

### SPEECH OF JUSTICE C.V. VIGNESWARAN at the ceremonial sitting on his appointment to the Supreme Court

Mr. Attorney and President of the Bar Association,

I thank you for your kind sentiments. This is indeed a rare occasion in the life of an Original Court Judge. More so when one realizes that having started as a Combined Court District Judge cum Magistrate after 15 years of practice, as one of the youngest in the hierarchy at the point of entry into the Original Judiciary, despite many a young officer being appointed above him, not due to any intrinsic capability absent in himself, but due to the discretion of the Executive of whatever hue in power who preferred kindred spirits in the Higher Judiciary, that it was yet possible to enter the portals of this hallowed institution even at this comparatively late age. I am aware that age, judicial experience, eldership coupled with erudition together are no more relevant in appointments.

I have a purpose in speaking to you in my mother tongue which I am delighted to note is the tongue of your Mr. Attorney.

As a Tamil-speaking citizen if I do not use my mother tongue, I would soon be forced to converse in my brother's tongue only. Some may ask why not! But it should not be so if I feel pressured to do so. It should not be so if by arbitrariness I am forced to do so. Let us not forget that each of us are sovereign in this country.

Singapore and Ceylon in the old days had the same problem. One country decided to give equal recognition to all 4 languages right from the beginning and that country flowers and flourishes. The other forced one language in preference to the others on all and that country is in precarious political turmoil. While such turmoil goes around in this country, globalization goes on and Mother Earth is becoming a smaller place to live on, with technological advances ensuring instant correspondence, intermingling of races, and endorsing of international tongues for easy communication.

Mr. Attorney and Mr Guneratne, I must confess that I have had a background and conditionings which make me truly Sri Lankan. My parents hailed from the Northern and Eastern Provinces. I was born here in Hulftsdorp in the Western Province. My early education before joining Royal Primary School was in the North Western and North Central Provinces. My father had worked as an officer of the Government *inter alia* in the Central Province and Southern Province where I had occasion to mingle with the people of those areas. I have worked as a Judicial Officer in the Uva Province and I count the friendship of many from the Sabaragamuva Province. I feel every inch a native of this country. I have always felt proud in foreign forums to be recognized as a person hailing

from this blessed Isle. All three languages spoken by the denizens of this country have nourished me. I have been nurtured not only in one but all four major religions of this country having started comparative study of religions from an early age. I am one of the few still living among those who organized from the then Congress of Religions in 1965 or thereabouts the visit of the then Mahanayake Thero of the Malwatte Chapter to Jaffna. It was a relative of my mother, Sir Ponnambalam Ramanathan who risked his life to travel to England to place the case of the Sinhala Buddhists before the Queen in the early part of the last century. Thanks to the education I had at my Alma Mater, I have never felt second to any human being in this country despite the disabilities decreed on my community, though I have respected and do respect most humbly the intrinsic humanity and the unique individuality of every human being. I do respect their talents and capabilities sometimes different from mine. I respect the divinity in every one of them. Loving kindness cannot be a mere concept. It has to be a living reality. Often today we miss the wood for the trees when we wax eloquently about the Teachings of the Great Masters in mesmerizing language forgetting the spirit of their Teachings and failing to imbibe them in our lives. Otherwise how do we account for the echoing of war drums of hatred from the portals of Love and Religion?

My stint as a Judicial Officer in the Northern and Eastern Provinces during the turbulent period from 1979 to 1986 enlightened me as to the feelings and aspirations of the vast majority of the denizens of those two Provinces. It is not devolution nor sharing of powers they seek. They seek the restoration of their rights. Rights which were snatched from them by virtue of a mathematical innovation where the majority in two provinces were added to the majority in seven provinces and thus made into the minority in nine provinces. This was sought to be corrected when laws pertaining to the Reasonable Use of Tamil were formulated in 1958 and 1966. But even these were given up without understanding the implications involved.

I have always referred to an incident that used to happen when we were marble-playing youngsters in school. Some of our seniors who were not Prefects would pounce upon us suddenly and illegally confiscate all our marbles in order that they could play with them. When we protested they would keep 90% of the marbles and offer us 10% and thereafter progressively increase it to about 20% forgetting that all the marbles were ours and the seniors had no right to confiscate them in the first instance. The majority of those in the Northern and Eastern Provinces were always Tamil speaking

until Independence and their language, religions, culture and customs – mainly Islamic, Christian and Hindu, and ways of life within the special topographical and climatic environment should have been allowed to blossom and flourish without interference after Independence. So too the special culture and way of life that had grown up in certain areas of the Central Province. These were not done and we face the consequences today.

Even though you, Mr. Attorney, and I are today in our respective honoured positions we cannot forget that two sparrows would not make a summer. In fact there were many more sparrows in high positions due to their intrinsic worth in almost every field during the middle of the last century. But we are today progressively depleting in numbers in this part of the Island and like the Burghers we too would soon be hardly heard of in Judicial, Legal or Governmental Service or even the Private Sector. It is a sad reflection of our times that after me there had not been a single Tamil-speaking President of the Law Students Union after 1962 at the Sri Lanka Law College.

It is because I love this country and all its people including those who hate me for what I am, that I take this opportunity to say—not for my sake, not for the sake of the Tamil people but for the sake of cordial relationship among all communities in this Island of ours, for good governance and a progressive future, that unless we recognize that the Tamil Language and its culture are to the Tamils what the Sinhala Language and culture are to the Sinhalese and therefore make Tamil the dominant language of the Northern and

Eastern Provinces requiring the study of it compulsory for all in those two provinces just as Sinhalese is recognized as the dominant language of the other seven provinces, with English as the link language between equals, the wrong done by the enthroning of one Language in 1956 could never be erased; the havoc created by the deletion of Article 29 (2) of the 1947 Constitution and the doctrine of ultra vires from subsequent Constitutions could never be put right; the feelings of the Tamils wounded *inter alia* by the 1958, 1977 and 1983 riots cannot ever be assuaged. Whether the Tamil language is spoken and preserved in other countries is irrelevant. The Sri Lankan Tamils need to develop their language and culture peculiar to themselves in their mother country. The sterile and impotent cosmetic provisions now appearing in our Constitution has little meaning to the Tamil-speaking people of the Northern and Eastern Provinces. They need to govern themselves in their own language with little interference from our side.

An Original Court Judge cannot under the present system of nomination to the Higher Judiciary ever hope to occupy the highest office in the Judiciary except due to the condescending discretion of the Executive. Therefore I must feel that the acme of my career has arrived today, that I cannot aspire for anything more but only fade away with time into oblivion. I nevertheless thank both of you for making this a memorable event for me. I thank all my well-wishers who found time to be present here today.

May all beings be happy! May Divinity descend upon their hearts!

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Centre for Poverty Analysis (CEPA)  
29, Gregory's Road, Colombo 7, Sri Lanka  
Tel: 94-1-676 955-7, Fax: 94-1-676 959, Email: feyen@mega.lk