

EMERGENCY LAWS AND LABOUR

The government announced, on August 22, 1992, the promulgation of Emergency Regulations banning 'disruptive activities' in the export sector. The wording, and of course the intentions, of the Emergency (Maintenance of Exports) Regulation No.1 of 1992 were quite frightening. It read: "No persons shall by words of either spoken or intended to be read or by signs or by visible representation or by conduct or by any other act intimidate any person employed or engaged in any enterprise which manufactures or processes any article for export with the intention of disrupting the activities of such enterprise." The prohibition of bail pending trial and the imposition of a compulsory 10 year prison sentence underscored the viciousness of the regulation; it was also another instance of the executive usurping the power of the judiciary or, at the least, restricting its power of discretion.

Was the export manufacturing sector really threatened with disruption? Except for the government's statement that 'threatening letters' had been received by some factory managers at the Free Trade Zone, there were no signs of any trade union action affecting the manufacturing sector. The government, incidentally, interpreted the alleged phenomenon of 'threatening letters' as a sign of the JVP's re-activation; nor was it ever made clear why the normal law of criminal intimidation was inadequate to deal with the situation.

The opposition trade unions and political parties took up the issue. They planned a concerted campaign protesting against this 'move to suppress workers' rights.' And indeed, as many opposition trade unions pointed out, these emergency regulations were so wide in scope that even distribution of leaflets concerning the export sector could have been considered illegal. No trade union action would have been possible in the export sector either.

The government retreated before this concerted campaign; on September 29, it announced the rescinding of this emergency regulation.

The trade unions are justifiably jubilant. But they should not be. The emergency regulations are still a serious threat to genuine trade union activity and the campaign that the trade unions proposed needs to be carried on until all such obnoxious regulations are withdrawn.

Look at the present situation. The Emergency (Miscellaneous Provisions and Powers) Regulations have created a category of offenses relating to "essential services".

And what are these essential services? They are defined as,

any service which is of public utility or essential for national security or preservation of public order or to the life of the community and includes any department of government or any branch thereof.

Specific services have been added to the schedule from time to time. These now include banking, hospitals, broadcasting and television, fuel, all activities connected with the export of tea, rubber, coconut, other commodities and garments, the business of the Associated Newspapers of Ceylon Ltd., and lastly a catchall category - the supply and distribution of any article of food or medicine or any other article required by a member of the public. It is difficult now to see what is not an essential service. And these are not new regulations; the Civil Rights Movement says in a recent statement that the "part of the EMPPR dealing with offenses relating to essential services in their present form can be traced back at least as far as May 1987".

The point of declaring any service as essential is to compel the attendance of workers and prevent work stoppages or strikes. Any person employed in an essential service who absents him/herself from work is immediately deemed to have vacated employment; in certain specified services, refusal to work overtime or on holidays can result in vacation of post.

These regulations have in effect been used by employers precisely for this purpose. We quote from the Annual Survey of Trade Union Rights 1992 of the International Confederation of Free Trade Unions, an organization which is reactionary by the standards of our trade unions:

The President has used powers available to him under the state of emergency to issue emergency regulations that restrict severely the exercise of basic trade union freedoms and particularly the right to strike. Emergency Regulation No.1 of 1989 provides that any workers undertaking a work stoppage in an essential service industry are deemed to have terminated their employment contracts.

These provisions were used by the management of Simca Garments at Jaela to justify the dis-



missal of 236 textile workers who went on strike on 20 February 1991 in support of the trade union they had formed in November 1990. The company argued that it had no legal obligation to extend recognition of the trade union despite its representation of the overwhelming majority of its workforce and refused to comply with requests by government mediators for reinstatement of those dismissed on the ground that it fell within the definition of an essential service under emergency regulations.

However, vacation of post which takes place automatically is not the only ill consequence. The absenting worker has committed an offence punishable with a fine of between Rs. 500 and 5000 and rigorous imprisonment from three months to five years; in addition, all his movable and immovable property are forfeit to the Republic.

It is not only the worker who is at risk. Any person who incites or encourages any worker in an essential service to absent himself from work is also guilty of an offence and shall suffer the same consequences.

The regulation also falls heavily on any organization which, in the opinion of the President, is committing or aiding and abetting the commission of these offences. The President can proscribe any such organization; thereupon all its members lose their jobs and are deemed to have committed an offence punishable as indicated earlier. Membership is here the automatic offence, regardless of whether the particular member supported or opposed the action.

These obnoxious regulations have been in force for some years and are currently in force. They have been used by employers to stifle trade union activity. That the government has not, to our knowledge, gone to the extent of prosecuting offenders or of forfeiting their property is no reason for tolerating their presence as part of our legal system.

The trade union movement must carry on its campaign until all these anti-democratic regulations are rescinded.

Charles Abeysekera

POEMS OF SIVARAMANI

INTRODUCED BY SITRALEGA MAUNAGURU

The two poems published below were written by Sivaramani, who killed herself on May 19, 1991 at the age of twenty three in Jaffna, Sri Lanka. Sivaramani lived and died in a place where the act of suicide is glorified and praised as the ultimate symbol of patriotism. Sivaramani, however, did not die by swallowing a cyanide capsule or leaping at a target with a bomb-fitted bodice, and thus was not praised as a martyr. Instead, her action will go unnoticed and even be ridiculed as an act of cowardice.

Sivaramani's death is a tragic indicator of the level of desperation and hopelessness she suffered in a climate of social and political upheaval. Her poems serve as a testimony of such personal struggle. On the day of her suicide, Sivaramani burned all her poems that she could get hold of. These are some of the twenty three that survived.

These poems capture the wartime reality of Jaffna in unusual, powerful images and raise critical questions. Through these poems, Sivaramani expresses her sensitivity towards the current situation, particularly in Jaffna, where all avenues of criticism have been shut down.

These poems bear profound witness to her unease over the decay of civil society and the continuing silence towards political authoritarianism. In addition to this general atmosphere of frustration, as a woman she had to confront the social conservatism that is very harsh towards independent and critical-minded women.

Sivaramani fought with all her might to uphold her aspirations and ideals. There were many instances when she was ridiculed when she stood for the rights of women. Perhaps, she realised that she could not keep her dreams and ideals alive in a society which tried so persistently to make her compromise with its conservatism.

Other important poets have committed suicide. These are not mere incidents. They tell us about the personality of the poets, their struggles, and the society in which they lived. Sometimes, an individual's vehement protest against the oppression of society takes the form of suicide. Sivaramani's was one such.

These poems were translated by a group of Tamil poets and scholars. A collection of Sivaramani's poems will be published soon.

