

## **The Neeraaviyadi Pilliyar Temple issue – disregard to laws of the land and the judiciary**

The island witnessed the defiance of Buddhist monks towards the rule of law when they rejected the order made by the Mullaitivu Magistrate against the burial of a Buddhist monk Kolompae Methalangathara Thero at the Neeraaviyadi Pilliyar Temple at Chemmalai in the Mullaitivu district. Many were made to feel that all protections of law, order and justice has been taken away from them.

### **Background**

The Buddhist priest, Kolompae Methalangathara Thero for long had tried to make it a Buddhist temple and put the site in controversy by moving into the Neeraaviyadi Pilliyar Temple premises and demanding rights over it. A case was filed by the police upon the complaints received by the Temple Trustee Board that the peace was disturbed by the monk when he entered the Temple on January 14th 2019.

Thereafter, in May 2019 the Mullaitivu Magistrate Court had ruled in favour of Neeraaviyadi Pillaiyar Temple confirming its long-standing existence in old Chemmalai. While further construction is restrained by court, Kolampe Methalangathara Thero lived in the temple and had erected while the court proceedings continued. The incident agitated the people of the area who staged many protests against it.

### **Disregard for law and order**

The controversy further continued when Kolompae Methalangathara Thero passed away due to cancer the on September 18th and as a result his followers wanted to conduct his last rites on the said temple premises on September 21st, but the people of the area had expressed great dissatisfaction and anxiety of the violence that may arise. The reason for this dissatisfaction was because the temple land was considered holy and cremation of the deceased was not a matter for consideration. The Tamil people in and around the area and who are associated with the temple opposed this move since they consider it disrespectful to cremate the remains of the deceased near places that they deem sacred.

Hindus and people of the area went to the Acting Magistrate Sutharsan, who issued an interim order at around 11.00 a.m. Sunday, staying cremation until Monday by which point the regular Magistrate and District Judge Lenin Kumar would examine the issues and offer a ruling. Lenin, or his predecessor, had already issued stay orders in the old ongoing case saying no new

construction should take place and nothing that violates religious sensibilities should be done at the temple.

However, in violation of the court order, busloads of Sinhala supporters moved towards the temple premises on Sunday. The police, army and navy moved onto the premises too, ostensibly to keep the peace. When it was pointed out to the police that there was a court order, they claimed not to know Tamil (the constitutional language of administration in the North), but only the armed forces did not seem to know this and they turned a blind eye and aided those planning to engage in this disrespectful act.

By 10.00 a.m. or 11.00 a.m. on Monday the 23rd, the permanent Magistrate issued an order that there must be no cremation on or near the temple premises and the cremation must be done by crossing the Army camp close to the temple and going farther beyond to the beach.

A group of Buddhist monks and lay Buddhists led by Galaboda Gnanasara Thero defied this court order on the 23rd and cremated the remains of the deceased monk within the compounds of the temple. (Galaboda Gnanasara Thero had been in jail for contempt of court for disturbing proceedings in trials against those charged with the enforced disappearance of Prageeth Eknaligoda and then released by President Sirisena through a presidential pardon.) A monk with him, when reminded of the court order, retorted, "Don't you know this is a Buddhist country where precedence is given to Buddhism?"

This was based on Article 9 of the constitution which states: "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Articles 10 and 14(1)(e).

The impact of Article 9 especially on the ground in the North-East is far greater than what the text of the Article suggests; The invocation of Article 9 by one of the monks who acted in contempt of the Mullaitivu Magistrate Order reinforces this.

Within 30 minutes of the court order, the pyre was lit, a mere 100 meters from the Hindu temple. Tamil lawyers and university students from the North who were gathered there to ensure that the Court of Order was not breached and requesting the Monks not to conduct the cremation within the compound of the temple, were attacked by monks and supporters present there, while

the armed forces and police looked on – so it raises the question as to who were they there to protect?

### **Developments following the incident**

Consequent to the ongoing Neeraviyadi Pillaiyar Temple issue, on the 24th, a huge demonstration began in Mullaitivu, with shops and business establishments being shut down and the lawyers in the Northern and Eastern Provinces boycotting the court proceedings in protest over the defying of this court order delivered by the Mullaitivu Magistrate, in connection with the last rites of Ven. Kolampe Medhalankara Thero and the failure of the police and state forces to provide protection to the people and take action against the perpetrators.

Even some government officials in the North joined the protest because the State seemed to have collapsed with no respect for the law by the police and armed forces. If the IGP had a small measure of prudence and urgency when a real threat of a breakdown was obvious to most.

A Resolution was passed following a meeting by various branches of the Bar Association of Sri Lanka in the Northern Province on September 24th and was handed over to the Bar Association of Sri Lanka.

The resolution states the incidents that took place on September 23rd challenge the Administration of Justice of the country and to the Rule of Law and called on the Bar Association of Sri Lanka to condemn the violence and disrespectful acts by the monks and their supporters and,

1. The Chief Justice be promptly informed of the incident and the related developments.
2. Request the Attorney General to initiate proceedings against all concerned including Rev. Galabodage Gnanasara Thero contempt of the Order of the learned Magistrate.
3. The offenders be identified and brought before the law without delay.
4. Cause the Inspector General of Police and the National Police Commission to conduct an inquiry into the acts of dereliction of duty by the Police and Armed Forces on duty at the time at the location.

They informed that all lawyers practicing in the Northern Province shall boycott Courts and will refrain from attending Courts until Friday September 27th and stage a peaceful protest from their respective Courts from 9.30 am to 10.30 am each day.