'within thirty days of his being
required to do so and in the aforesaid manner'.

(3) by the insertion, immediately after sub-paragraph
(iii) of that paragraph, of the following sub-
paragraph (iv) where a member nominated or elected
to fill any such vacancy as is referred to in sub-
paragraph (i) of sub-paragraph (ii) being a member
who has taken or subscribed or made or sub-
scribed, an oath of affirmation substantially in
the form set out in the Seventh Schedule directly
or indirectly in or outside Sri Lanka, supports,
espouses, promotes, finances, encourages or
advocates the establishment of a separate State
within the territory of the Republic of Sri Lanka,
any person may make an application to the Court
of Appeal for a declaration that such member has
directly or indirectly, in or outside Sri Lanka,
supported, espoused, promoted, financed, encouraged
or advocated the establishment of a separate State
within the territory of the Republic of Sri Lanka.
If the Court of Appeal makes, on such application, a declaration that such member has directly or indirectly in or outside Sri Lanka, supported, espoused, promoted financed, encouraged or advocated the establishment of a separate State within the territory of the Republic of Sri Lanka, the seat of such member shall be deemed to be vacant with effect from the date of such declaration and such member shall be disqualified from sitting and voting in Parliament and from being elected or nominated to Parliament for a period of seven years from the date of such declaration. The vacancy occurring in the membership of Parliament by reason of such declaration shall be filled in the manner provided in paragraph (iii).

The jurisdiction of the Court of Appeal in respect of its power under this sub-paragraph shall be exercised in the manner provided in sub-paragraph (iv) of the proviso to paragraph (2) of Article 146.

(4) The Constitution is hereby amended by the addition, at the end thereof, of the following schedule which shall have effect as the Seventh Schedule to the Constitution.

**SEVENTH SCHEDULE**

**Article 161 (d)(iii)**

I, do solemnly declare, affirm, swear that I will behold and defend the Constitution of the Democratic Socialist Republic of Sri Lanka and that I will not directly, or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage, or advocate the establishment of a separate State within the territory of the Republic of Sri Lanka.
In terms of paragraph six of the Presidents statement of December 1st, 1983, the following proposals which have emerged as a result of discussions in Colombo and New Delhi are appended for consideration by the All Party Conference. These proposals are in the context of the unity and integrity of Sri Lanka and will form basis for formulating the Agenda of the All Party Conference.

(1) The District Development Councils in a province be permitted to combine into one or more Regional Councils if they so agree by decisions of the Councils and approved by Referendum in that district.

(2) In the case of the District Councils in the Northern and Eastern provinces respectively, as they are not functioning due to the resignation of the majority of members, their union within each province to be accepted.

(3) Each Region will have a Regional Council if so decided. The convention will be established that the leader of the party which commands a majority in the Regional Council would be formally appointed by the President as the Chief Minister of the Region. The Chief Minister will constitute a committee of ministers of the Region.

(4) The President and the Parliament will continue to have overall responsibility over all subjects not transferred to the regions and generally for all other matters relating to the maintenance of the sovereignty, integrity, unity and security and progress and development of the Republic as a whole.

(5) The Legislative power of the Region would be vested in the Regional Councils which would be empowered to enact laws and exercise executive powers in relation thereto on certain specified listed subjects including the maintenance of internal law and order in the Region, the administration of justice, social and economic development, cultural matters and land policy. The list of subjects which will be allocated to the Regions will be worked out in detail.
(6) The Regional Councils will also have the power to levy taxes, case or fees and to mobilise resources through loans, the proceeds of which will be credited to a Consolidated Fund set up for that particular Region to which also will be credited grants, allocations or subventions made by the Republic. Financial resources will be apportioned to the Regions on the recommendations of a representative Finance Commission appointed from time to time.

(7) Provision will be made for constituting High Courts in each Region. The Supreme Court of Sri Lanka will exercise appellate and constitutional jurisdiction.

(8) Each Region will have a Regional Service consisting of (a) officers and other public servants of the Region and (b) such other officers and public servants who may be seconded to the Region. Each Region will have a Regional Public Service Commission for recruitment and for exercising disciplinary powers relating to the members of the Regional Service.

(9) The armed forces of Sri Lanka will adequately reflect the national ethnic position. In the Northern and Eastern Regions, the police forces for internal security will also reflect the ethnic composition of these Regions.

(10) A Port Authority under the Central Government will be set up for administering the Trincomalee Port and Harbour. The area which will come under the administration of the Port Authority as well as the powers to be assigned to it will be further discussed.

(11) A national policy on land settlement and the basis on which the Government will undertake land colonization will have to be worked out. All settlement schemes should be based on ethnic proportions so as not to alter the demographic balance subject to agreement being reached on major projects.

(12) The Constitution and other laws dealing with the official language Sinhala and the national language, Tamil, be accepted and implemented as well as similar laws dealing with the National Flag and Anthem.
The Conference should appoint a committee to work out constitutional and legal changes that may be necessary to implement these decisions. The Government would provide its Secretariat and necessary legal offices.

The consensus of opinion of the All Party Conference will itself considered by the United National Party Executive Committee and presumably by the executive bodies of the other parties as well, before being placed before Parliament for legislative action.
Following is the text of Sri Lankan President J.R. Jayawardene's reply to Prime Minister Rajiv Gandhi's letter of July 29, 1987:

1. Excellency,

Please refer to your letter dated the 29th July, 1987, which reads as follows:

Excellency, Conscious of the friendship between our two countries stretching over two millennia and more, and recognising the importance of nurturing this traditional friendship, it is imperative that both Sri Lanka and India reaffirm the decision not to allow our respective territories to be used for activities prejudicial to each others unity, territorial integrity and security.

2. In this spirit, you had during the course of our discussions, agreed to meet some of India's concerns as follows:

(i) Your excellency and myself will reach an early understanding about the relevance and employment of foreign military and intelligence personnel with a view to ensuring that such presences will not prejudice Indo-Sri Lankan relations.

(ii) Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests.

(iii) The work of restoring and operating the Trincomalee oil tank farm will be undertaken as a joint venture between India and Sri Lanka.

(iv) Sri Lanka's agreements with foreign broadcasting organisations will be reviewed to ensure that any facilities set up them in Sri Lanka are used solely as public broadcasting facilities and not for any military or intelligence purpose.
3. In the same spirit, India will:

(i) Deport all Sri Lankan citizens who are found to be engaging in terrorist activities or advocating separatism or terrorism.

(ii) provide training facilities and military supplies for Sri Lankan armed forces.

4. India and Sri Lanka have agreed to set up a joint consultative mechanism to continuously review matters of common concern in the light of the objectives stated in para 1 and specifically to monitor the implementation of other matters contained in this letter.

5. Kindly confirm, Excellency, the assurances of my highest consideration.

Yours sincerely,

Sd/-

(RAJIV GANDHI)

His Excellency

Mr. J.R. Jayawardene
President of the Democratic Socialist Republic of Sri Lanka
Colombo.

This is to confirm that the above correctly sets out the understanding reached between us.

Please accept, Excellency, the assurances of my highest consideration.

Sd/-

(J.R. JAYAWARDENE)

His Excellency

Mr. Rajiv Gandhi
Prime Minister of the Republic of India
New Delhi.
The Prime Minister of the Republic of India, His Excellency Mr. Rajiv Gandhi and the President of the Democratic Socialist Republic of Sri Lanka, His Excellency Mr. J.R. Jayawardene having met at Colombo on 29 July 1987.

Attaching utmost importance to nurturing, intensifying and strengthening the traditional friendship of India and Sri Lanka and acknowledging the imperative need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and for the safety, well-being and prosperity of people belonging to all communities in Sri Lanka.

1. Having this day entered into the following Agreement to fulfil this objective.

1.1 desiring to preserve the unity, sovereignty and territorial integrity of Sri Lanka;

1.2 acknowledging that Sri Lanka is a multi-ethnic and a multi-lingual plural society consisting, inter alia, of Sinhalese, Tamils, Muslims (Moors) and Burghers;

1.3 recognising that each ethnic group has a distinct cultural and linguistic identity which has to be carefully nurtured;

1.4 also recognising that the Northern and the Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups;

1.5 conscious of the necessity of strengthening the forces contributing to the unity, sovereignty and territorial integrity of Sri Lanka, and preserving its character as a multi-ethnic, multi-lingual and multi-religious plural society, in which all citizens can live in equality, safety and harmony, and prosper and fulfil their aspirations;
2.1 Since the Government of Sri Lanka proposes to permit adjoining Provinces to join to form one administrative unit and also by a Referendum to separate as may be permitted to the Northern and Eastern Provinces as outlined below;

2.2 During the period, which shall be considered an interim period (i.e.) from the date of the elections to the Provincial Council, as specified in para 2.8 to the date of the Referendum as specified in para 2.3, the Northern and Eastern Provinces as now constituted, will form one administrative unit, having one elected Provincial Council. Such a unit will have one Governor, one Chief Minister and one Board of Ministers;

2.3 There will be a Referendum on or before 31 December 1988 to enable the people of the Eastern Province to decide whether:

(A) The Eastern Province should remain linked with the Northern Province as one administrative unit, and continue to be governed together with the Northern Province as specified in para 2.2, or

(B) The Eastern Province should constitute a separate administrative unit having its own distinct Provincial Council with a separate Governor, Chief Minister and Board of Ministers.

The President may, at his discretion, decide to postpone such a Referendum.

2.4 All persons who have been displaced due to ethnic violence, or other reasons, will have right to vote in such a Referendum. Necessary conditions to enable them to return to areas from where they were displaced will be credited.
2.5 The Referendum, when held, will be nominated by a committee headed by the Chief Justice, a member appointed by the President, nominated by the Government of Sri Lanka, and a member appointed by the President, nominated by the representatives of the Tamil speaking people of the Eastern Province.

2.6 A simple majority will be sufficient to determine the result of the Referendum.

2.7 Meeting and other forms of propaganda, permissible within the laws of the country, will be allowed before the Referendum.

2.8 Elections to Provincial Councils will be held within the next three months, in any event before 31 Dec. 1987. Indian observers will be invited for elections to the Provincial Council of the North and East.

2.9 The emergency will be lifted in the Eastern and Northern Provinces by 15 August 1987. A cessation of hostilities will come into effect all over the Island within 48 hours of the signing of this Agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka. Consequent to the cessation of hostilities and the surrender of arms by militant groups, the army and other security personnel will be confined to barracks in camps as on 25 May 1987. The process of surrendering of arms and confining the security personnel moving back to barracks shall be completed within 72 hours of cessation of hostilities coming into effect.

2.10 The Government of Sri Lanka will utilise for the purpose of law enforcement and maintenance of security in the Northern and Eastern Provinces the same organisations and mechanisms of Government as are used in the rest of the country.

2.11 The President of Sri Lanka will grant a general amnesty to political and other prisoners now held in custody under the Prevention of Terrorism Act and other emergency laws, and to combatants, as well as to those persons accused, charged and/or
convicted under these laws. The Government of Sri Lanka will make special efforts to rehabilitate militant youth with a view to bringing them back to the mainstream of national life. India will cooperate in the process.

2.12 The Government of Sri Lanka will accept and abide by the above provisions and expect all others to do likewise.

2.13 If the framework for the resolutions is accepted, the Government of Sri Lanka will implement the relevant proposals forthwith.

2.14 The Government of India will underwrite and guarantee the resolutions, and cooperate in the implementation of these proposals.

2.15 These proposals are conditional to an acceptance of proposals negotiated from 4.5.1986. Residual matters not finalised during the above negotiations shall be resolved between India and Sri Lanka within a period of six weeks of signing this Agreement. These proposals are also conditional to the Government of India cooperating directly with the Government of Sri Lanka in their implementation.

2.16 These proposals are also conditional to the Government of India taking the following actions if any militant group operating in Sri Lanka does not accept this framework of proposals for a settlement, namely:

(A) India will take all necessary steps to ensure that Indian territory is not used for activities prejudicial to the unity, integrity and security of Sri Lanka.

(B) The Indian Navy/Coast Guard will cooperate with the Sri Lanka Navy in preventing Tamil militant activities from affecting Sri Lanka.

(C) In the event that the Government of Sri Lanka requests the Government of India to afford military assistance to implement these proposals the Government of India will cooperate by giving to the Government of Sri Lanka such military assistance as and when requested.
(D) The Government of India will expedite repatriation from Sri Lanka of Indian citizens to India who are resident there concurrently with the repatriation of Sri Lankan refugees from Tamilnadu.

(E) The Governments of India and Sri Lanka will cooperate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern Provinces.

2.18 The official language of Sri Lanka shall be Sinhala, Tamil and English will also be official languages.

3. This Agreement and the annexure thereto shall come into force upon signature.

In witness whereof we have set our hands and seals hereunto. Done in Colombo, Sri Lanka, on this the twenty-ninth day of July of the year one thousand nine hundred and eighty-seven, in duplicate, both texts being equally authentic.

Rajiv Gandhi
Prime Minister of the Republic of India

Junius Richard Jayawardene
President of the Democratic Socialist Republic of Sri Lanka.