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The Annual Publication Of The Organisation of Professional Associations of Sri Lanka

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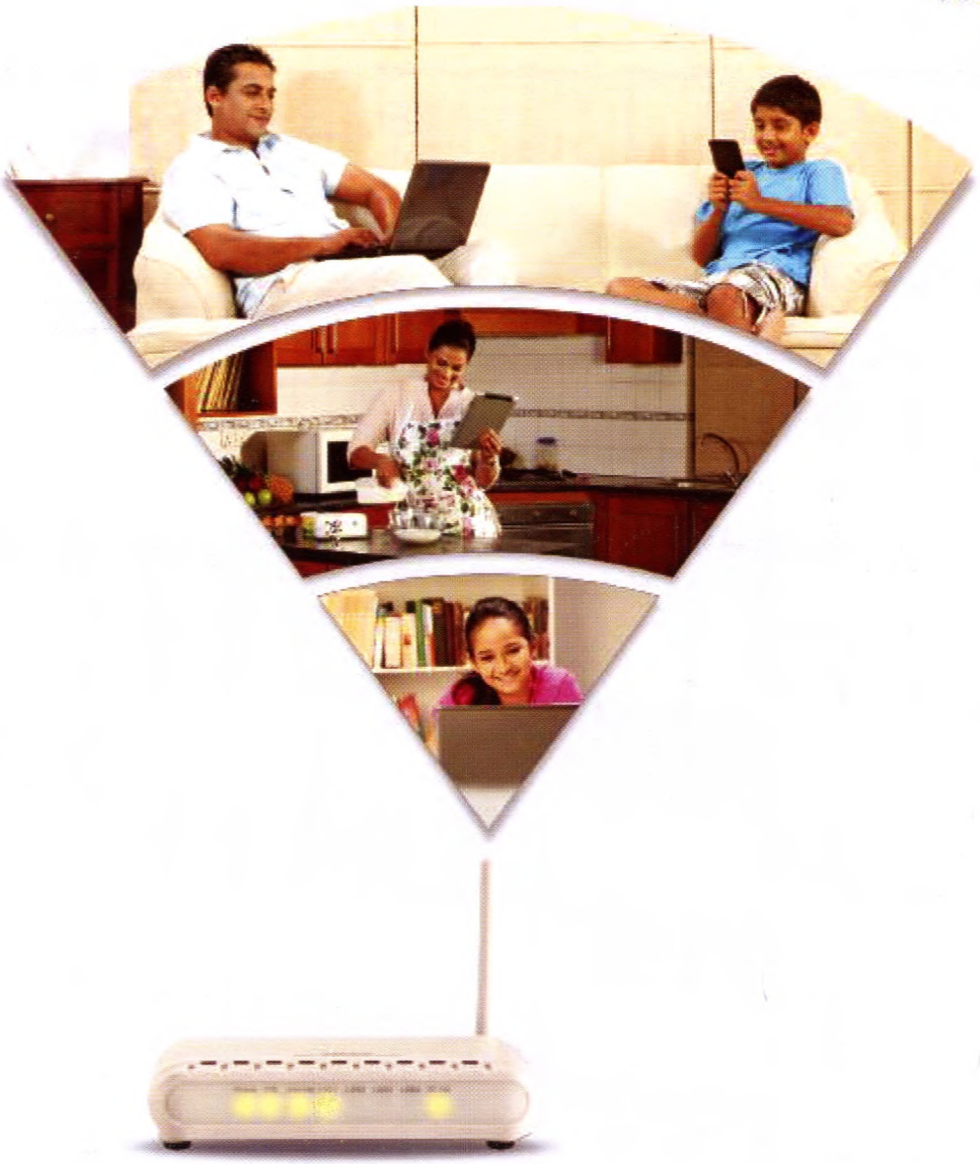

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Editor : Eng. Shantha Senarath

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Tel : 011 2580268, 2501721
E-mail : opa@sltnet.lk
opasrilanka@gmail.com
Website : www.opasrilanka.org

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Shortfall in foreign investments in Sri Lanka and its impact on Technology Transfer and Economic Sustainability

With an economy worth $80.591 billion (2015) ($233.637 billion PPP estimate),and a per capita GDP of about $11,068.996 (PPP), Sri Lanka has mostly had strong growth rates in recent years until the government toppled early in 2015 where most development projects were stopped abruptly on corruption claims. In GDP per capita terms, it is ahead of other countries in the South Asian region.
The main economic sectors of the country are tourism, tea export, apparel, textile, rice production and other agricultural products. In addition to these economic sectors, overseas employment contributes highly in foreign exchange, 90% of expatriate Sri Lankans reside in the Middle East.

Since becoming independent from Britain in February 1948, the economy of the country has been affected by natural disasters such as the 2004 tsunami and a number of insurrections, such as the 1971, the 1987-89 and the 1983-2009 civil war. The parties which ruled the country after 1948 did not implement any national plan or policy on the economy, veering between left and right wing economic practices.
Almost six years after the end of the three-decade civil conflict, Sri Lanka is now focusing on long-term strategic and structural development challenges as it strives to transition to an upper middle income country.

When nearly 90 percent of firms in Sri Lanka are small and medium enterprises (SMEs), it is no surprise that the future prosperity of the country will depend on the extent to which the SME sector can produce high value-added goods and services that are competitive abroad and also meets the needs at home. But today, too many SMEs are producing relatively simple goods and basic services and solely for our small domestic market. A study conducted on SMEs across the country shows that many of the country's small firms are not ready tomove out of their comfort zonesinspite of the fact that the economy will go through many changes in the coming years.

Sri Lanka will find it increasingly difficult to compete against cheap labour in low-income economies, on the one hand, and with the technology and innovation-driven high productivity of more advanced economies, on the other hand. It is the view of the international expert, Dr. Nicholas Miles, who has recently worked a lot on technology and innovation in the SME sector in Sri Lanka as part of a GIZ project, that "Several countries that successfully tackled the challenge of escaping the middle-income trap – like Chile, Indonesia, Malaysia, Mauritius, Taiwan and Thailand – provide useful lessons for Sri Lanka." Technology and innovation have enabled these countries to make the transition from an economy based on the simple exploitation of natural comparative advantages (e.g. raw materials, low wages, etc.) to one based on the competitive advantage of its businesses. Nicholas argued, "The technologies and innovations used by SMEs have added value to existing production and service activities and have allowed 'business stretch', - the development of new businesses related to existing activities through the increased product and service

differentiation and sophistication."
This transformational process can begin by supporting firms and sectors with the greatest potential for growth and scaling in the global marketplace, through a rigorous application of known technologies and incremental innovations. In this process, technology providers are crucial in accelerating change in the SME sector. But in Sri Lanka, their role seems to have been neglected so far. Nicholas observes, "The early stages of the transformation of 'trapped' economies by importing and absorbing technologies and developing local innovation, improvements can be accelerated by involving foreign and local technology providers." It is clear that a wide variety of low-cost and user-friendly technologies are now available and accessible through international networks of technology providers, research and development institutes and companies operating across the globe. Sri Lanka must find a clever way to help SMEs latch on to these networks.

Most of the SMEs around the country met by Dr. Nicholas Miles have highlighted their lack of access to technology. Often, the solutions they seek could be available in government research institutions and private technology providers – but these are based mainly in Colombo. Sri Lanka needs a mechanism that provides finance as well as related technical and business support to help SMEs, especially in priority sectors and supply chains, to upgrade the technologies that they use in their business and introduce product and process innovations. How can institutions like ITI, SLSI, NERD Centre, etc., be reoriented to this new approach? This must get underway soon. Having such a large segment of our private sector remaining unproductive and unsophisticated harms Sri Lanka's overall competitiveness. The country needs 'smart SMEs' and we need to introduce clever institutional mechanisms to make it happen.

Nearing six years after the war there are relatively small amounts of foreign direct investment. We need to increase FDI to about 4 per cent of GDP in the next few years to boost economic growth. Besides this, the type of FDI has also not been those that would enhance the export capacity of the country.

In the global foreign investment environment, we have attracted only a dribble of FDI flows. China, India, Vietnam and South East Asian countries have succeeded in attracting large amounts of relevant FDIs. China gets the highest amount of FDI, but other South and East Asian countries are gaining ground. In contrast, we have been left behind. It is significant that former communist countries have in recent years been some of the largest recipients of FDIs. Their stable political systems, clearly defined policies towards foreign investors and work ethics are among the reasons for this. We are unlikely to attract more FDIs owing to our economic policies and political confusion. It is vital to have a stable polity and economic policies conducive to investment.

A higher amount of foreign direct investment (FDI) of the right type is required to achieve higher sustained economic growth. One of the serious post war failures has been the inadequate inflow of FDI. Expectations that the end of the war and advent of peace would usher in large amounts of foreign investments that would boost economic growth has not materialized.

The expected higher trajectory of economic growth of 8 per cent and above can only be achieved with higher levels of foreign investment. Foreign investments of the appropriate types are vital for sustaining a high growth trajectory as domestic investment is limited. **FDI brings with it technology and markets that enhance the country's exports.** It is not only the amount of FDI flowing into the country that matters but the types of foreign investment as well. FDI is important because of the contribution it could make to the transfer of technology, best management practices and access to international markets. It is important to attract investments in hi-tech industries.

OPA Annual Conference on Innovation and Tecnology for Sustainable Development

The Organization of Professional Associations of Sri Lanka (OPA) which is formed of 44 professional associations is the premier institution for professional affairs ranging from good governance to constitutional matters, human resource management to productivity improvement, finance management to supply chain management, engineering to construction and industry, medical science to pharmacology, agricultural sciences to technology and innovation, library science to textile technology, survey planning to architectural designs etc. This year, the OPA is organizing its 28th annual conference on 21st and 22nd September 2015 at the Galadari Hotel, Colombo. The theme of the conference is "Innovation and Technology for Sustainable Development".

This conference is planned to produce a perfect atmosphere to unite and interact with like-minded people focusing on innovation and technology to bring home sustainable development. This conference will address three major areas such as services, agriculture and industry. In the present day context, it is often said that "industries have identified, that competency and world class performance alone are not enough to survive present competitive market." It is being said that, the driving wedge between competency and of world class performance is innovation. All these three, play in concert to generate the business in "blue water". However, the technology is a component that is necessary to transform input to output which helps to keep the balance in the process. Therefore, the conference has been carefully drawn up in order to embrace the two keywords, innovation and technology, towards sustainable development (SD). The conference will address how these two would play in areas such as services, agriculture and industry towards sustainable development. Under these three major areas the conference will have presentations in sustainable agricultural development, innovation and technology for sustainable development in the plantation sector, sustainable development in non- plantation sector, sustainable development in a country through innovation, innovation and technology in the textile industry for sustainable development, innovation and technology applications in domestic water resources, and sustainable certifications in agriculture and industry sectors.

Sustainable development has connotations: as a philosophy, as a scientific decision-making tool but also as a belief of persons and policy to be applied in practice. It is generally agreed that sustainable development means that "meets the needs of the present without compromising the ability of future generations to meet their own needs". Sustainable development is further describes as a long term strategy including economic, human (social) and environment resources. What it means is that it has a threefold strategy: to operate a business you need capital, respect and apply human rights in society and to use environmental resources. In today's context, the sustainable development must comprise economic, social aspects and environment to act as an agreement between wealthy and poor

societies and towards coming generations (Tobler-Rohr, 2011). There can have many definitions for SD but all of those refer to the three pillars: economy, human and environment.

The organizers of this conference were keen to familiarize the sustainable development among professionals because it has an impact on the economy of the country, society and environment. SD is still new to our country and therefore, this subject needs to be discussed and experience gained must put to practice to obtain real benefits of sustainable development. Perhaps, from this conference it may emerge a new value system and methods of exchanging new ideas and cooperation within disciplines and may change towards a new paradigm. Knowledge emanating from the conference can bring safeguarding measures for individual resources such as water or forests, can lead to holistic environmental protection and people will keep away from hedonistic self-realization in favour of a consensus-oriented common responsibility. In the context of industry and economy it would mean proactive development and integration of external costs of environmental impacts. The outcome of the conference could bring a new business pattern of sustainable development to our country that will safeguard not only today and tomorrow but also the future generations to come.

The three pillars mentioned above will lead to implement in many spheres like services, policy, legislation, innovation and technology and education. Following working definitions (WWF/ IUCN/UNEP 1991) can be useful in an implementation Programme.

a. Sustainable development keeps natural resources within the ecological capacity of the Earth and preserves its vitality and diversity. Non-renewable resources and renewable resources are used only to the extent that they can be replaced by renewable resources.

b. Sustainable development enhances worldwide human quality of life, equalizes the North-South gradient in wealth, and develops new technologies as well as environmentally compatible forms of trade.

c. Sustainable development creates global alliance and enables communities to care for their local environment. It changes personal values, attitudes and behaviours to implement the goals of sustainability (Tobler-Rohr, 2011. P3).

With this in the backdrop, the conference proceedings in the context of sustainable development in areas of services, agriculture and industry will be carefully documented and presented to the government authorities for necessary action.

Prof. Rohana U. Kuruppu
President Elect-OPA

Reference

Tobler-Rohr, M.I.(2011). Handbook of sustainable textile production (1st Ed.) USA:Woodhead publishing

OPA APPROACH TO GOOD GOVERNANCE.

Joel Fernando*

Synopsis

The mission of the Organisation of Professional Associations(OPA) is to be an independent and vibrant apex body of professional associations of varied disciplines, guided by high professional an ethical standards, providing leadership to, and development of professions, with the acceptance of the community as a body contributing to national development.

The Organisation of Professional Associations, an apex body of 44 Professional Associations with a combined membership of over 50,000 professionals has successfully engaged in addressing issues related to good governance. A group of professionals from different disciplines co-ordinated by the OPA produced a working paper on good governance (1). This paper served as a guide to discussions for a representative group of 170 professionals participating in the OPA Annual Sessions in May 2001. This group subsequently produced a second working paper (2) giving the outcome of the Annual Sessions.

The next step in the OPA good governance initiative was to prepare an action plan to mobilize all professionals in the country in implementing a program to promote good governance Twenty five experienced professionals who had been directly involved in the OPA good governance initiative developed the action plan at a residential workshop held on 22-23 September 2001.(3)

This paper first gives the OPA perspective on what is good governance.Second explains whythe OPAis addressing issues on governance. Thirdgives issues addressedin the OPA Action Plan on Good Governance. The fourth section explains how Continuing Professional Development (CPD) is related to goodgovernance. The final section summarizes the OPA approach to good governance.

WHAT IS GOOD GOVERNANCE, THE OPA PERSPECTIVE

Good Governance is good government. It is value based, demanding high standards of integrity from all citizens in decision-making relating to life and freedom of all. Good governance demands institutionalizing of democracy in a manner that is relevant to the life of the people in all social and economic strata.

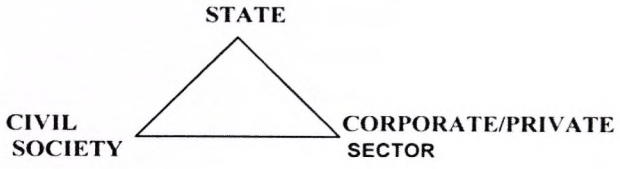

Figure 1 : Segments of society interacting in governance.

State, at all levels, corporate/private sector and civil society are the three main segments of society that come into interaction in governance (Figure 1). These three segments share responsibility for good governance. The three segments have distinct roles. The state creates a conducive political, economic and legal environment, Thecorporate sector generates jobs and income. Civil society facilitates political and social interaction whilst encouraging members to participate in economic, social and political activities. The separate roles of the three segments of society must achieve a harmonious relationship to ensure good governance. The core characteristics of good governance suggested by UNDP provide a useful starting point to guide the relationship between the three segments of society (Box 1).

CORE CHARACTERISTICS OF GOOD GOVERNANCE
Suggested by UNDP Box 1

Participation
Rule of law
Transparency
Accountability
Equity
Resource prudence
Empowering and enabling
Spatially grounded in communities
Ecological soundness
Partnership
Strategic vision
Consensus orientation
Responsiveness
Effectiveness and efficiency
Legitimacy

for definition of above terms see annex 1

WHY THE OPA IS ADDRESSING ISSUES ON GOVERNANCE

The General Principles and Guidelines of Ethical Conduct for Professionals accepted by the OPA clearly state that *a Professional shall always bear in mind that all professional services are rendered for the good of humanity and the welfare of humanity.*

It further states that a professional shall co-operate with the state, other professionals and citizens associations in promoting the welfare of the community, the national and the global efforts to improve the welfare of the people(4).

The OPA is not aligned to any political party. However, professionals have to work in close relationship with politicians on matters of national development. This relationship must be based on a sound ethical foundation. A decline in ethics among professionals could promote unethical conduct by politicians. Unethical conduct by politicians could result in a further decline in professional ethics thereby setting in motion a vicious cycle having an adverse impact on state function(figure 2). Strict adherence to ethical principles by professionals and politicians is the most essential enabling factor for good governance. Such ethical conduct must be in accordance with clearly defined codes of conduct that have public acceptance.

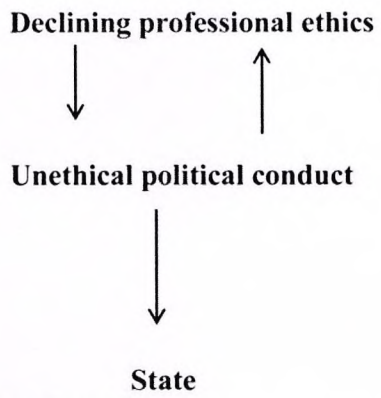

Figure 2 :Declining professional ethics and unethical political conduct

The OPA and member associations are important organs of civil society that have the responsibility to strengthen the hand of civil society in ensuring good governance. The OPA could assist civil society efforts to strengthen the technological, legal and moral base of state function at all levels by activities such as nominating professionals to state commissions, task forces, governing boards, playing an advocacy role in human rights, free and fair electionsraising public awareness on critical national issues taking up public interest litigation andfighting against bribery and corruption

Governance is influenced by cultural values. Professionals understand these values and are able to draw and infuse these values in their approach to good governance. Cultural values influence the response of civil society and corporate sector to the challenges of governance(Figure 3).

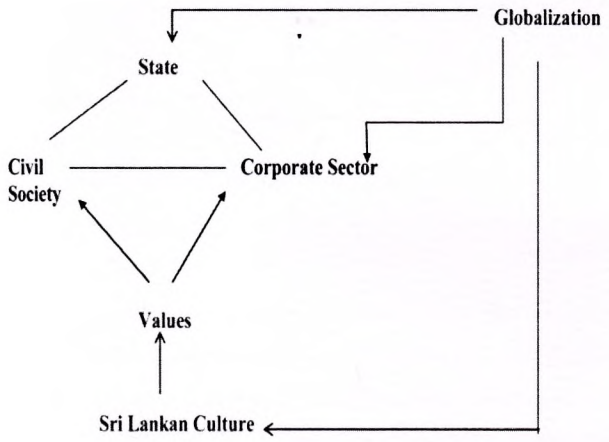

Figure 3 :Globalization, cultural values and governance

The adverse impact of economic globalization on state function, corporate sector operations and cultural values of the people needs to be identified and countered to facilitate good governance. Professionals hold the unique position by virtue of their training and responsibility to society to counter the adverse impact of globalization(Figure 3).

The OPA approach to good governance and the good governance action plan provide the basis for developing links between the three segments of society. Public expect professional bodies to play a key role in promoting good governance. Professional bodies need to use their collective strength in shaping government policies and practices in the public interest. Public also expect professional bodies to be sensitive to their needs when designing CPD programs for the advancement of professional practice.

ISSUES ADDRESSED IN THE OPA GOOD GOVERNANCE ACTION PLAN.

Good governance action plan provides a planned course of actions for good governance to be executed by professionals collectively through the OPA and its member associations and individually in their own practices in relating with organs of state, private sector and civil society(3). Issues addressed in the OPA good governance action plan are given in box 2.

Box 2

Issues addressed in the OPA good governance action plan

1. Excessive powers of Executive President
2. Too many ministers, overlapping functions, incompetent bureaucracy dependent on political patronage
3. Break down of law and order
4. Flawed policy formulation and management
5. Divisive ethnic politics.
6. Unplanned devolution hastily enforced under 13th Amendment
7. Mismatch between available human resources and country's development needs.
8. Labour Laws an impediment to productivity
9. Public Misinformation
10. Deterioration in societal moral values

CONTINUING PROFESSIONAL DEVELOPMENT AND GOOD GOVERNANCE

Continuing professional development (CPD) is defined as the process of lifelong uninterrupted learning and self improvement for individuals and teams, which enable professionals to expand and fulfill their potential in maintaining a high professional standard and ever improving quality of professional practice which meet the needs of clients. CPD refers to ongoing educational activities after certified entry into professional practice. The activities include updating knowledge and enhancing skills in technology use, management, communication, appraisal and teaching.

CPD requires functioning professional bodies to organize and manage the educational activities. The key elements of CPD include review, planning development activities and assessing achievement. CPD should be learner focused and relevant to tasks performed in professional practice. Professional practice must meet the needs of clients (individuals/institutions) served by professionals. Such needs must be met within the financial and other resources available to clients. Availability of resources and their distribution among clients are determined by prevailing policies and practices of the government. Hence it is important to link updating profession specific knowledge and skills to client needs and government

policies and practices in designing CPD programs(Figure 4).

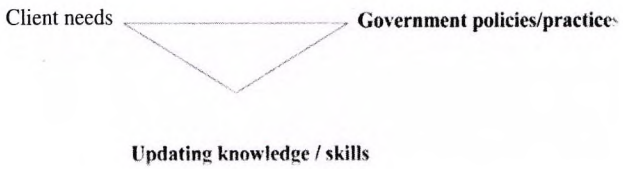

Figure 4: Three elements of CPD

SUMMARY AND CONCLUSION

The OPA approach to good governance (Figure 5) and the good governance action plan provide the basis for developing links between the three segments of society that come into interaction in governance. Public expect professional bodies to play a key role in promoting good governance. Professional bodies need to use their collective strength in shaping government policies and practices in the public interest. Public also expect professional bodies to be sensitive to their needs when designing CPD programs for the advancement of professional practice.

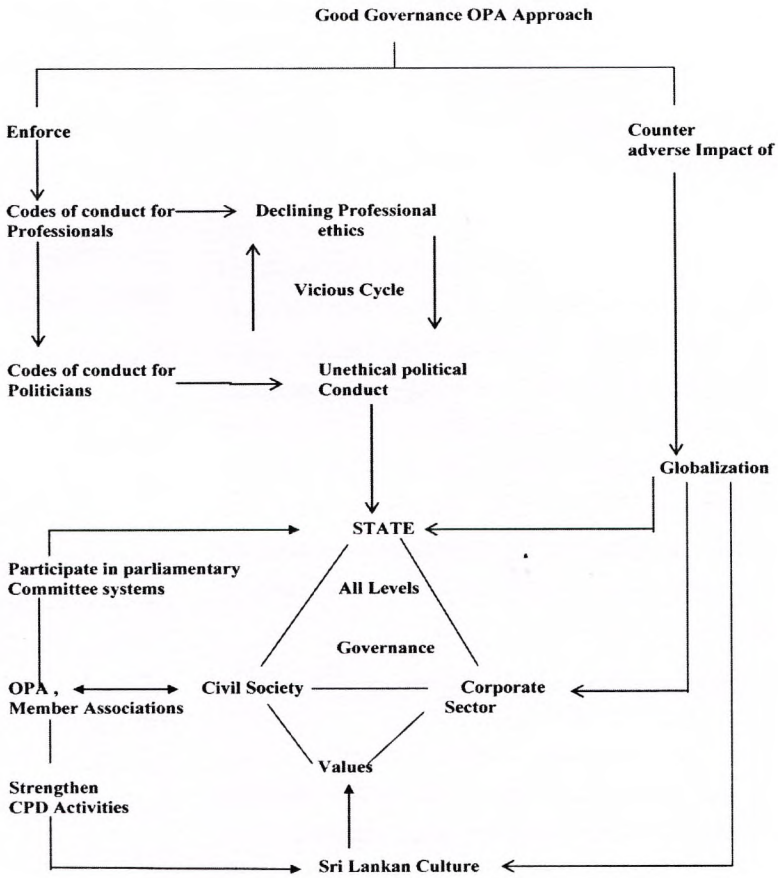

Figure 5 : OPA approach to good governance

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1. Working paper on Good Governance, OPA, May 2001
2. Working paper Two on Good Governance, OPA June 2001
3. Good Governance Action Plain, OPA, January 2002
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Core-Characteristics of good governance

Annex I

Participation: All men and women have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.

Rule of Law: Legal frameworks are fair and enforced impartially, particularly the laws on human rights; public security and safety are at a high level.

Transparency: Transparency is built on the free flow of information. Processes, institutions and informnation are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.

Responsiveness; Institutions and processes serve all stakeholders.

Consensus orientation: Differing interests are mediated to reach a broad consensus on what is the common good, in the best interests of the group, organization, community or country and, where possible, on policies and procedures.

Equity; All men and women have opportunities to improve or maintain their well being and the vulnerable and excluded are targeted to provide security of well being to all.

Effectiveness and efficiency: Processes and institutions produce results that meet needs while making the best use of resources.

Accountability: Decision —makers in Government, the Private Sector and Civil Society organisations are accountable to the public and specific constituencies, as well as to institutional stakeholders.

Strategic Vision: Leaders and the public share a broad and long-term perspective on the good society, good governance and human development, along with a sense of what is needed for such development.

Legitimacy; Authority is legitimate in terms of the established legal and institutional framework and specific decisions in terms of the accepted institutional criteria, processes and procedures.

Resources Prudence; Resources are managed and used with a view to optimize the well-being of people over several generations, ideally in perpetuity, without mortgaging the future.

Ecological Soundness: The environment is protected and regenerated to ensure sustainable self-reliance. Empowering and Enabling: all actors in society are empowered to pursue legitimate goals enabling

environments are created to optimize their success and the realization of the well being of all.

Partnership: Governance is seen as a whole system responsibility that cannot be discharged effectively by government alone, but involves institutionalized mechanisms and processes for working in partnerships of public, private and civil actors conducting the business of governance at all levels.

Spatially grounded in communities: The multi-level nature of human systems with the principles of selfdetermination and self-organizing embodied at each level recognized as the basis of governance that puts people at the center and empowers them to be self-reliant, self-organizing and self-managing, building on the autonomy of local conimumties.

Family physician, Past President of OPA

SETTING THE ECONOMIC DEVELOPMENT ON A FAST TRACK!

Lalith Kahatapitiya*

Synopsis

We Sri Lankans love to see our country developing fast from where it is now. If the Sri Lankan governments adopt appropriate policy frameworks highly conducive to economic development and at the same time introduce necessary safeguards to local businesses including industries, agriculture, services, and all other value adding enterprises there is no doubt that this island nation will be set on a fast track economic development.

In this article I wish to highlight only two critical areas which if handled properly can make a drastic change.

1) ATTRACT &FACILITATE INVESTMENTS, IN PAR WITH RAPIDLY DEVELOPING FREEZONES IN THE WORLD:

Sri Lanka started the BOI and the Free Trade Zone concept with the opening of the Katunayake Free Zone in 1978. Free Zones in the Middle Eaststarted much later in 1985. You can see the difference they have made now in their free zones through proper facilitation. The Jabel Ali Free Zone in Dubaialone has more than 7000 companies including 100 of the Fortune 500 Companies. In 1985 they started with a mere 19 companies. Why didn't our free zones pick up although we started much earlier than them? Their websiteas at 20th July 2015 says: "Today, Jafza is a dynamic base for thousands of businesses, from over 100 countries, sustaining over 135,000 jobs and attracting more than 20% of the UAE's foreign direct investment; all the while exceeding 50% of Dubai's total exports, with a phenomenal value for trade of $69 billion." (http://www.jafza.ae/about-us/our-history/).

Compare the above figures with our country's entire performance! Jebel Ali is just one of the many free trade zones in the UAE.

Singapore is another classic example of how proper facilitation and management boosts Investments. Singapore's current FDI is more than $700 Billion.

It is important to understand the reasons why our Free Zones didn't pick up like the ones mentioned above. It is sad to see even local investors going into Middle Eastern free zones, as certain businesses / operations are difficult within the Sri Lankan ones.

I strongly believe that the government should appoint a suitableteam consisting of public and private sector persons to compare the pros and cons of our Free Zones concept &mode of operation against the rapidly developing ones in other countries. Such a study will uncover the reasons for the virtual stagnation of our system and the reasons for exponential growth of the successful ones. Based on the findings appropriate steps could be taken.

If the required level of facilitation is not possible through the existing BOI, we could consider establishing a parallel authority with a proper mandate to attract & facilitate investments and businesses in the same or a better way than the successful models. After a few years the BOI too can

be merged in to this new authority.

Considering the strategic location of Sri Lanka, if properly facilitated Sri Lankan free trade zones would attract large numbers of local and foreign investors making a considerable improvement in our economy.

2) ELIMINATING OR MINIMISING RISKS OF POSSIBLE ECONOMIC BLUNDERS

Throughout the past we have witnessed many incidentsof major economic blunders badly affecting the country's economy. Almost all of these happened due to the weakness of our system allowing one person or a few individuals to take their own decisions on behalf of the country. Wrong moves of a few people knowingly or unknowingly made on behalf of the country havecost our nation colossal amounts of money from time to time. I am not going to talk of any of those controversial issues but, let me take an example of a near blunder which was prevented at the last minute.

I am citing this example to illustrate the grave danger of depending ona group of individuals, ora government department or an establishment to make final decisions in getting in to binding agreements with other countries.

The example I am referring to is the 'Comprehensive Economic Partnership Agreement' with India which is famously known as CEPA. The draft which was finalized to be signed in 2008 was full of weak areas and loopholes which would have irreversibly damaged the country's economy if Sri Lanka signed by any chance. There had been hundreds of articles written by various professionals and leading industrialists pointing out the dangers of the proposed document. At this juncture I am not going to elaborate on all these dangers but let me take two pointsout of the lot to show how the proposed agreement would have totally destabilized the country, if signed.

It had some provisions for movement of natural persons between Sri Lanka and India. According to available statistics, there are more than 50 million unemployed persons in India, which is two and a half times the entire population of Sri Lanka. If the proposed CEPA was signed, and a fraction of the unemployed Indian persons gets into Sri Lanka under various provisions of it, imagine the inevitable youth unrest, up-rise & violence which would result in the country due to unavailabilityof employment opportunities in the country for the Sri Lankan youth!

On the other hand, if Sri Lanka has a shortage of professionals or workers at any time, the country can always unilaterally open the doors for the required number of people from all the countries for the required period. There is no need to get into a never-ending binding agreement with a specific country for this purpose.

The proposed agreement finalized for signature in 2008 also had provisions for Indians to set up local businesses of various nature and freely repatriate the investments & the proceeds whenever they want. Such provisions would not only have mercilessly endangered the local SMEs, industries, and all other businesses, but created a disastrous foreign exchange crisis in the country due to repatriation provisions. Indian businesses in Sri Lanka will drain the already ailing foreign exchange reserves of the countryas they will not be earning any foreign exchange into the country, but only sending out. Imagine a situation where Sri Lanka is facing an endless foreign exchange crisis!

After signing, there is virtually no way out of a bilateral agreement without heavy penalties and compensation.

The above are just two examples out of a whole heap of threats that the country would have permanently faced if the draft document given by the government officials in2008 was signed.

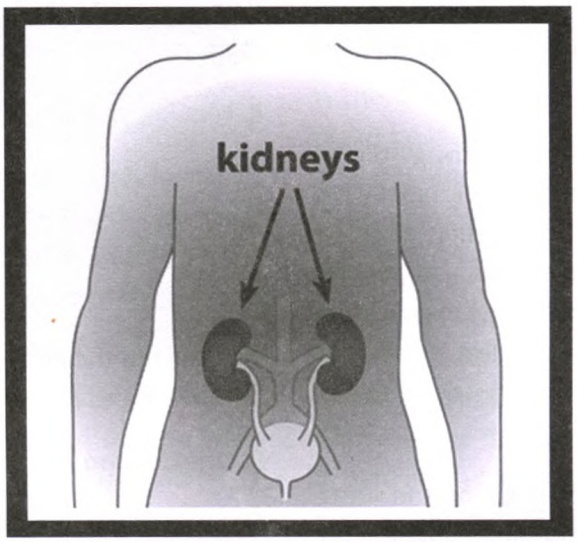
The citizens of Sri Lanka should have the right to have complete information on any bilateral or multilateral binding trade and economic agreements which the governments are considering to proceed with. Hence these should not be taken out from the "Right to information act".

If the Sri Lankan government takes necessary steps to effectively attract and facilitate local and foreign

investments in par with the policies of the successful models in the world and safeguard the country against possible economic blunders made by a few individuals, the country will be set on a fast track for economic development!

A Chartered Engineer, a Fellow of the Institution of Mechanical Engineers (UK) andthe Institution of Engineers Sri Lanka. Founder & CEO of K.I.K. Group of Companies, the manufacturer & exporter of high quality Electrical Switchgear Assemblies and patented modular electrical enclosure systems, "KIKBLOX".

10 Common Habits That Damage the Kidneys



Kidney disease is one of the costliest illnesses in the world and managing kidney disease is very expensive.

Each year, lots of people die of kidney disease all over the world, and the number of people suffering from chronic renal failure, and need dialysis or kidney transplantation to stay alive keep increasing.

Statistics have it that, worldwide, more than millions patients are waiting for kidney transplants, but only a few thousands will receive transplants because of shortage of suitable organ donors.

Patients usually felt surprised when they are diagnosed of Kidney Failure.

Experts have found the explanation from your daily life habits.

Here are the top habits which lead to your kidney failure:

1. Not emptying your bladder early:

Maintaining a full bladder for a long time is a quick way of causing bladder damage. That the urine stays in the bladder for a long time can cause the bacteria breeding in urine to multiply quickly. Once the urine refluxes back to ureter and kidneys, the bacteria can result in kidney infections, then urinary tract infection, and then nephritis, even Uremia.

So, no matter how busy you are, remember to drink a lot of water and urinate regularly. Once you form the habit of holding back urine, it will ultimately damage your kidneys.

2. Not drinking enough water:

The main functions of the kidneys are to regulate erythrocyte balances and eliminate metabolic wastes in urine. If we do not drink enough water, the blood will be concentrated and the blood flow

to the kidney will not be adequate, thus the function of eliminating toxins in from blood will be impaired.

3. Taking too much salt:

95% sodium we consume through food is metabolized by the kidneys. Exceeding the salt intake will make the kidneys work harder to excrete the excess salt and can lead to decreased kidney function. This excess sodium will cause water retention, causing edema. Edema usually elevates blood pressure and increases the risk of developing kidney disease. The daily salt intake should be controlled within 6g per day.

4. Not treating common infections quickly and properly:

Common infections, such as pharyngitis, tonsillitis, common cold etc, usually triggers or aggravates kidney damage. They do this by causing an acute attack of acute glomerulonephritis or chronic nephritis. So, you will see that people who get kidney disease for the first time or whose illness condition becomes worse usually present in hospitals with a history of cold or sore throat.

If after having cold, symptoms like blood in urine, swelling, headache, nausea, vomiting, fatigue, poor appetite appear, you should consult your doctor immediately, to assess your kidney functions, and start treatment if compromised.

5. Eating too much meat:

Eating too much meat and protein can increase the metabolic load of the kidney. For those suffering from proteinuria, meat consumption too may aggravate protein leakage, worsening renal pathological lesion.

It is suggested that protein intake should be 0.8g/kg per day. This means that a person with 50 kg should consume 40g of protein per day. Meat consumption per day should be limited within 300g.

6. Not eating enough:

This is equally as dangerous as eating too much, both of them will lead damages to your digestive organs where is full of mucosal tissues. Mucosal tissues relates closely to your immune system. This is why many kidney failure patients are diagnosed with "autoimmune kidney damages".

7. Painkiller abuse:

The use of analgesics for a prolonged duration may reduce the flow blood and greatly affect kidney function. In addition, patients with analgesic-induced renal failure are more likely to suffer from bladder cancer.

Use analgesics only when it's absolutely necessary, learn to rest instead of taking to the bottles. If you have been on pain killers for a long term, it's about time you had a test to access you renal function done.

8. Missing your drugs:

Hypertension and diabetes have been shown to precipitate or accelerate kidney damage, so if you are diagnosed as having any of these disease don't live your life in denial, USE YOUR DRUGS.

This will ultimately helpcontrol your condition while also helping to preserve your kidneys.

9. Drinking too much alcohol:

Drinking alcohol without limitation may cause the deposition of uric acid in renal tubules, causing tubular obstruction and increasing risks of kidney failure.

10. Not resting enough:

In our society, hypertension as a severe threat to life is largely due to stress. A common symptom of stressis insomnia. Blood pressure may increase by an average of 2-5mg/Hg because of insomnia. Chronically elevated blood pressure can cause damage to kidney capillaries giving rise to kidney problems. Thus, we need to develop a good attitude to life and strike a good balance between work and rest to protect your kidneys and live a healthy life.

Source : Internet *

CHEMICAL SCIENCES IN FOOD SAFETY AND SECURITY

Athauda Jayawardana *

Synopsis

Chemical Sciences play a major and critical role in production, processing, packaging, transport and storage to ensure food safety and security. In the context of changing environment, life styles and food habits, Chemical Sciences will face more complicated challenges in the years to come.

Food safety is a scientific discipline describing handling, preparation and storage of food in ways that prevent food borne illness. This includes a number of routines that should be followed to avoid potentially severe health hazards1.

On the other hand, Food Security can be defined as "When all people at all times have access to sufficient, safe and nutritious food to maintain a healthy and active life"2.

At present, the entire world faces a huge challenge related to sustainability of food supply and its security. The demand for food is increasing primarily due to growth in population and improving economic prosperity. By the year 2050, the World's population will have increased to over 9.00 billion3. The situation will be further aggravated by increase in demand, from more affluent people of emerging economies, for high value-added meat and dairy products4. The total meat consumption at the global level has gone up from 139 million tons in 1983 to 229 million tons in 1991/2000. It has also been estimated that consumption of meat would be about 303 million tons by the year 20205.

In the above context, the global food production has to be increased by about 70% by the year 2050 to meet the Millennium Development Goal of Eradication of Hunger6.

The challenge has to be met in an environment where the available extent of land for cultivation is increasing only marginally by about 5% by the year 2050 and available water for irrigation is declining. According to estimates of the World Bank, one hectare of land will have to feed 5 people by the year 2025. In the year 1960, one hectare was required to feed only 2 people7.

Though 71% of the Earth's surface is covered in water, about 97% of this water is saline. Further, 90% of the balance 3% of fresh water is locked away in glaciers and ground water. Then only 0.3% of the Earth's total water is available for irrigation and drinking purposes. With the increase in population there will be a proportionate increase in demand for potable water. This results in further reduction of water available for irrigation for cultivation of crops.

Climate change will also have negative impacts on agriculture by changing the weather patterns and by shifting pests.

In view of the above, the only alternative available is to increase agricultural productivity to ensure food security. As some section of the society advocates, resorting to traditional varieties and organic farming to ensure food safety and security is only an illusion.

Before 1950s the average yield of traditional varieties of rice was about 1 ton per hectare. Today new improved varieties produce about 4 tons per hectare.

Development and adoption of new technologies is the key to effectively handle this situation. Chemical Sciences can play a major role in ensuring supply of healthy, safe and affordable food for all.

At present, there are some agricultural lands where the yield levels are still below the average. In these areas, agricultural productivity can be increased by applying currently available technologies such as use of improved high yielding varieties, better farming practices, agro chemicals and recently developed bio-technology.

In order to meet the increasing demand in the future, the currently available technologies developed by the Chemical Sciences have to be applied in every activity related to production, processing, storage, marketing, etc. Increased precision in agricultural activities such as application of plant nutrients, target application of agro chemicals can improve the quality and yields of crops while minimizing the use of inputs.

Up to about 40% of agricultural production will be lost if crop protection chemicals are not used8. Development of new high-potency, pest specific pesticides with new modes of action will help overcome pest resistance. Pesticides that are more safer to the user with less persistency in the environment and required in small qualities per unit area of land cultivated, have to be developed using Chemical Sciences. Development of pheromones to attract insect pests is another area that requires new technologies.

Chemical Sciences in association with biotechnology can improve efficiency of utilization of plant nutrients by understanding the metabolic pathways and role of growth regulators to increase crop yields.

Further, new inorganic fertilizer formulations should also be developed to ensure that the nutrients such as Nitrogen, Potassium, Phosphorus and micro nutrients are efficiently delivered. Loss of these nutrients to the environment should also be minimized.

By understanding the complex soil structure, chemical and microbial composition of soil and its interaction with the plant roots and the environment, fertilizers can be formulated to ensure optimum uptake by plants while minimizing losses to the environment and improving retention in soil. Development of technologies to prevent emission of methane gas is also vital. Decomposition of organic matter in soil during land preparation under wet conditions for cultivation of crops emits toxic gases like Methene. Another aspect is the development of in situ bio sensors to monitor soil quality and nutrient contents for optimum use of fertilizers.

As household, agricultural and industrial demands for water is increasing, conservation of water through more targeted delivery system such as drip systems, and use of grey water, reuse and recycling of used water, becomes essential.

Chemical Sciences have to play a major role in devising of new inexpensive methods of treating water including desalination. Development of portable technologies for analyzing and treating contaminated ground water will help local populations have access to potable water.

Bio chemical rapid detection methods should also be developed to identify pathogens in potable water. Setting standards for rain and grey water enables localized treatment of harvested rain and grey water for secondary use.

Contamination of water with various chemicals occurs due to human activities. Some chemicals are available in nano particles. More chemical research is required to measure the amounts and to understand their fate and the impact on the environment, human health and the biological systems.

Proper nutrition plays a very important role in promoting health, preventing and treating diseases and ensuring quality of life. Moreover Chemical Sciences can modify the available food to ensure control release of macro and micro nutrients while removing the unhealthy contents. By understanding

the satiety signals, fat and sugar can be replaced with safe fats and sweeteners respectively while maintaining the texture of real fat. Fortification of food items to meet specific needs of the body to lead a healthy life is another role that can be played by Chemical Sciences.

Chemical Sciences have to ensure that food is safe for consumption. Food safety is the safe handling, preparation and storage of food in such a manner that prevents food borne illness and covers the activities from farm to plate.

Microbial contamination of food is the most common health problem for consumers. Spoilage and adulteration are two major problems in this area. Chemical Sciences have to develop intelligent packaging to improve the control of food spoilage, hygiene and food safety. Innovation of new irradiation methods to remove pathogens, as well as new more efficient refrigerant chemicals that will have no harmful effects on the environment with less energy consumption is vital.

Increase in efficiency of refrigeration at every stage in the supply chain by resorting to supper chilling as an alternative to freezing is also of paramount importance.

In order to reduce energy use scaling down and combining of process steps in production of food can be adopted. To recover valuable materials and reduce wastes through new routes for bi-products and co-products use high pressure processing and pulsed electric fields at all stages of production of food. Development of surface coating technologies for cleaning of food preparation surfaces with antifouling properties will also contribute towards ensuring food safety.

Designing of improved food preservation methods for liquids and solids by rapid chilling, heating and salting is another important area that requires research activities. Development of technologies pertaining to flexible thin films made of corn starch, polypeptic acid and cellulosic materials that withstand the chill chain handling and storage is also vital. Another opportunity for Chemical Sciences is the development of new food additives like natural preservatives and antioxidants. Development of food packaging that is compatible with anaerobic digesters and packaging of biodegradability or recyclability is also essential.

Convenient methods to detect industrial chemicals, residues of pesticides and fertilizers, allergens, toxins, veterinary medicines, growth hormones and microbial contamination should be developed. Suitable processes and devices should also be developed to measure food quality, safety, ripeness, etc.

In view of the above, it is clearly evident that there is enormous opportunity for Chemical Sciences to devise ways and means to improve agricultural productivity and food safety while protecting the environment.

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BSc(Agriculture); Director/CEO-IPM (Pvt) Ltd.; President-OPA

100 YEARS OF ORGANISED DENTISTRY IN SRI LANKA

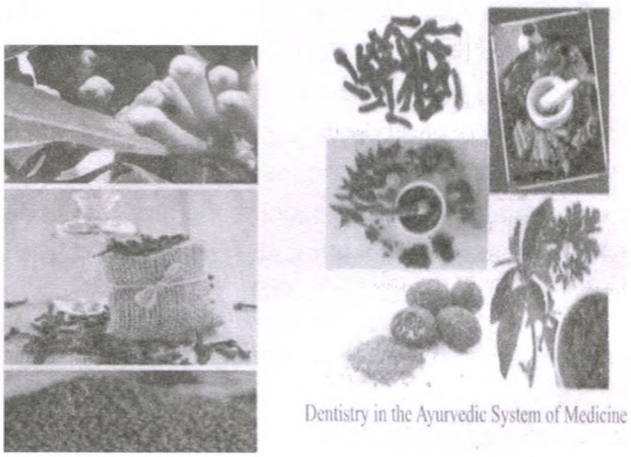
Hilary Cooray*

Synopsis

Dentistry in the Western (British) system of Medicine which exists now has reached a landmark occasion this year. The first dentist was formally registered under the British Dental Registration Ordinance on 15thof May1915. The dental register is presently maintained by the Sri Lanka Medical Council. The first dentist to be registered in the dentist register which was then kept and maintained by the Ceylon Medical College Council was Sperling Christolfesz who had the British qualification LRCP, MRCS and LDS (Edin)

There were two principal ways in which a dentist in Ceylon (later Sri Lanka) could get his name registered in the dental register, by way of qualification obtained in the United Kingdom or by undergoing an apprenticeship with a registered dentist followed by an examination conducted by the Ceylon Medical Council .

Prior to this, Dentistry was practiced in the Ayurvedic System among the Ceylonese. The British Doctors who moved with the British troops in 1815 were practicing dentistry under the Western System amongst the British population who came here to Ceylon in search of greener pastures for trading as well as professional services like Medicine, Accounting, Legal, Civil Services and Agriculture. The practice of Dentistry by the British Doctors was restricted mainly to the extraction of teeth.



General Dental Practice as the earliest Discipline of Dentistry

Sri Lanka was known to be a prosperous colony and many British Nationals came searching for better prospects in terms of work and investment in plantations. Land was distributed for British Citizens at very nominal rates for opening up coffee plantations

It was in this era that the professionals like doctors, Dentists, Accountants lawyers and Civil Servants came here looking for comfortable lifestyles. Sperling Christolffez established himself in a lucrative private practice in a prestigious Hotel(Bristol Hotel) in the heart of Colombo Fort. Two other Dentists trained and with Medical and Dental qualifications from the United Kingdom namely J.S.R.Goonawardena and Eric Swan were registered in 1915. They too commenced their own private practices in Colombo and Kandy respectively. The first dentist

to be registered without Medical Qualifications was Sydney William Garne L.D.S.(Eng) . He joined in the partnership with Sperling Christolffelz at the Bristol Hotel. Since there was no other way of practice of Dentistry many other dentists who arrived here from the United Kingdom, some from Germany, and Singapore established themselves in General Dental Practice in Colombo , Kandy and Galle.

The Government Dental Clinic at Ward Place

In 1925 the first government dental clinic was established in the Colombo Hospital. Dr.W. Balendra LMS (Cey) MRCS (Eng) LRCP (Lond) LDS (Eng) was appointed as the first dental surgeon in charge of this clinic. He trained three apothecaries to do extractions and scaling. They were registered as dentists under Act 26 of 1927 (Dentists Register). The clinic continued for nearly ten years with their assistance. They were officially employed by the Department of Health at the same salary as qualified Dental Surgeons (Saunders Report 1954). Apothecaries had been trained and certified at the medical school following a two year training program since 1899. They played a very useful role in the health care of the people in rural areas. Later they were designated as assistant medical practitioners. Due to the absence of a training program for Dentists, Dr.Balendra had no option but to train apothecaries in some aspects of dentistry and employ them in the clinic to do the work of dentists. They were employed at the Dental Institute until 1948.

Formation of the Ceylon Dental Association

By 1932, there were nearly 25 registered Dentists practicing in Ceylon at government hospitals and in the private sector.

An association is born when there is a need for it by that particular group and the public who are served by this group, and it is the availability of good leadership that will decide whether this association will survive.

The Dental chair in 1900's

On 6th December 1932, a group of 12 dentists working in the private and public sector met at the Dental Institute and formed the 'Ceylon Dental Association'. It was decided that thus association be conducted as nearly as possible on the lines of the British Dental Association (B.D.A)

It was thought expedient therefore to adopt the BDA's Rules and Regulations temporarily until the Ceylon Dental Association (C.D.A) was able to modify and adapt them to local conditions. Consequently it will be seen in the Rules & Regulations therein published that the Memorandum, Articles, bylaws etc of the BDA are taken over almost entirely, except where suitable modifications had to be made to meet local requirements .

Founder Members of the Ceylon Dental Association
6th December 1932

Dr. E. Abeyesundara, Dr. V. Sivanetamby, Dr. C.A.R. Goonewardene, Dr. A.E. Daviot, Dr. M. Brito-Mutunayagam, Dr. W. Balendra, Dr. J.S.R. Goonewardene, Dr. A.A. Gomes, Dr. S.W. Garne, Dr. H.E. Swan, Dr. H.S. Christoffeisz, Dr. S.L. Cramer

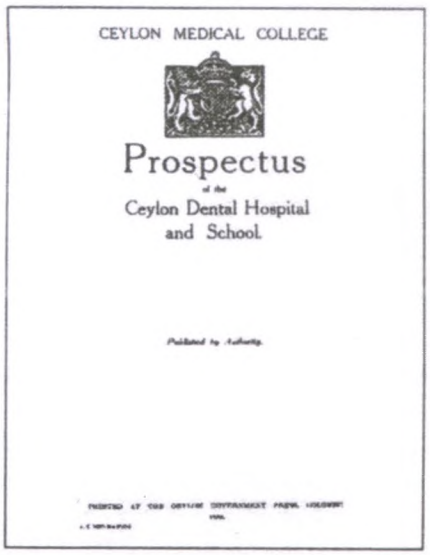
All twelve founder members of the CDA had British qualifications. The constitution provided a strong foundation on which this association grew steadily.

The CDA brought about far reaching changes to the profession in many areas. On the resolution made by the association in 1933, the Dental Registration Ordinance was amended to ensure the title "Dental

Surgeon" could be used only by those having a qualification from a University. In 1938, the association again made representations together with Ceylon Branch of the British Medical Association (BMA) to the government, when the dentists from some European countries started to register and work in Sri Lanka.

The Dental Ordinance was amended, by amendment No 55 of 1938 which prevented foreigners from practicing in the island. Medical colleagues pointed out that those nationals from other countries which did not recognize the qualifications from Ceylon, should not be registered. The Amendment states " No alien shall be registered except with the approval of the Governor on the recommendation of the Executive Committee of Health" In this section, "alien" had the same meaning as the Aliens Registration Ordinance No 30 of 1935

Ceylon Dental Hospital and School


CEYLON MEDICAL COLLEGE

Prospectus

of the

Ceylon Dental Hospital and School

On the initiative of Dr. Annesly Gomes , in 1933 the Ceylon Dental Association proposed to the government , the establishment of a Dental School. In February 1938 the first Dental School in Sri Lanka was started as the Ceylon Dental Hospital and School under the auspices of Ceylon Medical College It opened at the Government Dental Clinic where facilities for clinical training and dental hospital practice were available. The first principal of the School was the Director of Medical and Sanitary Service Dr. S.T. Gunasekara L.M.S (Cey) M.R.C.P,(Lond), D.T.M. & H (Lond). The Dental School commenced with six medical graduates who were to follow a two years training with a view to granting them a license to practice dental surgery. The first batch consisted of Dr.F.A.L.Fernando, Dr. S. S. P De Jong De Silva, ,Dr.John E. S. Kitto , Dr. M. Cruz Rodrigo, Dr. C. L. Batholomeusz and Dr. G. P. D. Rajarooriys. It was intended to develop a course to provide a full dental curriculum for students not having a medical qualification.

The 1938 prospectus of the Scholl states : "The present syllabus is therefore intended solely for medical post graduates and is arranged essentially in the lines of recognised British Dental School and in conforming with the requirements of the Dental Board of the United Kingdom" Dr. S. L. Cramer , L. M.S. (Cey),

L. R. C.P & s (Edin), L. R.F.P. & S (Glas), L. D. S. (Edin) was appointed as Registrar

The principal and the entire staff of the first Dental School had qualifications obtained in the United Kingdom. The first batch of six medical graduates completed the course in 1940. Three of them, namely Dr. F. A. L. Fernando , Dr. S. S. P De Jong De Silva and Dr. John G. S. Kitto . joined the government services and were appointed to the dental clinics at Batticaloa , Jaffna and Kurunegala respectively. The other three, namely Dr. M. Cruz Rodrigo, Dr. C. L. Bartholomeusz and Dr. E. P. D. Rajasooriya, established themselves in General Dental practices in Colombo. The practice of Dr. Rodrigo was continued by his daughter Philomena.

The second government dental clinic was started at Galle Hospital in 1937 with Dr. A. F. Daviot L. M. S. (cey) , L. D. S. (Eden) as its first dental surgeon (Administrative Report 1938). This was followed by the opening of a dental clinic at Kandy hospital with Dr . Sam Goonawardena L. M. S (cey) , L. D. S. ((Manchester) appointed as the dental surgeon in charge.

By 1940 there were forty one dentists registered in the Dentists Register included were , two dentists from Germany namely Rudolf Weiner D. M. D,

(Munich) Paul Albesheim D. M. D. (Munich), Shinya Shinzo a Japanese dentist with a certificate from the Dental Board of Singapore and six qualified from Ceylon Dental Hospital and School. In addition four people who had passed the Ceylon Medical Council examination conducted for those who had completed an apprenticeship in dentistry. The others had qualified in the United Kingdom.

The training program me which was started as a postgraduate course for medical graduates was abandoned after the first course. The Ceylon Dental Association protested against the closure and appealed to the Governor, Sir Andrew Caldecot to establish a proper dental School (Minutes book of Ceylon Dental Association 1940)

The Dental School of Faculty of Medicine, University of Ceylon

Training schemes for dental surgeons with a full dental curriculum following the University entrance examination was by now well established in the United Kingdom. The Ceylon Dental Association and the Health Department realized the need for an independent undergraduate dental curriculum leading to a Licentiate and Bachelors degree in dentistry, as was established in the United Kingdom. Reforms in the tertiary education system itself were taking pace in the early forties, In 1942 Ceylon University

College (established in 1921) was amalgamated with the Ceylon Medical College (established in 1870) to from the University of Ceylon . There were faculties for various academic and professional disciplines. Dr. (later Sir) Ivor Jennings was appointed the first vice Chancellor of the University of Ceylon.

In 1943 a Dental School was started as part of the Faculty of Medicine of the University of Ceylon The Dental Students Handbook 1943 states: "The University hopes to offer as from 1st October 1943 a full course of study leading to the degree oh Bachelor of Dental Surgery or the Diploma, Licentiate in Dental Surgery. In both cases the course will be one of four years after the first examination in Dental Surgery, but a higher standard will be expected throughout the course from candidates for the degree". The Vice Chancellor, Dr. Ivor Jennings(later Sir), appointed a Board of Studies in Dental Surgery to organize the course of studies , examination , lectures, practical classes and hospital practice; and to procure the necessary equipment.

The members of this board were Dr. W. Belinda and Dr. A. A. Gomes, Dr. Sam Goonewardena. Five students were enrolled in 1943. (Tillakaratne 1992). In the first year, anatomy and physiology were taught by lectures of the Faculty of Medicine Dental Metallurgy lectures were given by the staff of the Department of Chemistry of the Faculty oh Science.

Dr. M. A. Brito Muthunayagam and Dr. G. P.D Raja Sooriya , both General Dental Practitioners, taught prosthetic and Mechanics. The 3rd year subjects, General pathology, Bacteriology, General pharmacology, General Medicine by the staff of the Medical Faculty.

The first batch of dental graduates qualified from the new Dental School in October 1947. They were appointed as temporary acting dental surgeons on a daily paid rate of Rupees Eleven and twenty-five cents. Later, they were appointed on a permanent basis as Grade II Dental officers.

The government arbitrarily decided on a salary scale for the dental officers which brought about discontentment from the start. In the absence of a separate association to look after the interests of the government employed Dental Surgeons, the Ceylon Dental Association first made representations to the Ministry of Health in May 1947. It sought a similar salary scale for Dental and Medical Officers. On 1st October 1949 , the C. D. A. submitted a memorandum regarding salaries of Dental Surgeons as there was much discontentment in the Dental Service because of the disparity in salaries paid to them and the Medical Officers.

Formation of Government Dental Surgeons Association (GDSA)

By 1951 there were approximately 30 Dental officers who had graduated from local Dental School and others from U.K. employed by the Department oh Health. They were faced with many problems

including anomalies in salaries; disparities in service. Issue of medical certificates. Railway warrants and many others.

On the 4th of October 1951 a meeting was called at the Dental Institute for the formation of a trade union. At this meeting, Mr .Dickson Silva was elected as the first president and Mr. V. Cumaraswamy as the secretary. Since then up to now , the trade union has been continuously demanding improvements to conditions of employment by negotiation and at times by trade union action, to bring the services to the present day levels.

The Sri Lanka Dental Association was formed in 1932 which provides leadership in professional matters. Until the GDSA was formed, all negotiations with the government on all matters of Dental Surgeons employed in the Department of Health were done by them.

Establishment of the Dental Nurses Training School

The Dental Nurses Training School was established in 1951 , with the assistance of the government of New Zealand in order to train Dental Nurses who were to treat the Children's needs in dental care. The Medical ordinance was amended to enable Dental Nurses (later designated as therapists) to attend on children who were under the age of twelve years. This clause reads as follows. "The performance by a qualified Dental nurse in the employment of the government of Ceylon of minor dental work in any public dental service School be done under the supervision of a Dental or Medical practitioner,"414 School Dental clinics are managed dental therapists who perform a yeoman service to the children of this country by treating approximately 503305 of them every year.

Formation of the Independent Dental Surgeons Association.

In 1971, Kalasuri Dr Ranjan Abeyasinghe, a senior General Dental Practitioner at the time ,convened a meeting for the formation of an Association for Independent Dental Surgeons in private practice. It was formed with 28 members.

In 1982 when there was a need for the General Dental Practitioners to obtain higher qualifications in the discipline of General Dental Practice Dr.Abeysinghe again called a meeting of General Dental Practitioners and the College of General Dental Practitioners was formed. The Founder members were those who had Post graduate Dental Qualifications or those with 10 years of General Dental Practice Experience. Since then it has been collaborating with the Post Graduate Institute of Medicine of the University of Colombo to award the Diploma in General Dental Practice Examination.The College has since then taken the task of providing Post Graduate and Continuing Dental Education to the General Dental Practitioners.

Period of Rapid Development

With the dedication, efforts, and the hard work of the members of the S. L. D. A.it had managed to purchase its own office in 1982 at the Organization of the professional Association Building. This has enabled the S. L. D. A to have a fully fledged functional office with permanent staff.

Many activates were originated. Amongst them were the Annual Scientific Sessions. The S. L. D. A orations and regular continuing professional Development programs. The branches of the association were established in Kandy, Galle, North Western, North Central and North province. Regular out-reach programs were carried out at various parts of the country. A research fund was also established and the funds were dispersed to the research projects of the members. "Treatment of Fluorosis" project was established in conjunction with the Japanese Dental Association. "Live, Laugh & Learn" project to impart oral health education to the children and trainers were being done with the FDI Unilever collaboration.

Looking into the future will be very important for an active association like the S. L. D. A to know its future. It has its own vision & mission statements.

VISION- To be the recognized leader in promoting excellent oral health care.

MISSION- Committed to maintaining the honour and interest of the dental profession whilst keeping the excellence in oral health care nationally by public

education and interaction with other health care stake-holders.

One of the important tasks in the present day scenario is to develop a good leadership amongst the profession. The association also needs to initiate action in community service by educating the public, providing access to dental care and ensuring an equitable distribution also has the responsibility of promoting as well as maintaining professional ethics and a good set of values for its membership.

The General Dental Practitioners association representing the private sector dentists, the Government Dental Surgeons Association looking after the interests of the Dentists in the public sector, Sri Lanka Dental Association and the Faculty of Dental Science is charged with the proper training of future dentists are the custodians of the well being and further development of the Dental Profession for the next few decades.

Dr. Hilary Cooray BDS (Cey), MSc (Lond), MFGDP. RCS(UK),FICCDE (Ortho) Singapore

Past Presisent-OPA ; Past President-SL Dental Association

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Psychology of Quality Management – A Strategic View on Quality Management

Upali Gamakumara*

Synopsis:

The 'need' and the 'want' are two different satisfiers of a product. 'Need' is physiological. 'Want' is somethingthat psychologically arises as a necessity after satisfying the 'need'. This something is tacit in its nature but carries some overwhelming emotions. It springs up from two sources, viz., individuals' past experience and latent expectations in his subconscious mind. This 'want' is the one we sense as 'Quality'. Organizations are built to fulfill some kind of needs of the society and the task of 'managing' is to find out the wants and implement the ways and means of fulfilling those wants for the organization's smooth functioning and survival.

"Quality is a concept that suffered for decades without a proper definition. Everybody in business, professions and academia understand the difficulty of giving a clear definition to quality. Then the question arises 'how to produce a quality product when we don't know what it is?' ***But interestingly the customer knows what the quality is."*** *- I Graham, ex-CEO, BSI*

I wish to start this brief note on Psychology of Quality Management with the above quotation, to show,as to why the attitudesheld by academics, professionals and entrepreneursare varying largelyabout quality. This, I suppose, is due to the very nature of quality as rightly pointed out by Graham.

In conventional business management, Quality surfaces only when customersare grumblingor the Marketing Manager takes quality as an excuse for not meeting his set targets. Until then quality and quality management are often regarded asactivitiesthat are nonproductive to the organization, an annoyance to the production and aburden to the balance sheet. Sometimes it becomes a hilarious affair in their meeting rooms. Why is this so? As a Quality Management practitioner,I can hypothesize the reasonfor these varying attitudes, by looking at human 'needs' and 'wants' in a slightly different way thanthat a Marketing Manager would define them.

In Marketing Management, they do not consider 'want' as a synonim of'need'. They have defined them as two separate concepts. I too prefer to define them as two different concepts butnot in the same contextas in market management.In my opinion,the 'need' and the 'want' are two different satisfiers of a product. 'Want' is ***something*** that psychologically arises as a necessacity after satisfying the 'need'. This something is tacit in its nature but carries someoverwhelmingemotions. It springs up from two sources, viz., individuals' past experience and latent expectations in hissubconscious mind.This 'want' is the one we sense as 'Quality'.

The subconscious expectations are the ones that make the task of understanding and defining quality difficult. I wish to quote a simple example to explain my point. The need of a toy car for a child can be easily satisfied but not the want.Parents' expectation of a smiling face may beshattered when the child starts to cry instead, when the child sees that the

car does not meet his wants. He may fightor cryfor this inexpressible want. The nature of wants is the same with adults too, though their frustration is not shown to the otherslike children.

This want is a mixture of two features. One is concrete and hence measurable and expressible. The other is invisible, emotional and hence immeasurable and inexpressible. This second feature is the one that makes defining Quality difficult.

In regard to 'need' and 'want',Marketing Management stand goes in a different line of thinking. Their objectives are to exploit customer needs and wants through strategies like attention-grabbers or through popularly known marketing gimmicks, such as analyzing the market for product levels and product hierarchy etc. Whereas,the Quality Management approach is to satisfy these wants by striving for continual improvement or quality enhancement of the product. From Quality perspective a need is satisfied with the birth of the product, but rarely the want.Interestingly in both Marketing and Quality management the main source of information for wants are coming from customer complaintsor customer's feed-back information.

Nature of CustomerComplaints

Quality problems surface only whencomplaints are raised by either internal or externalcustomers (users). When the user finds that the semi or finished product fails tofulfillhisneeds, he may become aggressive and reject it. But if it was a want failure,he may show his frustration by raising a complaint or wait for another opportunity, marking time to make a bigger damage than an aggressive response. So the 'want' failures do not surface immediatelyin the form of customer complaints but sometimes may cause an irrepressible damage.

Psychologically, the human nature is that people are 'lazy' to take extra burden to make complains on 'want' failures, unlessit affectsbadly hiswant fulfillment.This behavior turns out to bea harmful and disastrous affair, whichaproducer/supplieris unaware ofuntil it becomes a fatal cancer. The customer mayrespondto a 'want failure'in several ways. The main two are theavoidance of repurchasing from the same source or looking for optional sources or substitutes. Only very few customers take the pain of making complaints. This phenomenon makes the quality complaintsbeing a tip of an iceberg, hiding a large portion of it under the carpet. This hidden portion is the part that makes the biggest damage through various means of which the 'spread of resentments by word of mouth' is the carcinogenic germ.

Visionary leaderstake minor quality problemsmuch seriously than major ones. That is, they focus more on wants than needs. The secret of Japan becoming a world leader in business is nothing but their approach of satisfying 'wants' than 'needs'. When Henry Ford made his first car, he fulfilled a need of the mankind – the speedy transportation. But the success behind Toyota was that they were quick to understand the 'wants'of customers in Ford'sinvention.

Management from the Point of 'Want' Satisfaction

It seems to me thatmanagementat large is to find ways and means of fulfilling the wants of an organization. In fact, the organizations are built to fulfill some kind of needs of the society and the task of 'managing' is to find out the wants and implement theways and means of fulfilling those wantsfor the organization's smooth functioning and survival.

Let's take the task of Human Resource Managementof an organization for example. When a person is recruited the needs of both parties are fulfilled. Wants of both parties arise thereafter. This is true to all employees in the organization from the floor sweeper to the CEO. However,it is a myth and disastrous mindset to believe that the employees' wants always spring out from their mere selfish urge to climb up the Maslow's hierarchy of needs. It could have arisen from theirdesire to fulfill their obligations towards the organization, which seems paradoxical and contrary to the management when viewed through a narrow angle. Their wants may be for good raw material, hassle free machines and equipment, systems and procedures and training which are reallywants for ensuringgood performance. Of course, in the final analysis it is a selfish and subconscious motive for survival. Yet the

task of a HR manager is to use them for the benefit of the organization and take appropriate actions to satisfy their wants and manage it by fulfilling those wants.

Psychology of Needs and Wants

Before discussing how psychology relates to Quality Management, we need to know how needs and wants affect the behavior of a person psychologically. Psychologists distinguish the difference between emotions and motivation. Emotions like thirst can rarely be suppressed until it is satisfied. Emotions are associated with facial poses, means attitudes deliberately assumed in order to impress others in emotions like love or anger. Motivations in the other hand are tenacious, focused, and difficult to control, but do not show facial poses.

Now what is a need? Is it an emotion or a motivation? Letus take an example. A man desperately looking for a jobis a need. He cannot relievethat need until he finds a job. It is like thirst. He deliberately assumes attitudes to impress others. He does not focus on one particular job. Any job will satisfy his need. Which means need has all the traits of an emotion. Once he gets a job if his expectation is a higher salary,it is awant. His behavior will show the traits of motivation. He is focused on his expectation, it is tenacious or firm, difficult to control and he does not assume attitudes to impress others.

So need is an emotion and want is a motivation. The relevance of this difference to management is that it is important to understand that wants should be seriously and immediately taken for correction than needs. Because needs are obvious, burst immediately and automatically and gets the attention for correction. Wants, motivate people to take slow and steady actions which could damage many things without surfacing for attention until the damage is done.

Quality Assurance and Quality Management

With the above explanations, now we are in a better position to understand the difference between Quality Assurance (QA) and Quality Management (QM).

In QA the needs of all aspects of production, service and administration are known. They are in the written forms like statutory or regulatory requirements, standard specifications, rules and regulation or as MOUs with interested parties. Then QA is a matter of assuring them throughout all operations of the organization, by educating employees, monitoring and bring to the notice of the Top Management any difficulties that are faced with,and seek guidance. Their tools are the Quality Control techniques at operational level.

In QM its main task is to monitor the 'wants' that pops up time to time stealthily. So it requires many strategies to identify those wants to avoid them going unattended. Customer Complaints, Corrective and Preventive actions, Audit Reports, Market Surveys are the main sources for gathering information for this purpose. In addition statistical analysis of various data collected in separate departments could be highly useful to identify those unidentified wants. For example trends of absenteeism, volumes of sales of products, customer complaints, and deliverydelays are some of the strategies used in QM and the Quality Manager must be an analytical minded person. Unless the Top Management is aware of the difference in roles played by the QA and QM, quality will be a hilarious affair in organizations though in fact it should have been the other way round in those moments.

B.Sc., MBS,Consultant/Auditor (QMS & Productivity), Lecturer & Trainer

(Vice President- Administration and Policy matters, IQPM)

The writer has presented two research papers at global conferences, one in Cambridge University, UK and the other at SJP University Sri Lanka. Also one of his papers on Breakthrough Thinking has been published in the Annual Journal of Chukyo University, Japan, in 2005

CIVIL AND CRIMINAL LIABILITY OF EMPLOYERS AND EMPLOYEES; RECENT TRENDS UNDER DEVELOPING TECHNOLOGIES

Sunil D.B. Abeyaratne*

Employement contracts

Terms and conditions of an employment contract are decided and entered by the Employer and employee and governing principles relevant to privity of contracts are applied for same like in normal contracts. When there was a breach of such contract, parties to the same were able to secure their rights purely on agreements accepted by them. However, during the development of Industrial Revolution in the world, most of the countries focused on stability of the employee economically, politically and socially. As a result, various laws have been enacted by legislaturesseeking improvement of the quality of life of the workforce. In this mission pure and strict interpretation on terms and conditions of employment contracts were not sufficient and the governments decided to interfere with terms and conditions of employment contracts. Law makers have provided provisions recognizing collective bargaining providing additional facilities exceeding parameters of the original agreements in employment contracts, introducing social security for employees e.g.creating mandatory provisions for Employees' Provident fund, Employees' Trust Fund, payment of gratuity, special protection for women, young persons and children, enacting various laws relating to occupational safety of the workforce, Health and payment of Workmen's Compensation and Foreign Employment.

In the meantime, Technology was developing at a tremendous speed and improvement of Information Technology, a main branch of Technology has shown revolutionary status during the last few decades much higher than the industrial revolution. Development of Information Technology and its application such as use of computers, network systems, mobile phones etc. have convinced fair number of leading institutions those are involved in goods and services in the world to work under application of Information and Communication Technology. Considering some major benefits like need of less storage area, less cost factor, time factor to transport of documents from place to place, less maintenance cost, less labour involvement to maintain electronic records, present employers always prefer to convert their working environment from paper based documentation to electronic based environment. This new trend has shown radical changes in all sectors and has achieved the task to bring all nations into a global village.

As a result, Information and Communication Technology and its systems have been designed, developed, and maintained by humans and its application has highly influenced the employer-employee relationship in the world. Such relationship under Information Society cannot be easily understood further, applying only conventional methods used to interpret traditional employer-employee relationship.

As far as the said changes in the Information Society is concerned, it is not fair to expect the employer to continue with traditional working environment without applying modern technologye.g., application of paper based documentation or sending letters through ordinary postal service. Contract Drafters

of new employment contracts shall be in a position to insert new terms and conditions relating to application of ICT into the enterprise.

However, changing or modification of existing terms and conditions of an employment contractfit into a modern environment under Information Society can be a serious problem. Can an employee refuse to get himself adjusted to the changed working environment under influence of Information and Communication Technology? In any given Employer-employee contract, there may be both express and implied conditions governing the same contract. Most of such contracts prepared for working places influenced with new technology and they have included express flexibility and mobility clauses to face new and future challenges and win the competition in any given trade or business. Even otherwise, it is obvious that employees also have an implied duty to keep the enterprise running efficiently. In ***Cresswell vs.Board of Inland Revenue (1984) 1RLR 190*** employees had to do the same job but using a computer and the Court found that there was an implied contractual duty imposed on the employees to adapt themselves to new methods and techniques of work place. However, if it is the requirement of the employee to change hisworking style considering nature of the job there must be express flexibility clauses governing the changes in the contract and the employer cannot force unilateral variation of the terms and conditions of the contract.

Deviation of traditional employer-employee relationship under Information Society.

Currently, there is a new trend under Information Society that most of the workers serve not as employees in an establishment but in a capacity of Independent contracts/Contractors when their services are needed. New category of workers who are involved in outsourcing under ICT industry is identified as ***`teleworkers'*** .

There is no doubt that the traditional control test to decide the nature of the service rendered by a worker as an employee or an independent contractor has been outdated since the employee has become integral part of the establishment under the Information Society. In ***Nethemere Ltd vs.Taverna and Gardiner (1984) 1 RLR 240, AC*** the Court decided to go for multiple factor test (the degree of control, the risk of loss, chance of profit, the provisions of equipment, tax payment methods, national insurance payment, parties intentions etc.,) combined with a test of mutual obligation to decide whether the employee serve as an employee or independent contractor.

Use of e-mail and the Internet at the working place.

Using of e-mail and internet for external and internal communication of a working place is cheaper and faster than using its counterpart traditional methods. However, due to behavior and nature of e-mail and Internet Communication, news groups, chat rooms etc., they can create own problems.

Some employees send e-mail with defamatory statements to outside the enterprise using office e-mail accounts under the impression that it would disappear permanently after clicking "send' or "delete" icons on the computer screen. However, the same will be preserved on servers or backup files. Under the principle of vicarious liability, Employer may be liable for the actions of his employees during the employment (see section 30 of Computer Crime Act in Sri Lanka No.24 of 2007) and the Employer will have to pay damages on such occasions for the employees'misuse act. Further publication may be far wider through e-mail and Internet due to its nature and same can be damaging more to the victim in a defamation case and will tend to increase the damages.

Sexual harassment by use of e-mail to a victim is another aspect in a modern working place. The employer also may be vicariously liable for an employee's action of sexual harassment done to another employee or a third party in the course of employment. In ***Chief Constable of Lincolnshire Police vs.Stubbs (1999) 1RLR 81,*** a wide meaning has been given by courts to "In the course of employment' in sexual harassment cases. Like sexual harassment, racial harassment through e-mail is another aspect in Information Society. A company

is generally identified as the origin of e-mails and not the employee of the same company. When an employee has authority to negotiate with an outsider and enter into an agreement same will be finally considered as the agreement of his employer. Negligent misstatement of employees also will get the same. The onus is on the employer to prove his defence that he had taken reasonable steps to prevent the employee from doing such act during the course of his employment.

Internet Service Provider (ISP) will be liable primarily as a publisher of defamatory statement of a third party, when ISP carries the same on its server a news group even the employee of the ISP were ignorant of a defamatory material. Even a publication is expressly prohibited, if the employee as author and acting in the course of his employment or for the purpose of the employer's business publishes the same publication, the employer also may be liable upon vicarious liability.

In the United Kingdom, defences (Section 1(3)(c) of the Defamation Act 1996) for the employer may be to deny that ISP was not the author, editor or publisher of the statement complained of, ISP took reasonable care in relation to its publication and ISP did not know, and had no reason to believe, that what it caused or contribute to the publication of a defamatory statement.

Privacy of the employee

Under Information Society, Employer allows the employee to keep private communication via the e-mail or the Internet used by the establishment. Considering the said vicarious liability of the employer over the employees' actions and liability for criminal offences, employer will have to access for private transactions of the employees via electronic media. This will be a crucial issue to decide whether such action is a violation of employees' Human Rights or not since there is no Act relating to Privacy or governing policies in Sri Lanka. '

It is high time to insert clause/s into the employment contract with warning to use of e-mail and Internet by the employees during the employment and introduce software to office network of computers allowing employees to login only into approved links or programmes by the employer. Further, regular monitoring of transactions of the employees through e-mail and the Internet during the employment can be preventive steps from the previously mentioned problems.

In future there will be settled principle to handle such a situation since under section 10 D of the Human Rights Commission Act No.21 of 1996, the Commission has right to make recommendations to the Government regarding measures which should be taken to ensure that national laws and administrative practices are in accordance with international human rights norms and standards.

Intellectual Property Rights of the Employer and employee.

Copy Right

Under Section 14(4) of the Intellectual Property Act No.36 of 2003, it is clear that in respect of a work created by an author employed by a physical person or legal entity in the course of his employment, the original owner of the economic rights shall, unless and otherwise provided by way of contract, by the employer.

When there is a dispute over ownership of the copyright, the claimant has to prove the same. See the judgement in ***John Richerdson Computers Ltd. Vs. Flanders (1993) FSR 497.*** A basic test whether the skill, effort, and judgment extended by the employee in creating the work are part of the employee's general duties or within any special duties assigned to him by the employer is the test to decide whether the employee undertook the work in the course of employment. If the test gives, a negative answer employee will be the first owner of the work.See the judgement in ***Stephenson Jordan & Harrison Ltd vs.McDonald (1952) RPC 10.***

Design Right

Under section 34 of the Act the ownership of an industrial Design shall be deemed to accrue to the employer, or the person who commissioned the work, as the case may be, even where the employees made the same outside general duties.

Right to a Patent

According to the section 69 of the Intellectual Property Act, employees' inventions will belong to their employer, even where the employees made is one outside general duties. Employee will get equitable remunerations.

Confidential Information and Trade Secrets

Business or Trade secret, business know-how etc. are not only common to Information Society but apply in common to any Trade or Business. In ***Northern Office Microcotnputervs.Rosenstein (1982) FSR 129*** the Court considered that computer programs, which were not commonplace, should be eligible for protection as trade secret.

In any given working environment, employees will come to know about certain confidential information of the employer relevant to the establishment. When the enterprise is involved in outsourcing, the employer as well as the employees of the same will receive business secrets and other Intellectual Property Rights from a third party. In the meantime, employees generate and acquire confidential information in the course of employment. In general, employee has to hold such confidential information during the employment. Question is whether the employee is entitled to use his knowledge and skill freely after his employment for his own benefit or another employer. One cannot expect an employee to wipe his mind clean when he resigns from one establishment to join another. However, some trade secrets may be so confidential and can be described as entitled to protection even after the termination of employment. Some guidelines have been given in ***Faccenda Chiken Ltd vs.Fowler (1985) 1 All ER 72***4 regarding the same.

In ***FSS Travel & Leisure Systems Ltd vs.Johnson (1998) 1 RLR 382*** it was held that court had to decide whether there were trade secrets as employer's property. It is always safe to specify the conditions if necessary to impose on the employee after termination of his services on such confidential information. In ***Dalgleish vs.Lothion and Borders Police Board (1991) 1 RLR 422,*** CS Court granted restraining the disclosure of the information on (i) that the contract of employment did not authorise such disclosures and (2) under the general principles of confidentiality (irrespective of contract). In ***Prout vs.British Gas (1992) FSR 478*** it was held that there was a contractual or equitable duty of confidence imposed on the employer.

In ***Caterpillar Logistics Services (UK) Ltd vs. Huesca de Cren (2012) IRLR 410*** it was stated, "Confidential information means (without limitation) all and any confidential information required by the Respondent during her employment with CLS in whatever format (whether hard copy or digital) and including but not limited to processes, method, techniques, systems, formulae, drawings, photographs, machine readable records, patterns, models, devices, compilations, customer and dealer data, internal financial information, legal opinions or advice, performance data, financial information regarding CLS's costs and profit and loss, strategic corporate duty, management reports or any information of whatever nature which gives CLS an opportunity to obtain an advantage over its competitors who do not know or use it"

The accepted approach in Australia to an action for breach of confidence is to determine whether, a)the information is confidential, b) the information was imparted in circumstances importing an obligation of confidence; and c) there has been an unauthorized use or threatened use of the information. See the judgement in ***Coco vs. A.N.Clerk(Engineers) Ltd (1969) RPC 41,*** The use of confidential information to achieve a commercial advantage by reducing the time and cost taken to work out a method for achieving something is known as the `springboard' doctrine. See ***Dart Industries Inc vs. David Bryar & Associates Pty Ltd. (1997) 28 IPR 389.***

According to John Angel "the duty of confidence has already proved to be an important right in the Information Society'. However, for information to be confidential information, it must not be common knowledge or be in the public domain. See the judgment in ***John vs. Australian Securities Commission (1993) 178 CLR 408.***

In Conclusion

Different jurisdictions have adopted different laws, principles, rules and regulations relating to employers and employees' obligations. When there are cross-border employments contracts are involved especially in multi-national projects, there can be various practical difficulties to interpret their rights and obligations to safe guard their requests. It is high time to introduce model employment laws maintaining uniformity accepted internationally by organisations like OPA dealing with said issues.

**** (LL.M (London), MBA (IGNOU), Dip. In Forensic Medicine (Colombo), Attorney-at-Law, Visiting Lecturer- Universities of Colombo & Peradeniya, Sri Lanka Law College, BASL. Vice President-LAWASIA, Exco Member and former Secretary-BASL, Chairman-OPA Committee of BASL)***

Professional Jokes

New Career

A gynecologist had a burning desire to change careers and become a mechanic. So she found out from her local tech college what was involved, signed up for evening classes and attended diligently, learning all she could. When time for the practical exam approached, she prepared carefully for weeks, and completed the exam with tremendous skill. When the results came back, she was surprised to find that she had obtained a mark of 150%. Fearing an error, she called the instructor, saying "I don't want to appear ungrateful for such an outstanding result, but I wondered if there had been an error which needed adjusting." The instructor said, "During the exam, you took the engine apart perfectly, which was worth 50% of the total mark. You put the engine back together again perfectly, which is also worth 50% of the mark. I gave you an extra 50% because you did all of it THROUGH the exhaust..."

A Universal Philosophical Refutation

A philosopher once had the following dream.

First Aristotle appeared, and the philosopher said to him, "Could you give me a fifteen-minute capsule sketch of your entire philosophy?" To the philosopher's surprise, Aristotle gave him an excellent exposition in which he compressed an enormous amount of material into a mere fifteen minutes. But then the philosopher raised a certain objection which Aristotle couldn't answer. Confounded, Aristotle disappeared. Then Plato appeared. The same thing happened again, and the philosophers' objection to Plato was the same as his objection to Aristotle. Plato also couldn't answer it and disappeared. Then all the famous philosophers of history appeared one-by-one and our philosopher refuted every one with the same objection. After the last philosopher vanished, our philosopher said to himself, "I know I'm asleep and dreaming all this. Yet I've found a universal refutation for all philosophical systems! Tomorrow when I wake up, I will probably have forgotten it, and the world will really miss something!" With an iron effort, the philosopher forced himself to wake up, rush over to his desk, and write down his universal refutation. Then he jumped back into bed with a sigh of relief. The next morning when he awoke, he went over to the desk to see what he had written. It was, "That's what you say."

Good Business Sense

Before going to Europe on business, a man drove his Rolls-Royce to a downtown NY City bank and went in to ask for an immediate loan of $5,000. The loan officer was quite taken aback, and requested collateral. "Well, then, here are the keys to my Rolls-Royce", the man said. The loan officer promptly had the car driven into the bank's underground parking for safe keeping, and gave him $5,000. Two weeks later, the man walked through the bank's doors, and asked to settle up his loan and get his car back. The loan officer checked the records and told him, "That will be $5,000 in principal, and $15.40 in interest." The man wrote out a check, thanked the loan officer, and started to walk away.

"Wait sir," the loan officer said, "while you were gone, I found out you are a millionaire. Why in the world would you need to borrow?" The man smiled. "Where else could I securely park my Rolls-Royce in Manhattan for two weeks and pay only $15.40?"

Still nothing

A guy walks into the doctor's office and says, "Doc, I haven't had a bowel movement in a week!" The doctor gives him a prescription for a mild laxative and tells him, "If it doesn't work, let me know."

A week later the guy is back: "Doc, still no movement!"

The doctor says, "Hmm, guess you need something stronger," and prescribes a powerful laxative.

Still another week later the poor guy is back: "Doc, STILL nothing!"

The doctor, worried, says, "We'd better get some more information about you to try to figure out what's going on. What do you do for a living?"

"I'm a musician."

The doctor looks up and says, "Well, that's it! Here's *$10.00. Go get something to eat!"*

Physician, Engineer, and Lawyer

A Physician, an Engineer, and a Lawyer were discussing their professions. They were trying to determine which profession had been around the longest. The Doctor said "Doctors were first. In the good book, it states that Eve was created from one of Adam's ribs.....That required the first surgery. So Doctors were here first." The Engineer said, "NOPE, it also said, before Adam and Eve, that God created the heavens and the earth. That required a lot of plans and engineering work, so Engineers were here first." The Lawyer said, "Sorry Guys, lawyers were here before all that. If you read a little closer, it says that in the beginning there was confusion."

Top 10 Drawbacks to Working in a Cubicle...

10. Being told to "think outside the box" when you're in a freakin' box all day long.

9. Not being able to check e-mail attachments without turning around to see who's behind you.

8. Cubicle walls do not offer much protection from any kind of gun fire.

7. That nagging feeling that if you press the right button, you'll get a piece of cheese.

6. Lack of roof rafters for the noose.

5. The walls are too close together for the hammock to work right.

4. 23 power cords - 1 outlet.

3. Prison cells are not only bigger, they also have beds.

2. The carpet has been there since 1976 and shows more signs of life than your co-workers.

And the number 1 drawback to working in a cubicle ...

1. You can't walk out and slam the door when you quit.

Trainee and the CEO

A man joins a big corporate empire as a trainee. On his very first day of work, he dials an extension and shouts into the phone - "Get me a coffee, quickly!" The voice from the other side responded, "You fool! You've dialed the wrong extension! Do you know who you're talking to?" "No," replied the trainee. "I'm the CEO of the company!" The trainee shouts back, "And do YOU know who YOU are talking to?!" "No." replied the CEO indignantly. "Good!" replied the trainee, who put down the phone.

HOW COMPETITIVE ARE WE IN LOGISTICS IN SRI LANKA?
-A closer look at the Logistics Performance Indicator-

Gayani de Alwis*

SYNOPSIS

With growing international trade, more and more companies are expanding their foot print globally at a rapid pace and consumers are exposed to products from all over the world. Globalisation of businesses has transformed supply chains across international borders and has made them international supply networks. This is accomplished primarily by focussing on the end to end supply chain to deliver the right products, in the right quantity, to the right place, at the right time, at the right quality and at the right cost. Supply chain reliability is a major concern for traders and logistics providers alike in a global environment.

Logistics performance is positively impacted for supply chain reliability. Logistics Performance Index (LPI) measured by World Bank once in two years is an interactive benchmarking tool created to help countries identify the challenges and opportunities they face in their performance in trade logistics and what they can do to improve their performance. In the 2014 LPI ranking Sri Lanka was placed 89th out of 160 countries. LPI analyses logistics performance under six areas; efficiency of customs and border clearance , quality of trade and transport infrastructure, ease of arranging competitively priced shipments , the competence and quality of logistics service, the ability to track and trace and timeliness of shipments.

Logistics Performance Index is looking at logistics friendliness of a country. It is important to consider Logistics and Supply chain activities as a key enabler for economic development. Therefore, measures should be taken to bring down the cost to improve logistic performance.

Sri Lanka is geographically positioned at a strategic location in the world's busiest shipping lane. The country has the potential to become a logistic hub. Although investment is heavily skewed towards physical infrastructure development, policy makers must equally pay attention to investing in soft infrastructure development such as IT and technology and marketing efforts to promote Sri Lanka as a hub to compete in the global arena.

Supply chains are the backbone of international trade. Their logistics encompasses freight transportation, warehousing, border clearance, payment systems, and many other functions outsourced by producers and merchants to dedicated service providers. The importance of good logistics performance for economic growth, diversification, and poverty reduction is now firmly established. Although logistics is performed mainly by private operators, it has become a public policy concern of national governments and regional and international organizations. Supply chains are a complex sequence of coordinated activities. The performance of the whole depends on such government interventions as infrastructure,logistics services provision, and cross-border trade facilitation.

Jean-François Arvis of World Bank states that in countries with high logistics costs, it is often not the distance between trading partners, but reliability of the supply chain that is the most important contributor to those costs. This really stresses the importance of managing the supply chains efficiently to achieve country's competitive advantage.

Sri Lanka is aspiring to become a regional hub for aviation and maritime by 2020. The country is located strategicallyat the cross roads of both the eastern and western sea routes enabling entry to all of South Asia. Some analysts estimate that over half of global container traffic moves via this world's busiest shipping lanes. This strategic location in the Indian Ocean, on the major air & sea routes between Europe & the Far East, gives Sri Lanka an advantage as a global logistics hub.In order to realize the true potential of Sri Lanka's geographic position, efficient and innovative logistics play an important role.

One way in which competitiveness can be assessed is using the World Bank's International Logistics Performance Index. This index, which covers 160 economies, is a worldwide survey of multinational freight forwarders and the main express carriers. It is useful for two reasons. First, it tracks perceptions of the main clients and potential clients of Sri Lanka's hub. Second, the index assesses logistics competiveness holistically – not just looking at infrastructure.

World Bank has been conducting thissurvey every two years since 2007 in partnership with academic and international institutions, private companies and individuals engaged in international logistics to evaluate logistics performance of countries to ascertain their competitiveness in international trade. Logistics Performance Indicator (LPI) is an interactive benchmarking tool used globally to help countries identify the challenges and opportunities they face in their performance on trade logistics and what they can do to improve their performance. It measures a country's performance on 2 aspects;domestic operations & international trade.

LPI is based on a worldwide survey of operators on the ground and is calculated on the weighted average of the country scores on six key dimensions as follows.

- Efficiency of the clearance process
- Quality of trade and transport related infrastructure
- Ease of arranging competitively priced shipments
- Competence and quality of logistics services
- Ability to track and trace consignments
- Timeliness of shipments in reaching destination within the scheduled or expected delivery time

LPI consist of three inputs and three outcomes when measuring a country's logistics performance. The three input criteria are for policy regulations and the three outcomes will reflect the service delivery performance as shown in figure 1

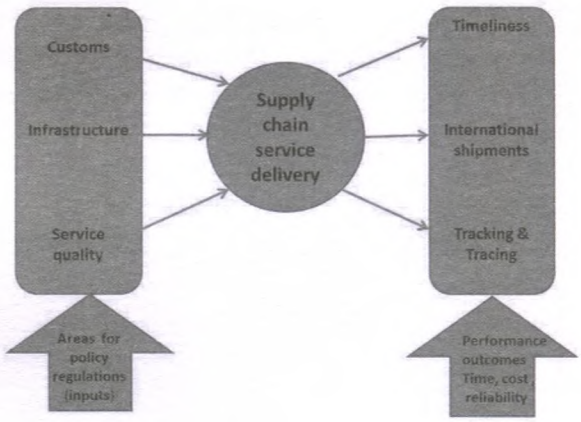

Figure 1- Input criteria and outcomes of LPI indicator

Methodology for selecting country groups for survey respondents

Respondent selection for each country is based on whether the country is coastal or land locked. The number of respondents is categorized based on the income level of countries; low, middle or high and composition of import and export partners that will be interviewed will vary accordingly as shown in table 1

Table 1 – Selection methodology for respondents

	Repondents from low income countries	Repondents from middle-income countries	Respondents from high-income countries
Respondents from coastal countries	Five most important export partner countries +three most important partner countries	Three most important export partner countries + The most important import partner country +Four countries randomly, one from each country group a) Africa b) East, South and Central Asia c) Latin america d) Europe less Central Asia & OECD	Two countries randomly from a list of five most important export partner countries and five most important import partner countries + Four countries randomly, one from each country group a) Africa b) East, South and Central Asia c) Latin america d) Europe less Central Asia & OECD + Two countries randomly from the combined country groups a) to d)
Respondents from landlocked countries	Four most important export partner countries +two most important partner countries+Two land-bridge countries	Three most important export partner countries + The most important import partner country +Two land bridged countries+ Two countries randomly, one from each country group a) Africa, East, South and Central Asia b) Europe less Central Asia & OECD	

Source: Logistics Performance Index 2014

In 2014 LPI ranking, Germany was ranked as the most efficient country with the highest rank and Somalia was ranked as the least efficient country with the lowest rank out of 160 countries.Sri Lanka is placed in 89th position in the 2014 ranking with a LPI score of 2.7 out of 4.25. Based on the LPI score, countries are beingclassified into four categories.

- Logistics unfriendly countries
- Partial performers
- Consistent performers
- Logistics friendly countries

The least developed countries occupy the bottom LPI quintile, Partial performersincludes countries with a level of logistics constraints most often seen in low- and middle-income countries. They belong to third

and fourth LPI quintiles. Consistent performers include countries rated for logistics performance more highly than most others in their income group and they are in the second LPI quintile. Logistics friendly countries include high performers, mostly high-income countries which is at the top LPI quintile. Sri Lanka belongs to the partial performers category and in the third quintile(figure 2).

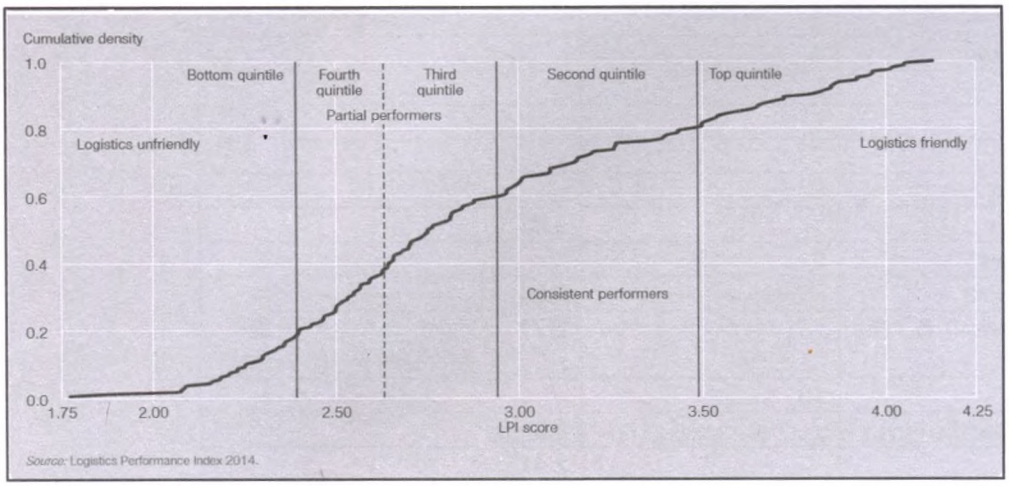

Figure 2 - Performance classification

When evaluating the scores in detail, it is evident that third quintile countries are having the lowest score for the customs and infrastructure components (figure3)

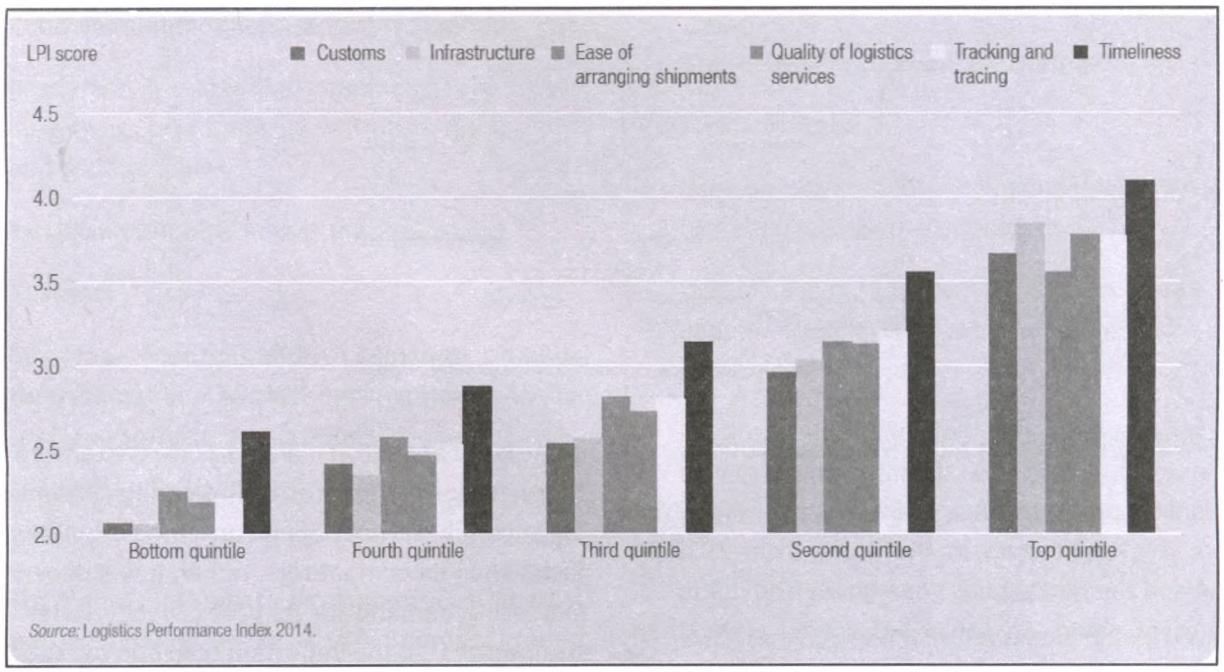

Figure 3 – Representation of score in each quintile

World's most logistic friendly regions are in Europe and North America. Top 10 most logistics friendly countries and performance of continents are shown below in table 2.

Table 2- Top performers & performance of continents in LPI 2014

Country/Continent	Rank	Average Logistics Performance Index 2014
Germany	1	
Netherlands	2	
Belgium	3	
United Kingdom	4	
Singapore	5	
Sweden	6	
Norway	7	
Luxembourg	8	
Europe		**3.41**
United States	9	
North America		**3.86**
Latin America & the caribean		**2.77**
Japan	10	
Asia & the pacific		**2.9**
Africa		**2.47**

Sri Lanka's progress when compared to Germany (rank 1), Singapore (rank 5) and India (rank 54) is diagrammatically represented in figure 4 below. Although Sri Lanka has invested heavily in infrastructure in post war era, the score does not reflect an improvement in the area mainly because logistics activities have not shown any intensification with the expansions.

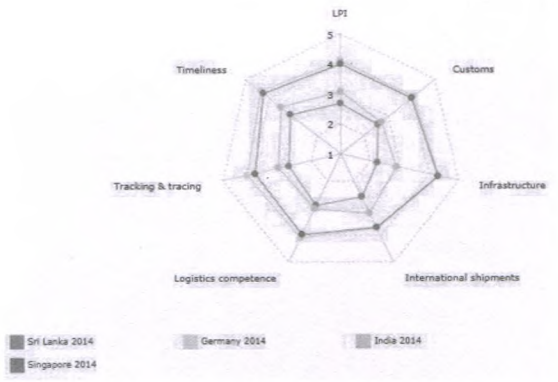

Figure 4 – Srilanka's LPI score with other country

Figure 4 – Srilanka's LPI score with other country

Sri lanka's progress since 2007 is good. However, there is a slight drop in the score from 2012 to 2014 and the ranking has gone down from 80 to 89. The areas where Sri Lanka has scored lower than 2012 are infrastructure, customs, and international shipments. Progress has been made on infrastructure development with port capacity increased by half this year with Colombo south harbour expansion and plans underway to expand capacity by three folds in the future. But upgrading physical infrastructure alone is not enough, it is also important to ensure that there are buyers for it as well. Sri Lanka becoming a logistics hub will not depend on it increasing capacity faster than its competitors; rather, it will depend on increasing demand for its port capacity faster than competitors. So the important question to ask is, can Sri Lanka's competitiveness be improved? The UAE, Singapore and Malaysia are all key trans-shipment hubs for Indian cargo. If Colombo doesn't improve faster than these alternatives, the chances are that it won't succeed in becoming a logistics hub.

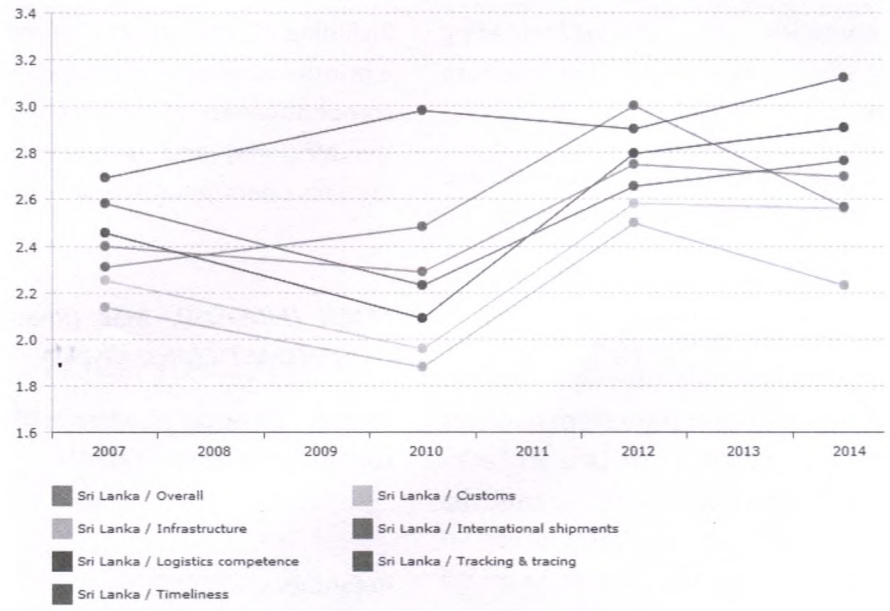

Figure 5 – Sri Lanka's LPI score progress over the years

What can we do to improve Sri Lanka's logistics ranking?

1) Integrated Infrastructure development

- Harbour/Airport expansion and road development projects to be completion on time
- Improve multimodal transportation modes.
- Intensify marketing campaign by offer incentives, promoting new transport facilities and technologies
- Establishment of IT infrastructure.

2) Customs

- Customs Modernization- Minimize manual procedures and manual documentation by use of IT and software applications.
- Full implementation of the existing ASYCUDA system
- Train new methods to workers on customs and border clearing agencies to improve speed, efficiency and simplicity.

3) International Shipments

- The government should implement solutions for reducing both export and import time and cost of port or airport supply chain and land supply chain through round the clock operation

4) Competence and Quality of logistics service providers

- Capacity buidling of trucking, forwarding, and customs brokerage providers.
- Green logistics through innovations.

5) Track and Trace

- Use of Warehouse Management Systems (WMS) in warehouse operations
- Use of Fleet Management System (FMS) to enable tracking & tracing of items using GPS technology .
- Electronic identification tags and barcodes in consignments that allows track & trace of its identification and current location.

6) Timeliness

- Delays in international shipments due to physical inspection at border control points can be reduced by increasing the number of automatic scanner usage
- Efficient transport network connectivity

- Increase efficiency in loading/unloading containers by offering incentives to improve turn around times.
- Elimination of road congestion in areas that have container yards. Eg; Peliyagoda and Wattala

Conclusion

Sri Lanka clearly has the potential to become a logistics hub. Expanding trade through capacity expansion is an important necessary step, however it is inadequate. To be poised for success Sri Lanka needs to generate demand.Demand cannot be created by capacity alone; it requires making Sri Lanka competitive on factors that matter to global logistics players. Investment in soft infrastructure, including IT, and process reforms must be as much a priority as acquiring equipment. Sri Lanka's future competitiveness of logistics will depend largely on the efficiency and responsiveness of the overall logistics operational eco system.

MBA (PIM–SriJ), MSc (Reading), CSCM (ISCEA USA), FISMM, CMILT, MSLAQ

Former Director, Customer Service Unilever Sri Lanka/Vice President ISMM

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PUBLIC AGITATION AGAINST BRIBERY AND CORRUPTION.

Frank de Silva*

Synopsis

Public agitations against Bribery and Corruption are centred only at the office of the Bribery Commission, at Longdon Place, not elsewhere. This is because the matter of bribery is dealt with only at this office at Longdon Place. The focus of the bribery law is to the exclusion and irrelevance of the Public Service Establishment Code. This relieves the far flung spread of the public service offices and the Heads of these institutions of the responsibility for control of bribery even though the offence is committed at the hands of their own subordinates in their own office. The law makes for this. The significance then of public agitation witnessed only in Colombo at Longdon Place, not in the Provinces, is symbolical in terms of law and geography.

Location of protest.

The raging public agitation over Bribery and Corruption, this country now experiencesis mounted at Longdon Place. The protests are not merely a political demonstration, though the political context at this time with a change of government is only too evident. The location here is both symbolic and strategic. The demonstrations are symbolic of the gap between the public aspirations and the bribery law and its institution, of the public expectations and the official response in this respect, on either side of the boundary wall at Longdon Place. The repeated demonstrations indicate the critical point now reached in the difference between the two.The spectacle of these demonstrations outside the office of the Bribery Commissioner is also of strategic significance. The bribery law and its operation within its confines have proceeded, thus far, in an exclusive manner, within those walls, markedly separate from other institutions related to the control of bribery.

This dramatic display of emotionsis a reflection of some inadequacies of the policy for control of bribery and corruption. This article seeks to understand the nature of the public disquiet through an analysis of these issues identified above with a view to preventing future crises. The shortcomings may be listed briefly.

SUMMARY.

1. EARLY MISGIVINGS. The Bribery Law 1994 (BL) with the Bribery Commission (BC) constituted the sole instrument for control of bribery is insufficient in itself. Within a few years of the BL and the functioning of the BC there were reservations as their effectiveness. There was no public agitation. But the doubts about the workings of the law brought in a review of the whole structure through a Foreign Consultant. By this time the public noted that convictions in bribery cases were strangely selective.And as in other crime cases, the rate of conviction in bribery cases was low despite heavy outlay on oversight of investigation. The BL is also vulnerable to the vagaries of the court process as in other crime, a matter commonly known in criminal courts.

2. STRUCTURAL FAULTS.Much of these misgivings as to the BL were due to inadequacies in the manner of development the Bribery law. The Public Service Regulations through the Establishment Code as an instrument for control of bribery has been increasingly relegated by the Bribery Law 1994 to a point of near irrelevance. This relegation is the result of law professionals' interests prevailing over others who can contribute as usefully for control of bribery, as the law itself.

3. FAILURE OF REVIEW. The Bribery Law (BL) of 1994, in this country, in the exclusive development of this law,has not benefitted from the United Nations Convention against Corruption (UNCCor) 2004 for productivere- adjustment. The BL has had no society perspective in its makeup.

4. STRATEGIC CONVERGENCE. There was a convergence of all the uncertainties, from the early misgivings, due to the structural faults which lay beneath and the failure of due review of the whole law, to a critical point with the current public agitation spurred on by political impulsions. The gathering of discontents had necessarily to assemble at Longdon Place and not elsewhere. This was symbolic and also strategic.

5. RESUSCITATION FOR IMMEDITE RESPONSE. The activation of the Establishment Code in the immediate present can serve to defuse tensions and to revitalise the Bribery Law for control of bribery through their respective operation side by side. This is feasible as an immediate response to the current public agitation, even as the samestrategy can serve for the future.

1. RESERVATIONS ON THE EFFECTIVENESS OF THE BRIBERY LAW 1994 (BL) WHICH CONSTITUTES ITSELF THE SOLE INSTRUMENT AND THE BRIBERY COMMISSION (BC) THE SOLE INSTITUTION FOR CONTROL OF BRIBERY ARE MANY.

1.1 Effectiveness of bribery law.

Over time, the need was felt for an assessment of the Bribery law and its inadequacies in the operation of the BL. A formal review was therefore commissioned in 2006 through a Foreign Consultant.

Breakdown of enforcement process in BL. Law enforcement was one of the critical casualty issues considered in this review. Law enforcement is generally a disjointed concept even in the regular judicial process of the criminal law. This disconnectednature of the process featured through in the bribery law, as well. Significantly therefore, the review asserted the oneness of the whole process for law enforcement. Chua Cher Yak the Consultant 2006asserted unreservedly, that "the 'holy trinity' covering investigation, prosecution and adjudication, encompassing the entire criminal justice system is a continuous process. This is the critical feature in all law. The investigative agency is just not an island unto itself" noted the Consultant. He firmly asserts that a sound court administration or sound judicial system is vital . Such ample view of law enforcement, figures rarely in other legal writings.

Resulting failure in control of bribery. Much of the dysfunction of the bribery law can therefore be attributed to the perceived failure of law enforcement in its ample sense. The process fails at the point of dislocation of law enforcement between the respective agencies. The evidential fact is that all these agencies are not to one concerted purpose. Public disquiet is then but an expression of the disillusion in popular perception of the legal process,in the public understanding, which does not yield the anticipated result. The bribery law has netted in the smaller fry while the big fish have escaped the law. That is the public perception. That idea is supported somewhat by the administration reports of the Bribery Commission. Less popularly known is the fact that the conviction rate in bribery cases is low despite the fact that investigations are monitored by other legal personnel before offenders are indicted in court. These misgivings were however expressed, in more careful terms by the Consultant, to the effect, as the Consultant said that the bribery law was sufficient but that the management of the cases has to be considered.

1.2 ARROGATION TO THE BL OF ALL THE LAW AND THE MEANS FOR CONTROL OF BRIBERY.

In strategic terms much of the impatience over the bribery law flows from the arrogation to itself the

total process for control of bribery. The bribery law took over all other means for control of bribery, even assuming complete responsibility for that task. All the perceived defects and shortfall of the objective are thus concentrated on the BL and the Commission. Public agitation is on these points, and at Longdon place.

1.2.1 Continuing creping appropriation. The BL continually took over other means fo bribery control. Thus the Penal Code which had, since 1883, a section of law to deal with offence of briberywent into disuse by reason of the BL. As a result, the Police lost their role for control of bribery. The Public Service Regulations (PSR) and the Establishment Code (EC) yet continued to apply in all their widespread offices.

1.2.2 But after the 1958 BL the Bribery Commissioner took action against bribery within his means. The PSR and the EC yet continued to apply. In the mid-sixties, through a circular clarifying the 1958 law, all matters touching on bribery which came to the notice of the police or other authorities had to be referred to the Bribery Commissioner. A further circular followed immediately by which police were required to take intervention action immediately on a bribery transaction and refer the matter immediately to the Bribery Commissioner. The rationale behind these directions was that bribery cases were now to be handled only by Authorised Officers, officers specifically authorised by the Bribery Commissioner. Police officers appointed to the Commission now acted as authorised officers. By that token, bribery investigation could be conducted only by authorised officers, not by police officers not so authorised. That position applied to the public service as well. The result was that the whole process of bribery control was taken over by the Bribery Commission. The bribery law, so conceived, had the effect of relegating the Establishment Code (EC) and the PSR in the task for control of bribery to irrelevance. The appropriation of all law and action on bribery was now complete.

1.2.3 In 1994, the irrelevance of the Public Service Establishment for control of bribery was taken a step further with the appointment of a permanent Bribery Commission. The legal perspective of the BL loomed larger over the EC than before. The Bribery Law, the Bribery Commission, and the Bribery Courts thereby deal exclusively with the problem of bribery, in this country. This law, so ordained, was to the exclusion of any other authority,as the public see, for control of bribery.The public agitation now centred on Longdon Place took on its symbolic and strategic significance in this process. There was no public agitation at all the offices elsewhere than at London Place. The public service and the police were now relieved of any responsibility for bribery control, and were also spared of any embarrassment. Thecommissioned review of the bribery law, noted above, did not consider this aspect of the BL taking possession of the entire process and its consequences.

1.3 DEFINITION OF THE OFFENCE OF BRIBERY, SHORT OF CONCEPTION AND OF DEPTH IN PERCEPTION.

Even the definition of the offence of bribery in legal terms brought on this same effect, of excluding other possibilities. The BL definition of bribery only apprehended the transaction between the offender taking the bribe and the victim who gives the bribe. The criminal aspect of the offence however means little when the administrative aspect of the action is not taken into the ambit of the definition. In plain terms the offence of bribery is committed by public servants, unlike in the case of other crime and with ordinary criminals. Such definition of the offence of bribery does not take into account the administrative aspect of the issue. The offence of bribery, in fact, is at the hands of public officers abusing their public positions, screwing through the public process and misusing the public resources entrusted to them. There is, in truth, no offence of bribery without these administrative circumstances. The definition of the offence of bribery however does not extend to these relating facts, except where the other persons were accomplices who aided and abetted the offence. The point still needs to be asserted, there is much administrative and disciplinary lapse which allowed for the commission of the criminal offence of bribery, which lapses are neither criminalised nor caught up in the legal definition of bribery.

The point needs to be even further asserted that the EC regulations, strictly applied, will have a preventive effect on bribery so that the two the BL and the EC should operate side by side in mutual support of each other. But the BL as it stands today operates to the point of near obliteration of the EC. As a result the public service hierarchy has no role to perform in the face of relating corruptive misconduct of their subordinates. The strategic significance of the demonstrations outside the office of the Bribery Commissioner can therefore be understood in these terms.

1.4 LIMITED PERSPECTIVE OF BRIBERY IN BL AND BROADER VIEW AT THE UN.

The glaring fact that confronts bribery and corruption as a problemis then the failure of the BL to adopt a broader standpoint than a mere legalistic approach can offer. That dimension of the problem did neither engage the review noted above nor considered even later by the Government and Law Reform Agencies. These authorities failed even to take note of UNConvention on Corruption 2004, to make assessment of the effectiveness of the BL in terms of the principles in the UN Report. The UN Report has much to offer the Strategic Plan of the Commission to Investigate Allegations of Bribery and Corruption in Sri Lanka. The legal perspective of the problem of bribery and the BL held strong over the larger perspective of Society and of the Public Service in relation to the problem. Even though this country ratified the UN convention of Corruption, the UN principles were not taken due cognizance of by the BL. Examples of failure are cited below.

1.4.1 TheBL and the Bribery Commission (BC) provided no means to allow the public to obtain information on the ... decision making process of its public administration, in accordance with UN Article 10 (a).

1.4.2 The BC and the BLdetermined that any investigation will commence only upon a communication received by the BC. The term communication in the BL was construed as one in the nature of a formal complaint. Such disposition of the BC did not provide access for public for the reporting, including anonymously, of any incidents which may constitute an offence, in terms of the UN Article 13.2. This attitude had the effect of converting the Commission to a Court house, in the conventional mode

1.4.3 Yet other problems followedfrom this standpoint. Thus the investigation function of police officers is stymied by the fact that intelligence, though a statutory duty of police officers, can no longer feature their task as they work under the BC. In fact, bribery and corruption evidence reaches up to high heaven that the public can plainly see, not the BC. For the BL and the BC cannot take cognizance of them unless a formal communication is received by them to commence investigation. For instance, gross misuse of public finances, negligent conduct and much else under the EC which prepares the ground for bribery and corruption will escape the presumed notice of the BL and BC. And it is matters of this nature, not the simple bribery transaction, which has agitated the public conscience in the current political scene, to which protest there is little response from the BC unless there is a formal complaint.

1.4.4 Public were only baying at the moon. Participation of society is a principle clearly enunciated at Chapter 11 Preventive measures, Article 5.1 of the UN Report. This section specifies anti-corruption policies that promote the participation of society, and includes 'proper management of public affairs and public property...' At section 3, the UN report calls for periodic evaluation of 'administrative measures with a view to determining their adequacy to prevent and fight corruption'. Neither the BL nor the BC has considered these recommendations of the UN, for review. There has been much remiss in by this means which otherwise could have deflected the need for public demonstration as seen today.

1.4.5 The Public Service is sidelined. The Public Service which figures prominently in the UN report and speaks of administrative measures which need to be adopted have not engaged the BL. These matters will be discussed below under the heading of the Public Service.

1.5 THE MANNER OF LAW MAKING FOR BL.

The public agitation currently experienced points to another aspect of the problem that the law is framed solely from the perspective of law professionals. These monopolistic tendencies are evident as observed in broad postcolonial contexts. The local BL bears the same imprint. The BL takes on the form of 'lawyers' law' per Prof. Leslie Sebba . In common sense understanding 'lawyers' law' is law of lawyers, by lawyers, for lawyers. By inference such law serves the interests of the lawyers than of society. The progress of bribery law making since 1883 and the Penal code, through the 1958 BL and the 1994 BL, makes evident that the changes were centred on law professionals and their institutions, through their own internal impulsions. These changes were made in a process of internal dynamics of the law reform agencies to the exclusion of society and the public service in the task of bribery control. The BL thus retained a form of monopoly in the task. The process inherent here is also described that of elite 'capture' of the means to suit those law professional interests than that of the society at large. The recent public agitations are in fact a reaction to that monopolising process, as discussed above. A further characteristic which again inheres through this process features lawmakers as 'repeat players' : those who take on a narrow view of law and provide for the institutional remedy- BC etc - at much expense. This too has been identified as a feature of post-colonial law making, described elsewhere that taller the structures the shorter the return. Here again, the recent public demonstrations against failure of the law, can be seen in that light. The references are cited here specifically,at length, to justify these conclusions. These traits are evident in discomforting measure in the local Bribery law and its institutions, as with much of other criminal law framed by law professionals to the exclusion of the community. These other instances can be cited separately.

2. THE PUBLIC SERVICE REGULATIONS THROUGH THE ESTABLISHMENT CODE HAS BEEN INCREASINGLY RELEGATED BY THE BRIBERY LAW 1994 TO A POINT OF NEAR IRRELEVANCE. THE UN PRINCIPLES, ON THE OTHER HAND, ARE CENTRED HEAVILY ON THE PUBLIC SERVICE. THESE HAVE BEEN OF LITTLE AVAIL HERE. THE BL HAS NOT INCORPORATED THESE UN PRINCIPLES.

2.1 The Public Service has today no role for control of bribery and corruption, in terms of the BL in this country. The Public Service is left out in this process. The law vests the task of bribery control with the law and the courts. The Public Service is thereby relieved of the responsibility for control of bribery, and is not held accountable in this task. There are no public protests mounted at other public service offices. The Public Service has not abdicated its role. The Public Service has only had its task taken over by the law.

2.2 The BL of 1994 failed to review even later its scope ever since 2004 when this country acceded to the law of the UNCCor.

2.3 The Bribery Commission did not even conceive either of the need to periodically evaluate... administrative measures to prevent and fight corruption in terms of UN Article 5.3 which refers to the public service.

2.4 The Public Service,in the face of the BL,is now not charged with the requirement to promote responsibility among its public officials for this problem, as required at UN Article 8.1.

2.5 Likewise the Public Service is not tasked to consider disciplinary or other measures against public officials who violate the codes, as per UN Article 8.6, in the face of this BL.

2.6 Neither does the BL consider the need to promote accountability in the management of public finances by the Public Service to control bribery, as recommended at UN Article 9.2.

2.7 The Public Service does not even have to consider the need for legislative and other measures to establish as criminal offences misappropriation of any property entrusted to a public official, as

per UN Article 17, even though it would be blatant corruption, as current protests indicate. Such misuse of public property does not fall within the ambit of the BL.

2.8 Lastly, the idea that any significant increase in assets of a public official was to be construed as illicit enrichment as per UN Article 20 is now lost to the BL and the Public Service.

These observations are so listed to make it clear that the public service has been left out completely in the government policies for control of bribery which is concentrated instead on the BL.

3 THE BRIBERY LAW (BL) OF 1994, IN THIS COUNTRY, IN THE DEVELOPMENT OF THIS LAW, HAS NOT BENEFITTED IN YET OTHER ORGANISATIONAL RESPECTS FROM THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCCOR) 2004, TO MAKE FOR SUITABLE ADOPTION.

3.1 The UNCCor 2004 ratified by this country points to the following proposals and policies to be adopted for control of bribery and corruption.

3.2 Overseeing body. The UN report refers to the need for an overseeing body to implement and to oversee the coordination in the implementation of the policies, Article 6, 1 and 1(a). The need for such an institution has neither occurred to the government nor referred to the need for such in the reviews commissioned. Such overseeing body might have deflected some of the charges against the BC, and the protests.

3.3 UN Article 38 points to the need to encourage ***cooperation***between and among public authorities for control of corruption. This aspect of cooperation with public authorities has been conceived of only narrowly by the BL, merely to respond to notices issued to them by the BC. This provision too was stipulated in the conventional legalistic manner, not from the broader perspective suggested by the UN Report.

3.4 Coordinationthen is that which is required between two agencies BC and Public Service; between two Ministries Justice and Defence; between two laws; and perhaps between two Commissions the Public Service Commission and the Judicial services Commission. Failure in this respect is clearly the reason for such recent disquiet.

3.5 Independent Commissions. There is at present a strong body of opinion which seeks the restoration of the independent commissions under the 17th Amendment. These independent commissions can be of use in this context of bribery and corruption if they are vested with the added function as an overseeing body which would check on the functioning of the institutions under their purview and for the coordination of the related institutions to achieve these objectives. Ensuring merit and fairness in appointments by the Independent Commissions, is insufficient of itself since these qualities are not themselves self propelling.

4 A RESUSCITATION OF THE ESTABLISHMENT CODE CAN SERVE TO REVITALISE THE BRIBERY LAW THROUGH THEIR RESPECTIVE OPERATION SIDE BY SIDE.

4.1 An extensive range of administrative lapses, misdemeanour and disciplinary failures are scheduled under the EC. These will not include inquires into direct allegations of bribery which should be forwarded to the BC for action under the bribery law.

4.2 Administrative lapses and matters of disciplinary conduct for action under the EC may extend to supervisory officers for their over the miscreant subordinates which allowed for the incidence of these lapses. Loss of files, for instance, could have occurred only by failure of the supervision by supervisory officers. These should be immediately acted on. Secretary Public Administration could appoint as many tribunals for as many lapses which have come to notice for due action according to the EC regulations. Such action could have minimised the scope for bribery if they had been pursued with vigour as the EC warrants. Cases which touch on bribery would necessarily have to be left to the law.

THE BOUNDARY WALL.

1. The Boundary wall of the Office of the

Bribery Commission has today assumed significance beyond what it was intended for. The separating wall has taken on a political, a legal and meaning for governance beyond its geographical intent. The wall marks out the incongruity of the situations in the inner side of the wall and the throbbing aspirations outside. The hordes were kept at bay for so long that the public looked askance and only in the passing. Within the wall, the bribery law and its workings proceeded at its own pace, barely disturbed for ever so long. The current upsurge of public agitations and concerns over the matter of bribery and corruption marks the incongruent nature of public concerns over bribery and corruption and the official response to those anxieties. The divergence of the two has taken on alarming proportions today. This has come to a critical point as the public demonstrations make evident.

2. But this problem has been growing over the years, steadily, despite all the law and the public expenditure incurred. There has been a failure to understand the developments of the law and policies for control of bribery for over one hundred years. The protests within the one hundred days symbolises the failure over the hundred years before. The boundary wall comes forth thereby in sharp relief here at London Place to mark the incongruity of official policy for control of bribery and corruption and the ground reality.

3. The bribery law is insufficient, ineffective and is of marginal impact on the problem at hand. That is the public perception. The evidence to this effect which comes through the administration reports is overwhelming. In the long while, before, the process has been one of slow Parkinson decline. This conclusion is inevitable though regretted.

4. The relevant institutions carry within it particular vested interests than broad society concerns. The Bribery law and its institutions, as with much of other law framed by law professionals, are to the exclusion of the community. Public service administration and disciplinary control is lost in the process to this form of lawyers' law within which the BL has been framed. Coordination of the relevant authorities is again lost to the purpose.

RECOMMENDATION.

There is much disquiet about the manner in which policy for bribery control is pursued. The Bribery law and the Bribery Commission have generally failed to deliver. This however is a larger problem that cannot be solved even in the near future, neither within one hundred days nor even within a couple of hundred days ahead. ***The BL and the BC can be left to its quiet repose.***

Immediately, though, the activation of the Public Service to rigorously implement the Public Service Regulations and the Establishment Code can be undertaken straightaway. This is possible through the Secretary Public Administration. Responsibility must be cast on the miscreant public officer and on his supervising officers as they,by neglect,left open the room for bribery and corruption. Such action should be confined solely to administrative and disciplinary lapses which do not impinge on the Bribery law. Where the instance is one of doubt the Bribery Commission can be consulted. That was the long prevailing procedure which went overboard when the bribery law extended its reach. Action under the EC in this manner will not only be punitive but also preventive

Former Inspector General of Police

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Innovative Technology of Tea Industry – Mechanisation

Harsha Wijeratne*

Synopsis

Dwindling labour is a serious threat facing regular agricultural operations and development programs especially in tea plantations, which has become a common trend in almost all tea producing districts in Sri Lanka. This lies in the fact that aspirations and dreams of labour is to move away from manual work. A solution to this critical issue would be mechanization of field and factory operations on an economic basis. This article emphasizes on mechanization of Harvesting and Pruning activities both being field related.

Most of the industries today are faced with labour shortage. It is proposed to discuss the tea industry which is highly labour intensive and labour cost accounting to approx. 60% - 65% of cost of tea production from the field to the factory and faced with an acute shortage of labour.

Estate youth who sought plantation work is no long interested in estate employment and looks for opportunities to move out of the estate life due to educational standardsreachedfrom free education, improved telecommunication and road infrastructural facilities and easy mobility leading to opening avenues of awareness among youth for a life beyond the agricultural scope. Further restrictions to introducing new technology based solutions cannot be given to wage issues due to estate labour being highly unionized. Thus all tea growing districts in the country are faced with shortage of workers and youth not coming up in required numbers to take up the vacuum created by the ageing and otherwise workforce leaving plantation employment.

In view of above, plantations are compelled as a matter of priority to look into mechanisation of manual activities on an economical basis with available opportunities looked into on a priority basis. Mechanisation of tea industry istwo fold.i.e. field activities and factory manufacturing operations. Tea being a low profit margin priced commodity with thin margins a balance has to be arrived in working out cost of mechanisation.

Mechanisation of field activities lined up are land preparation, road and drain line cutting, holing, pruning, chemical spraying, lopping, weeding, plucking, etc.In this article emphasis is laid on discussing mechanisation of field activities covering Plucking and Pruning.

Activities of harvesting takebetween 60% to 80% of the work force. Pruning must be completed within a short period of time in order to get best recovery after pruning. Number of pruners being a constraining factor mechanisation is a way to optimise pruning activity.

1. Harvesting

1.1. Manual Shear harvesting machine

Manual shear harvesting was mechanised with the patenting of a unit developed by Tea Research Institute and manufactured by M/s PPP Jinadasa

under licence. This unit is referred to as "TRI Selective Tea Harvester" [TSTH].The joint patent for this unit was obtained in 1997. The length of the cutter is only 200 mm. The weight is around 325 grams. Ergonomically designed baskets are recommended with these shears.

Quality of harvest is very comparable with manual harvesting, particularly when the pluckers are trained well. Unlike in manual plucking where leaf get crushed in pluckerspalm, shear harvested leaf does not get crushed and hence show less damaged leaf.

The speed of movement of the worker should not be unduly slowed by the cover of bushes. Plucking lanes are very useful to address this issue particularly when the cover is good and there is potential for speedy harvesting.

Motivation, recognition and rewards would lead to success of any invention using human effort and TSTH is no exception. Discolouration of finger tips is prevented with the TSTH which is ideal for ladies.

Present [2014 Oct] cost of a TSTH is about Rs 1,500 per unit. TRI recommended ergonomically designed plucking basket with cap costs around Rs 840 per unit and is useful in order to reduce damage during handling of leaf. Typical usable period for the TSTH in a daily use situation is said to be 1.5 to 2.0 years.

1.2. Battery operated shear harvesting machine

At present few models of battery operated machines are in operation in Sri Lanka. " F&W Tea Plucker BY-200 series" supplied by Forbes and Walker Ltd has slowly rotating flat plastic fingers arranged in a spiral manner which cuts shoots stuck near fixed sharp blades. Rather similar to the TSTH, this unit too has only a short handle. It weighs 4.6 kg and the length of the cutter is only 195 mm. The cost of a F&W machine is around Rs 20,000 per unit and the 20W, 12V battery has a continuous working time of 4 to 6 hours.

"Kawasaki BY-200 model" supplied by many agents have reciprocating blades, length of the cutting blade is 265 mm. Slowly rotating plastic flaps push harvested leaf to the bag. The cost of a Kawasaki unit is around Rs 41,000 per unit with a 100W, 12V battery having 7 to 9 hour working time.

Selectivity achievable by battery operated machines is only slightly lower than comparable TSTH, when operators are carefully trained. The output achievable is higher than the TSTH.

1.3. Fuel engine operated harvesting machine

Common feature of fuel driven machines is that they are comparatively heavier, often requiring two persons to operate. The harvested leaf is blown into the collection bag by air jets activated by a small centrifugal fan.Units now being popularized in Sri Lanka has following details. Total weight is 9 to 10 kg.whereas harvesting unit weighs between 3.0 to 4.2 kg. The length of the cutting unit is between 450 to 600mm. These machines have 0.75 litre petrol tanks and full tank using time is 40 minutes. Petrol consumption has been recorded as 3.5 to 4.0 litres per Acre. These units costs between Rs 65,000 and Rs 140,000 per unit. Most of these units are manufactured in China and Japan. This is an ideal machine for fields having more crop lined up for harvesting.

2. Pruning

2.1. Fuel engine operated pruning machine

Pruning machines are one person operated machines, usually weighing 7.5 to 9.0 kg. Two types are currently in use in Sri Lanka. They are Knap Sack type and Shoulder type. Shoulder type appears to be preferred because ease of manoeuvring and balanced weight. They have a handle with a width about 650 mm like in a bicycle. Typically the lever length is 1,350 mm to 1,450 mm. This enables reaching all branches without difficulty. Steel blades are brazed with Tungsten Carbide tips and have 80 to 100 teeth. These machines are imported from China (Cost approximately Rs 50,000), Japan and Germany (Cost approximately Rs 60,000).

Outputs recorded in a recent evaluation by TRI is 320 to 350 bushes per hour. This works out to 5.5 to 5.8 man-days/ha and practically with the use of this

machine cost is reduced to approx. 1/3 of manual pruning cost. Petrol consumption has been noted as 1 litre for pruning of 200 to 250 bushes.

In mechanisation workers must be given relevant on the job training to ensure safety, methods of enhancing earnings and an assurance that no risk to their employment would occur.

Worker requirement is not only based on mechanisation of harvesting i.e. manual or machine but yield, actual number of bushes per unit area in the given field, plucking rounds, expected leaf quality, plucking norms, amount of over/ under kilos plucked, play a vital role in the decision and are interrelated factors.Requirements of workers for pruning depend on the method adopted, tasks, contracted rates.

Mechanisation is a need of the hour and in this article thoughts have been laid on mechanisation activities of harvesting and pruning. Initiatives tried out locally and / or abroad with considerable success is worth being implemented almost immediately and evaluated for a finaldecision.

The writer is a Mechanical Engineer and was a District Engineer and a Plantation Engineer for the estate sector.

Down memory lane.....

Theme of the First Annual Sessions of the Organisation of Professional Associations of Sri Lanka - "SRI LANKA IN THE YEAR 2015"

Ruwan Gallage*

The First Annual Sessions of the Organisation of Professional Associations of Sri Lanka had been held at BMICH from 6 – 9 October 1988. A significant factor therein is the theme of the inaugural sessions which had focused on what Sri Lanka would be in the current year 2015. Published proceedings of the first Annual Sessions provide an insight into the process that had been prevalent and as well as the predictions simulated into three scenarios. Without dwelling on statistical aspects, this article lays emphasis on the aspects that had been evaluated during the Sessions.

The inauguration ceremony had been graced by His Excellency the Late Hon. J R Jayawardene, President of the Democratic Socialist Republic of Sri Lanka. The address of welcome delivered by Archt Surath Wickramasinghe, then President of the Organisation of Professional Associations of Sri Lanka. Conference Chairman the Late Dr.Gamini Corea, the Late Hon. Stanley Tilekeratne, the Late Hon. Lalith Athulathmudali and His Excellency the Late Hon. J R Jayawardene had also addressed the forum at the inaugural ceremony. The vote of thanks had been proposed by a Vice President of OPA Dr. D R Karunaratne.

Process

The process of the Annual Sessions had been well orchestrated commencing with Introductory Remarks by the Conference Chairman followed by the Session Chairman and Key Note Speaker and other presenters. Subsequent to the discussions the session contents had been summed by the Session Chairman and most occasions overall summing up by the Conference Chairman. The First OPA Annual Sessions have been segmented into four sessions categorized as follows:-

Session I – Economy

Session II – Environment

Session III – Science & Technology

Session IV – Society

It is a pertinent factor that many erudite scholars had made their valuable contributions towards the success of the initial Annual Sessions. The Introductory Remarks by the Conference Chairman, Dr. Gamini Corea stated that the idea of the future studies is not a new subject. He had elaborated that many such studies had been undertaken world-wide. An extract from the Introductory Remarks have been reproduced below for the benefit of the present generation.

"I do not expect that the First Session of the OPA will come out with complete scenarios for the development of Sri Lanka. But if the papers that have been presented and the discussions that are to follow help in identifying our problems, in providing some insights and in giving some guidance about the kind of policies we should put together, then I believe that this Session would serve a fundamental and important purpose and be of great value for the future."

Overall summing up of the First OPA Annual Sessions

The Late Dr. Gamini Corea as Conference Chairman in his overall summing up had stated that he was struck by the spirit of optimism or perhaps the spirit of positive thinking that had pervaded the discussions.

It is also said that one of the participants of the sessions had asked what kind of discussions we would have had, had this event taken place 25 years ago, in the early sixties. Food for thought for the current forum members to not only reminisce of the progress made from 1988 to the present but also project on what will be the future as done 27 years ago.

We must also utilize this opportunity to thank all distinguished citizens of Sri Lanka including members of the OPA who made this concept of OPA Annual session a reality.

(The data for compilation of the article had been collated from the published proceedings of the First Annual Sessions of the OPA. – Pictures of the cover of the publication and the programme is also reproduced below.)

**** General Secretary - OPA***

THE
ORGANISATION OF PROFESSIONAL
ASSOCIATIONS OF SRI LANKA

Proceedings of the First Annual Sessions

"SRI LANKA IN THE YEAR 2015"

6 - 9 October 1988
BMICH Colombo

PROGRAMME

MONDAY 6TH OCTOBER 1989 DAY 1 - INAUGURATION

* Arrival of His Excellency J.R. Jayawardene
  President of the Democratic Socialist Republic of Sri Lanka
* National Anthem
* Address of welcome by Archt Surath Wickramasinghe President, OPA
* Lighting of the Traditional Oil Lamp
* Address by Conference Chairman Dr. Gamini Corea
* Address by Mr. Stanley Tilekeratne
* Address by Honourable Lalith Athulathmudali
* Address by His Excellency J.R. Jayewardena
* Vote of Thanks by Dr. D.R. Karunaratne Vice-President
* TEA

7TH OCTOBER 1989 DAY 2

SESSION 1 - ECONOMY

* Welcome Address by Arch Surath Wickramasinghe
  President, Organization of Professional Associations
* Introductory remarks and Introduction of Keynote Speaker
  Prof. Y. Masuzoe by Conference Chairman, Dr. Gamini Corea
* Professor Masuzoe - "The Perspectives of Sri Lanka's Development : Comparison with the case of Japan - The Modernisation of a Non-Western Country"
* Chairman of Session - Dr. Lloyd Fernando
* Dr. R.M.B. Korale - "Sri Lanka in the Year 2015 Demographic Trends & Projections"
* Dr. N.L. Sirisena - "Overall Economic Growth in Sri Lanka by the Year 2015"
* Dr. H.N.S. Karunatilaka - "Socio-Economic Perspectives"
* Tea Break
* Observations by Discussants
  Prof. W. Lakshman,
  Dr. N. Sandaratne
* Summing up by Session Chairman

SESSION II - ENVIRONMENT

* Introductory Remarks by Conference Chairman Dr. Gamini Corea
* Session Chairman - Dr. Roland Silva
* Mr. S.D.F.C. Nanayakkara "Man's Activities in Air & Space and their Impact on our Global Environment"
* Mr. Lyn de Alwis - "The Natural Environment"
* Prof. Willie Mendis - "A Realistic Physical Planning Scenario in Sri Lanka 2015"
* Archt. Ashley de Vos - "Sri Lanka in the Year 2015 - The Built Environment"
* Tea Break
* Observations by Discussants
  Dr. Suranjith Senaratne,
  Dr. R.H. Wickramasinghe
* Summing up by Session Chairman Dr. Roland Silva
* Overall Summing-up by Conference Chairman
* Cheese & Wine - Committee Room Lounge

SESSION III - SCIENCE & TECHNOLOGY

* Introductory Remarks and Introduction of Key Note Speaker Prof. Timothy McKeown by Conference Chairman - Dr. Gamini Corea
* Prof. Timothy McKeown "Science and Technology for Man and Society - The Human Context of Scientific Expectations"
* Introduction of speakers by Session Chairman Dr. Granville Dharmawardena
* Dr. I.K. Perera "The Impact of Electronics & Laser Technology"
* Dr. C.J. Athuluwage & Dr. Granville Dharmawardena "Nuclear Energy a Sine Que Non in Modern Hightec Society"
* Prof. Eric Karunanayake "Gene Technology for Development"
* Tea Break
* Prof. V.K. Samaranayake "The Impact of Computers and Information Technology"
* Observations by Discussants
  Prof. C. Dahanayake
* Discussion
* Summing up by Session Chairman
* Lunch

SESSION IV - SOCIETY

* Introductory Remarks by Conference Chairman Dr. Gamini Corea
* Chairman of Session - Dr. Susantha Goonatilake
* Dr. Daya Samarasinghe "Health Care Perspectives 2015"
* Prof. J.E. Jayasuriya "Education in the Year 2015"
* Prof. Swarna Jayaweera "Women in Sri Lanka - in 2015"
* Prof. G.L. Peiris "Sri Lanka's Legal Systems & Institutions in the Year 2015
* Dr. Suranjith Senaratne - "Some General Perspectives on Sri Lankan Society in the 21st Century"
* Observations by Discussants
  Mr. H.L. de Silva, P.C.
  Dr. Premadasa Udagama
* Summing up by Session Chairman
  Dr. Suranjith Goonetilake
* Overall Summing up by Conference Chairman Dr. Gamini Corea
* Comments by President OPA
  Archt Surath Wickramasinghe
* Dinner

Sustainable development in textiles a new approach to competitiveness

R. U. Kuruppu*

1. Introduction

Sustainable development in textiles is a phenomenon that has come in to being in the not too distant past. It is a harmonious and safe method that textile and its products are expected to produce in the competitive market. Sustainable development in textiles embraces the entire supply chain of textile manufacturing thus it is a long drawn production procedure. The manufacturing method demands to keep environment clean sans pollution. Therefore, shareholders and investors began to describe company accountability not only in financial terms but also in social terms. For example, how do people assess the operations of the company? Also, the impacts on the environment of the company's own activities or the activities of the manufacturing chain which supplies the products that the company sells (Easton, 2004). All this is because of consumer expectations of company behavior became a concern. Environmental pollution caused for more environmental protection thus in 1970s national environmental legislation and international treaties came in to being in the form of green ideas aiming towards maximization in earlier years(Tobler-Rohr,2011). Easton (2007) explains that 23 countries 60% of 25000 consumers had revealed that business should tackle the issues of fair labour practices, business ethics, safety and environmental degradation in addition to delivering profits and employment. These were the background studies to bring about sustainability. However, sustainability was originally conceived by forestry in the nineteenth century to provide timber for the next generation (Tobler-Rohr, p3).

Robbins and Humphries (2000) had identified four elements of sustainability of

textiles and they are,

- Eliminating environmental hazards
- Improving energy and water efficiency
- Cutting pollution and waste
- Establishing social justice

Abigail (2007) says that if someone wants to make and sell a textile product that is environmentally and ethically sound, then one may have to go to the production of raw materials. She further emphasized that manufacturers should educate the farmers in more ecological and sustainable farming methods. In practice this meant returning the responsibility for the day to day cultivation back with the farmer, and helping them to avoid the chemical and fertilizer manufacturers. Use Of homemade insect repellents, using ancient recipes and local ingredients, the use of organic seed will be the answer. Being purely organic may be an aspiration but growing cotton without any chemicals is difficult but possible. Therefore, one needs to establish the criteria carefully so that it will not devalue its true nature of the cotton product if it had been grown with certain chemicals. Such products may be called "fairly traded" cotton and not pure organic cotton. If it is 100% organic cotton it will not have any synthetic dressings. A product to

be sustainable it should be environmentally friendly, ethically sound and most satisfying product for all parties involved (Abigail, 2007).

A concept of sustainable development

Sustainable development is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (Tobler-Rohr, 2011). This shows it is a long term strategy. What would be the needs that will not compromise the ability of future generations? Those needs are economy, social (human activities), and environmental resources. Therefore, the three pillars of sustainable development were based on that society becomes aware of a common responsibility; environmental protection becomes an integrated search for solutions whilst industry prevents pollution by means of proactive action.

2. Environmental aspects of sustainability

a) Introduction

One of the fundamental objectives in the sustainable development is to improve the environmental impacts of products. All products and services have an environmental impact, whether during their production, use or disposal. Therefore, one should ensure that environmental impacts are addressed throughout the life cycle of the product in an integrated way and not just shifted from one part of the life cycle to another. The environmental impacts must be reduced in a cost effective way. To achieve this objective the European Parliament in June 2003 established the integrated product policy (IPP). The product life cycle which covers all phases of the product; starting from the fibre production, raw material manufacturing, through their design, assembly, marketing, distribution, and sales was the backbone of IPP. This helps to assess the environmental impact due to all causes in all phases of the product life cycle. IPP will provide systematic approach to prevent any environmental impacts for example water quality. While a company advocates the best environmental practices to control all discharges to water, IPP will prevent such discharges in a manner to improve environmental performance of a product throughout its life cycle (Cattoor, 2007).

There are two main types of legislation on environment which impact on the textile industry. They are chemical control legislation and pollution control legislation. The chemical control legislation adopted Dangerous Substances Directive, the Dangerous Preparations Directive and the Marketing & Use Directive and their subsequent adaptations to technical progress and amendments. In 2006 the new chemical policy known as the Registration, Evaluation, and Authorisation of Chemicals (REACH) came in to force. The pollution control legislation which affects the use and disposal of textile dyes as well as addressing water and energy consumption, air pollution, wastewater treatment and waste disposal (Miraftab, 2007. P51).

The most companies that are technologically advanced are being proactive in shaping future markets, consumer needs and influencing legislative developments. They see environment as an opportunity rather than a threat. They feel prevention is better than cure and are attempting to design out rather than simply manage the problems (Miraftab, 2007. P41).

b) Ecodesign

Common practice to environmental issues in industry was to reduce pollution and waste after it had been produced. The contemporary technology is now addressing to cleaner production from raw material to point of sale and to consumer which results in less waste and pollution being generated. Ecodesign is a process that integrates all activities of environmental matters across the product life cycle from beginning to end. This approach will reduce the environmental impact of a manufactured product because cleaning is taking place at every key point of the product life cycle. With the nature of environmental problems that textile/clothing industries have, it is necessary to work in concert with all the supply chain members to ensure that ecodesign becomes an accepted part of good product development. This could result a significant improvement of image with the consumer (Bhamra, 2007).

c) Azo dyes

In 1994 the German government banned the use of azo dyes on certain consumer goods. This was because it would release some specified aromatic amines which were known or suspected carcinogens. Benzidine based direct dyes which were found to be carcinogenic has also been banned. The major dye stuff manufacturers no longer produce these dyes.

d) Environmental labeling

Environmental labels are plenty and they are popular in the corporate sector. These labels allow consumers to make comparisons among products. The criteria of these labels are mostly aim at environmental aspects or harmful substances. Environmentally friendly consumer goods in textiles are sometimes known as ecotextiles.

Consumers are demanding nontoxic and which pose no threat either to them or the environment. The textile and clothing manufacturers are encouraged to reexamine the whole life cycle of their products with the aim of minimizing hazards to humans and environment at every stage, from manufacture to disposal.

Further, manufacturers are being advised to be selective when considering the dye stuff, ensuring the products are of low in formaldehyde, free from pesticides and heavy metals etc. Formaldehyde acts as a cross-linking resin to prevent creasing and shrinkage. These substances can be harmful to health especially through irritation of the mucous membranes and respiratory tract.

Therefore, eco-textiles can be defined as any textile product which is produced without a threat to human beings and environment and processed according to an accepted eco labeling standard. At this juncture, it would useful to mention about the organic textile. It differentiates from eco-textiles by being having no chemical components in the product. Therefore, an organic textile is defined as any crop cultivated by using organic manures and bio fertilizers are considered organic. This crop should not have any pesticides, chemicals and synthetic fertilizers. The product made in this way is called organic cotton. There is also recycled cotton and it is eco-friendly. Recycled cotton is made from recovered cotton which is discarded waste.

e) Greenhouse concept

"Save the earth to save the future". Right from the inception of urbanization and industrialisation with advancement in science and technology, it was gradually realized that growth cannot be considered to be a good thing if one ignores the environment (Shukla, 2007. P.116).The mother nature deserves respect but too often the environment is an afterthought to industry. Industries must consider environment responsibility as a priority and minimize negative impact that they emit to the atmosphere. Going green cannot be done quickly, it takes time. There are three important aspects to green factory concept. They are energy conservation, water conservation and bio diversity improvements. In the area of energy saving, factories can adopt renewable energy sources. Such generated power is connected to the main grid. Solar panels and wind power are commonly used to generate power. This could be a substantial energy saving for large factories. Another area to reduce energy is air conditioning. This is successfully handled by an evaporating cooling system which keeps the atmosphere at slightly below room temperature and it consumes very low energy. This is too a significant energy saver. Skylights on the roof with UV and IR filters one can generate natural light in to the factory working area. However, if one needs more light at the needle point then can use LED light which is normally less than 1 watt. These are some of the energy saving methods that factories implement. In the context of water conservation, factories recycle wastewater and mix with about 40% fresh water to wash and clean toilets. Also, if available, rain water can be collected and such water can be used to cool the atmosphere through an evaporating cooling system. There is also another aspect to water conservation. That is large textile mills consume loads of water and attempts are taken to reduce water consumption. Apart from the cost reduction by using less water, the pollution also decreases. The addition of chemicals based on liquor volume is reduced and therefore the amount

of effluent subjected to treatment is reduced. Preparation, dyeing/printing and finishing consume large volume of water. Therefore, these operations have significant potential for pollution prevention/ reduction. Recycle and reuse of dyestuffs and chemicals can save on the consumption of dyes and chemicals. Normally, a single processing bath can be reused for a number of times before being discharged as effluent. It has been reported that the COD (chemical oxygen demand) as well as the volume of effluent was reduced by about two-thirds due to dye bath reuse through a Replenishment programme (Shukla, 2007. P.127).This scheme not only offers to save water and dyestuffs but also in auxiliary chemicals. Therefore, the strategy should be to reduce the use of water, energy, and chemicals (WEC) in textile dyeing and finishing. Technologies, especially in reuse of dye stuff and chemicals will emerge in the future and help reduce the WEC footprint in textile wet processing.

Most industrial outfits emit carbon dioxide (CO2) but it does not contribute to smog. It has no acute ecotoxicity and the ozone layer is not damaged. It is also non-carcinogenic, non-flammable and non-toxic (Jessop and Leitner,1999). However, air with a CO2 content of more than 10% can be life-threatening if breathed. Carbon dioxide is known as a greenhouse gas and there is an international concern about global warming and it's inter- relationship with levels of CO2 in the air (Anon 2003). Well before the industrial revolution, the CO2 concentration in the atmosphere was about 280 parts per million (ppm) and in 1960s it was 315 ppm but now continually increasing at an annual average of more than 1 ppm(Bach and Schollmeyer, 2007). But today it is at 390 ppm and if not more. Therefore, it is necessary to measure and it is known as carbon footprint. Some buyers refuse to accept goods coming through air freights claiming emission of CO2 are more. Also, companies do not operate in the night because energy emits carbon. One trillion kilowatt hours are used every year by the world textile industry, which results in ten percent of total global carbon impact (RMIT library). Energy is strongly related to the environmental impacts on climate change and therefore renewable energy sources are preferred.

f) Environmental Management Systems (EMS)

In the contemporary times the successful companies are proactive in environmental concerns. They consider environmental impacts and their consequences into business. Environmental management system aims at how a company controls and systematically reduces the environmental impacts that are generated by its processes. How this system operates is as follows;

1) Environmental concerns and guidelines

2) Objective assessment of the impact

3) Goal setting and action plan

4) Training and implementation of the system

5) System review

In 1992 the British Standards Institution (BSI) produced the world's first environmental management standard BS 7750 and followed by ISO 14001 in 1996. ISO standard is meant for companies to have a systematic approach to environmental management and reduce the environmental impact of their operations. These systems adopt external audit and accreditation by authorized bodies. As such, companies continue to improve upon environmental issues along the supply chain. In best practice companies tend to keep a dialogue on key environmental issues within the company and with external resources.

3. Social (human)

a) Introduction

Sustainable development enhances worldwide human quality of life. Social aspects may be considered differently in various parts of the world. In developed countries employment contract can be negotiated and supervised by unions. The trend is for social ethics and human rights. Developed countries go for working safety, ergonomics and occupational heath. Social aspects are monitored and indicate specifically that discrimination is just not on. What it means in a nut shell, that people who are engaged in a business transaction let it be design, product development to manufacturing and

trading one cannot be unfairly treated and it should be a win- win situation for all concerned.

b) Fair Trade

Fair trade is how every individual in the supply chain of a certain business transaction get respect and recognition for his contribution and finally benefit. This idea goes beyond conventional business transaction such as offering fair prices, helping to build capacity, offering pre-finance etc. by the buyers. The producers in return use the benefits of Fair Trade to improve their social and economic situation especially among the most disadvantaged members of the company. There should not be discrimination against the poorest and weakest producers. It helps to develop their living standards and have better control over their lives. Fair trade is a partnership for change and development of social standards of people. In other words it is a tool for reducing poverty in agricultural based developing countries.

Principles of Fair Trade

1. Create business opportunity for marginalized small scale entrepreneurs so that they could improve their livelihood and social standing.

2. Business transactions are transparent and accountable to all its stakeholders. Relevant information is provided to all its trading partners.

3. Company will not adopt unfair trading practices and will not maximize profits at the expense of marginalized producers. Organization maintains long term relationships with trading partners based on solidarity, trust and mutual respect that contribute to the promotion and growth of Fair Trade.

4. Payment of a fair price. This means a payment which is socially acceptable from which producer pays remuneration for workers which takes in to account the principle of equal pay for equal work by women and men.

5. The company will not have discrimination in any form. Company will not discriminate staff on salary, training, promotion, termination or retirement based on race, caste, religion, disability, gender, sexual orientation, union membership, political affiliation, HIV status or age.

6. No child labour or forced labour.

7. Offering good working conditions

8. Providing capacity building

c) Ethical Trade

As just described above, Fair Trade is the relationship between the buyer and the producer and their wellbeing. The ethical trade is concerned with the rights of workers within the supply chain. Ethical trade practices direct the employers to ensure that basic human and labour rights, the development of safe and decent working conditions and standards of living are met and adhered to. It is reported that there is exploitation of workers by companies who produce goods to wealthy corporations. These types of exploitation may be as follows,

The use of forced prison labour

Physical abuse of employees

Extreme forms of intimidation and discipline

Ethical Trading Initiative (ETI) is an alliance of organizations, trade unions and non-government organizations work in concert to ensure that the working conditions of employees in companies across the world meet or exceed international standards.

4. Standardization and Certification

There are many different types of labels available in the field of textiles. For example to certify fibre type (Wool mark, Cotton logo etc.), organic cotton, fairly traded cotton, environmental labels (eco-textiles), Fair Trade, Ethical Trade Initiative etc. To certify some of these there are standards. Some of the standards are governmental, private and consortium based. Some of the standards applicable to sustainable textiles are,

i) Global Organic Textile Standard (GOTS)

This standard certifies that product's fibre is from a certified farm that conforms to organic regulations.

Also, it confirms that the product does not have material originating from GMO technology. The product is made under strict environment condition.

ii) Organic Exchange (OE) Standards of the Textile Exchange This means throughout the value chain products are certified to contain a fixed percentage of certified organic cotton. OE 100 standard means 100% certified organic cotton.

iii) Global Recycle Standard (GRS)

This is a standard specifically for the textile industry. Here the product is recycled. It should meet the requirements of environment standards, and social standards.

5. Conclusion

To produce sustainable textile is not an easy task. A company will have to transform in to a new paradigm. It may be difficult in a developing country because of the level of understanding of many aspects of business style, human life, environmental footprint etc. by the work force. However, it is certainly not a task the developing nations cannot achieve if they so wish. Those who succeed will have a niche market. Companies may try to adopt step by step approach as per their requirement and capability. Environmental management system would be the first to start with and then social aspect of it.

An eco-textile label would be a good marketing strategy for developing countries. To do this the industries must adopt environment friendly manufacturing procedures. In this direction, industry must avoid hazardous chemicals. Must bring in eco-design manufacturing method for textile processing. In other words cleaner production system throughout the supply chain.

In the same context, not only waste water treatment but also conserve water. Apply re-use techniques where ever possible to reduce emission of pollution to the environment. Design machinery for re-use work. This will control WEC footprint which is a significant improvement towards sustainable development in textiles. Of course, carbon footprint is also a useful indicator in the context of sustainable development.

This is easily said than done. Therefore, plans will have to be drawn out very carefully to incorporate all areas to cover so that WEC footprint could be monitored. Since the competition is in the rise for textile/clothing, sustainable development can be a good approach to meet the demands in the market place. In fact properly laid out plan can make products competitive if not cheaper. Thus, will have an advantage when enhancing the exports which the government is encouraging. Therefore, sustainable development must be seen as an opportunity to grow the business especially at a time world is facing economic difficulties.

PhD, Chairman of the Textile Institute Sri Lanka section ; President Elect-OPA

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LAW AS A PROFESSION THE ROLE AND DUTY OF AN ATTORNEY-AT-LAW IN SOCIETY

Geoffrey Alagaratnam*

What distinguishes the Law as a profession is that a professional holds himself out as offering a service through a level of competence. In that sense a professional is different from a businessman whose sole aim or priority is profit or money making. Society expects a professional to have certain skills in the areas he professes to be competent.

Professionalism carries with it the burden of competency and integrity. Such is critical if there is to be a true rendering of a service acceptable to society.

In the complex world of today it has been stated that "A Lawyer who is only a Lawyer is not a Lawyer!" To be in sync with society there is the need for a multi-disciplinary approach combined with soft skills in areas such as Negotiation, Management and Financials. As lawyers, being sensitive to social needs is important if we are to be relevant. We do not have to be dominated by the demands of a society where we discern irrationality or a lack of equity. However, are we bold enough to swim against the popular current which is unjust and face the odds?

Being well-briefed, well known and earning well are no doubt what lawyers do strive for and perhaps legitimately strive for. If our ultimate aim is justice, which it should be, then service and usefulness to society will be fundamentals on which our profession rests and will be judged.

The constitutional guarantee of equality of all persons, the rule of law and democracy, so critical for a decent and ethical society that is essential for the well-being of a nation, will be meaningless unless we as professionals believe in it and actively contribute to it.

ACCESS TO JUSTICE

Law cannot only be for those who have the means to pursue legal action. There has to be access to justice for all, however disadvantaged such persons may be. Economically disadvantaged or vulnerable classes of people such as children, differently abled persons or even women in what can be a male chauvinistic society are all entitled to equal protection of the law.

The role of the lawyer would be more meaningful when serving such segments of society through pro bono activities or aiding of other civil society actors or paralegals to provide legal assistance to those in need thereby ensuring that all persons have equal access to justice. This is important if law has to be meaningful and relevant.

Civil justice is often too expensive and too exclusive. The very rich have access but middle and lower income people are left out in the cold; and this is the overwhelming majority of people in this country.

Where courts are available, often procedures and litigation are cumbersome and formal, unsuited to dealing with living relationships.

The shorthand phrase 'access to justice' means or includes access to courts and tribunals involved in the delivery of justice. Justice, as so administered,

has to be available to all on an equal footing. This is the ideal, but one which has never been attained due largely to inequalities of wealth and power and an economic system which maintains and tends to increase the inequalities.

Throughout society and in other countries there is acute concern over the many problems which exist in the resolution of disputes by the civil courts. The problems are basically the same. They concern the processes leading to the decisions made by courts rather than the decisions themselves. The process is too expensive, too slow and too complex. It places many litigants at a considerable disadvantage when compared to their opponents. The result is inadequate access to justice and an inefficient and ineffective system.

Access does not only involve being able to institute and maintain proceedings, although this is the core of the matter. It is necessary also that a person with a grievance should be able to get and pay for legal advice, and to know where to go to get it, and in that way find out the possibilities of resorting to litigation. Some, but by no means all, people know these things, but the knowledge is of little use if lack of means prevents them getting advice or taking action. Although in the present context access is more naturally thought of as referring to prospective plaintiffs, similar considerations apply to a prospective defendant, who must have advice as to his defence and if he has none, the means to defend.

LEGAL AID

When a person is legally-aided, he is normally regarded as having 'access', although this may not always be true. It is in any event desirable to look at the scope of legal aid. Justice is not welfare and legal aid is not to be treated as another welfare item. It is not simply a matter of providing money or paying for the services of lawyers. Legal aid extends to all manner of matters where the advice or assistance of lawyers will assist those in need of help. ***Legal Aid should be looked upon as a duty.***

There are avenues of assistance for legal advice, provided in part by volunteers at community legal centers, and there is 'pro bono' assistance from legal firms, and sometimes free advice and advocacy by the Bar. The then Chief Justice of the High Court (in Canberra), Sir Gerard Brennan, has written, 'The gap between legal professional costs and what a litigant can afford to pay can be made up only by the pro bono work of the legal profession and the provision of legal aid' (1996:142). Contingency or conditional fee arrangements, where payment of costs to one's own lawyer depends on success, are also a help. But as at present in Sri Lanka, such is prohibited by principles of professional ethics. The demand, is however, much greater than the total voluntary aid available and an increasing number of litigants, probably after receiving advice, may have to start conducting their own cases, even on appeals.

A recent concept in other jurisdictions is the 'Unbundling' of professional duties to a client. Rather than a senior and competent lawyer handling a case continuously from start to end, a senior lawyer, even a President's Counsel, may appear pro bono at critical stages of the case such as the opening address, leading of evidence or cross examining a critical witness or making the final submission or address, leaving the rest of the case to be handled by a junior counsel or the client himself / herself.

This concept of unbundling therefore provides access to justice for the needy litigant with a case demanding justice through an eminent lawyer appearing pro bono at critical stages, and is therefore a new tool or device in the quest of justice for all. However, here too in Sri Lanka, our rules on professional ethics may need a rethink to accommodate the concept of 'Unbundling.'.

RECONCILIATION AND EDUCATION ON PEACE

A critical social role which today more than ever is demanded of the legal profession is education on reconciliation and lasting peace or what maybe fashionably or otherwise termed, "Transitional Justice". Peace is not the absence of war. It requires a society based on respect for each other by its citizens of whatever race or religion. Apart from such respect there should be the appreciation of the diversity of society and pride in such diversity. Falling short of this would lead to narrow-minded fanaticism, extremism

or racism which is neither in the interests of society or the nation. Peace and reconciliation demands the acceptance of faults on both or all sides, the facing up to our mistakes in a true spirit of forgiveness and a genuine attempt to move forward as one family or community. Such moves should not be suffocated by bogeys such as separatism, foreign conspiracy, the demoralizing of heroes or diaspora control. It should be a genuine, informed and honest attempt at facing our deficiencies and failings (on all sides), and the putting in place of mechanisms to give reassurances and to avoid repetition. It is only then that we will see the distant light of peace for which we have to constantly strive.

Are we lawyers upto it, or are we overwhelmed and coloured by our own prejudices and pettiness?

Judge C.G. Weeramantry is a strong advocate of Peace Education. A failure to appreciate the need for Peace Education, truth and reconciliation will result in a constantly growing and irritating cancer in our society with never-ending distrust, friction and dissatisfaction. We may never achieve perfection, but a continuous and constant striving for a lasting peace is required.

As professionals our aim should not only be for our own good, but the overall good of society and the conviction that all are equal and should be given equal access to justice and lasting peace.

President of the Bar Association of Sri Lanka

The author has relied on "Justice in The Twenty-First Century" by Hon. Russell Fox AC QC (2000) by incorporating much for this article.

Charlie Chaplin

Born:
16/04/1889
Died:
25/12/1977
Birthplace:
London, England

Despite Chaplin's fierce temper and accusations that he fathered children by underage girls, Oona, his fourth wife, stood firmly by her 'Little Tramp'.

Charles Spencer Chaplin was born into a poor London family of music hall entertainers called Hannah Chaplin and Charles Chaplin SR. Even as a child he found success as a performer, making his stage debut in 1894. Biographer David Robinson has gone so far as to say that Chaplin's life was the ultimate rags to riches tale.

His early years were spent with his mother, who had no means of income, and brother in Kennington. Their father provided no support for his children causing Chaplin to be sent to the workhouse at the age of seven.

Chaplin spent his childhood going in and out of the workhouse as well as being educated by a range of charitable schools. In 1898, his mother was committed to a mental asylum due to a psychosis caused by syphilis and malnutrition. She remained in care until her death in 1928, leaving the young Charles and his brother Sydney to look after themselves.

He started his career in entertainment when he played a paperboy in 'Sherlock Holmes', which ran from 1903-6 from the age of 14, after which he worked as a mime in vaudeville theatres, until he left London for America. When Chaplin first arrived in the States he joined the Karno pantomime troupe, and toured with them for six years.

He signed his first film deal at the end of 1913, with Keystone pictures. His film debut was called 'Making a Living'. It was in the 1915 film, 'The Tramp', that Chaplin first appeared as the downtrodden, dreamy character for which he is most famous.

Chaplin's first controversy occurred during WWI when his loyalty to his native country was called into question as he lived in the US. Many British citizens called him a coward and a slacker.

In 1918, he married Mildred Harris with whom he had son Norman Spencer Chaplin, who only lived for three days. The couple divorced in 1920.

By the early 1920s, Chaplin was making his own films with actors Mary Pickford and Douglas Fairbanks due to the establishment of Chaplin Studios and United Artists in 1919. Having control of his own films lead to classics such as 'The Kid', 'The Gold Rush', 'City Lights', 'Modern Times' and 'The Great Dictator'. These films made him the most popular and successful film star of his time.

During this period, Chaplin was married to Lita Grey, with whom he had sons Charles and Sydney. They had divorced by 1927. This was then followed by a brief marriage to Paulette Goodard between 1936 and 1942.

Chaplin was known for his innovative film-making techniques, although he kept tight-lipped about how he achieved them. He said that revealing his methods would be akin to a magician spoiling his own illusion.

However, it is known that he almost never worked from a finished script, improving jokes and dialogue once the set had been constructed.

Chaplin is often compared to the other great silent comedian - Buster Keaton - however, fans have noted that while Keaton is more cynical in his act, Chaplin had a love for sentimentality and pathos.

The actor also composed the music for many of his films, most notably the song 'Smile', which he wrote for 'Modern Times' and was later covered by Nat King Cole, reaching number two in the UK charts.

When sound films appeared, Chaplin's natural terrain of silent film was eclipsed by the novelty and realism of this new technology.

Chaplin was accused of being a communist by senator McCarthy, and a file was produced that supposedly detailed his subversive political activities since 1922. His first 'talkie' 'The Great Dictator' in 1940 added heat to this accusation and caused a stir. The film saw Chaplin play a caricature version of Adolf Hitler, which was seen as being in bad taste.

Despite this, it grossed over $5 million and won five Academy Awards. His support in aiding the Russian struggle against the invading Nazis was also scrutinized, leading the House of Un-American Activities Council issuing a subpoena against him in 1947 but later decided he didn't need to testify.

In 1952, Chaplin visited Europe for the premiere of his film 'Limelight' and was not allowed to return to the US; he settled in Switzerland. He made a film, 'The King In New York', in 1957, which was full of criticism of McCarthy and American society in general.

In 1964, he released his first autobiography called 'My Autobiography', which was followed by 'My Life in Pictures' in 1974.

He was allowed to return to the US in 1972 to receive an Oscar for his services to film. Chaplin was then given a Knighthood of the British Order by the Queen in 1975.

He died in Switzerland aged 88 from natural causes in 1977.

By the time of his death, Chaplin had fathered 12 children, eight of those with his last wife Oona O'Neill, the daughter of playwright Eugene O'Neill, whom he had married in 1943.

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