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Editor

RALPH PIERIS

Managing Editor

K. M. DE SILVA



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REVIEW ARTICLES

BOOK REVIEWS

LEGAL LIMITATIONS ON CONSTITUTIONAL REFORM

C. F. AMERASINGHE

It is seldom realized that within the framework of an existing Constitution there may be substantive legal limitations both explicit and implicit on the powers of the relevant authority to change the Constitution. It is proposed here to examine this view in relation to the present Constitution of Ceylon and to see how the theory behind it would apply to the present Constitution of Ceylon.

The present thesis may be summed up as follows: the power of the Ceylon Parliament to amend the Constitution is limited substantively (a) by explicit prohibitions in the Constitution as at the time it was given and accepted and (b) by strictures inherent in the concept of sovereignty which seems to be at least partially applicable to the position of the Ceylon Parliament.

In an important and masterly discussion in the Cambridge Law Journal of the basis of legal sovereignty with particular reference to the sovereignty of the British Parliament Professor H.W.R. Wade put forward the view that the true basis of the sovereignty of Parliament as understood in British constitutional law is that it is a political fact which can only be changed by legal revolution. To quote his own words,

What Salmond calls the "ultimate legal principle" is therefore a rule which is unique in being unchangeable by Parliament—it is changed by revolution not by legislation, it lies in the keeping of the courts, and no Act of Parliament can take it from them. This is only another way of saying that it is always for the courts in the last resort, to say what is a valid Act of Parliament, and that the decision of this question is not determined by any rule of law which can be laid down or altered by any authority outside the courts. It is simply a political fact. If this is accepted there is a fallacy in Jennings' argument that the law requires the courts to obey any rule enacted by the legislature, *including a rule which alters this law itself*. For this law itself is ultimate and unalterable by any legal authority".¹

The genesis of the idea can be traced to Bryce's notion of the coalescence of *de facto* and *de iure* sovereignty,² Salmond's 'ultimate legal principle',³ and Kelsen's fundamental postulate or 'grundnorm' of a legal system,⁴ but this

1. "The Basis of Legal Sovereignty" 1955 C.J.L., 172 at 189. The problem of sovereignty has been specially discussed by the following writers, apart from those specifically mentioned in the body of this article: Beinart, "Parliament and the Courts", (1954) *South African Law Review*, 135; "Sovereignty and the Law", (1952) 15 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg*, 101; Middleton, "Sovereignty in Theory and Practice," (1952) 64 *Juridical Review*, 135; Gray, "The Sovereignty of Parliament Today", (1953) 10 *Univ. Toronto Law Journal*, 54; Marshall, *Parliamentary Sovereignty and the Commonwealth* (1957); Heuston, *Essays in Constitutional Law* (1961), Ch. 1.
2. *Studies in History and Jurisprudence*, vol. 2, 515 ff.
3. *Jurisprudence*, 11th ed., 137.
4. *General Theory of Law and State*, 115 ff.

is the first explicit formulation of the principle in relation to the problem of the unqualified conclusiveness of an Act of the British Parliament before a British court and it is in diametrical opposition to the theory of Professor Sir Ivor Jennings that the law requires the courts to obey any rule enacted by the legislature including a rule which alters this law itself.⁵ It is submitted, however, that Professor Wade's exposition and critique seem incontrovertible, with due respect to the opposite view, and readers are referred to his article for his reasoning. His view is of particular significance in its application to the position in the Dominions, including Ceylon, which is the subject of the present discussion. In this connection it is relevant that Professor Wade consistently applies his thesis to the case of South Africa and comes to the conclusion that, if the Statute of Westminster were repealed by the United Kingdom Parliament,

The repealing Act wouldbe ineffective in South Africa, and the South African Courts would have thrown off their allegiance to the United Kingdom Parliament. That means that a revolution has already taken place. Although the South African courts acknowledge and obey the Status of the Union Act, 1934, they cannot rely purely on its legal pedigree: for that in turn is derived from the Statute of Westminster, and the Statute of Westminster in its own turn rests upon the authority of the United Kingdom Parliament—the very authority which South Africa has now repudiated. The more rational explanation is that the South African courts have followed the movement of political eventswhen sovereignty is relinquished in an atmosphere of harmony the naked fact of revolution is not so easy to discern beneath its elaborate legal dress. But it must be there just the same....."⁶

The same may be said of Ceylon, since Dominion status was granted to it by the Ceylon Independence Act 1947. There has been a revolution and the question to be determined is whether the courts of Ceylon have "followed the movement of political events". The answer to this question is probably that the courts have accepted the political revolution although there has been no explicit statement to that effect. If this were not so, there would be a conflict between the political fact of independence and the acceptance by the courts of the old juridical order. Thus, the statement of the Privy Council that

"The Constitution is contained in the Ceylon (Constitution) Orders in Council 1946 and 1947,"⁷

is perhaps to be interpreted as reflecting the acceptance by the Ceylon courts of the fact that the Constitution is now the basic instrument which, though it can be traced in terms of its former legal pedigree to the Ceylon Independ-

5. *The Law and the Constitution*, 5th ed., 153. A similar view is virtually espoused by Friedmann, "Trethowan's Case, Parliamentary Sovereignty, and the Limits of Legal Change", (1950) 24 Australian L. J., 103 at 104, while Keir and Lawson express a slightly different but fundamentally similar shade of opinion, *Cases on Constitutional Law*, 4th ed., 7.
6. "The Basis of Legal Sovereignty", 1955 C.L.J., 172 at 191. Professor Cowen comes very close to this view in his article on "Legislature and Judiciary", (1952) 15 M.L.R. 282 at 293 ff. There are divergent opinions expressed e.g. by Jennings, Anson and E.C.S. Wade.
7. *Per Lord Pearce* who delivered the opinion of the Privy Council in *The Bribery Commissioner v Ranasinghe* (1964) 2 W.L.R. 1301 at 1304, 66 New Law Reports 73 at 74.

dence Act 1947 and Orders in Council recognized as valid by the United Kingdom Parliament, is no longer to be regarded as taking its current legal validity from the preeminence of the United Kingdom Parliament in respect of legislation.

The Privy Council again referred to the former legal pedigree of the constitutional instruments of Ceylon but did not let fall anything to conflict with the above view of the true position, when it said of the Ceylon Independence Act 1947:

Its main purpose was to ensure that the new Parliament to be set up in Ceylon was not to be in any sense a subordinate legislature. It was to have the full legislative powers of a Sovereign independent state.....This was a liberalising Act in the sense that it freed the Parliament of Ceylon from every one of the constitutional limitations which, traditionally, inhibited the law making powers of subordinate legislatures in the British Dominions.⁸

There is no indication that the Privy Council regarded the old juridical order as necessarily prevailing, although there is reference to legislative action by the United Kingdom Parliament.

If, then, it is the case that the legal system of Ceylon no longer accepts the primacy of the United Kingdom Parliament, the question remains whether it can be said that the Ceylon Parliament is 'sovereign' or in other words, how far the Ceylon courts (which include the Privy Council as the highest court of appeal)⁹ regard the Ceylon Parliament as 'sovereign', and the consequences of their attitude for Constitutional reform.

The notion of sovereignty is really ambivalent in a legal context. In one sense it can indicate 'sovereignty' in the international sphere. In this sense it is descriptive of a State's position in international law. It would seem that when Viscount Radcliffe described the Parliament of Ceylon as being intended to have "the full legislative powers of a Sovereign independent State,"¹⁰ he was using the term 'sovereign' in the sense understood in international law. The criteria of sovereignty for international law may very well be different from the concept of parliamentary sovereignty in the internal order,¹¹ since there the emphasis is on independence in the sense of absence of subjection to the sway of any outside authority,¹² while parliamentary sovereignty in the internal order perhaps has more exacting requirements.

The notion of "sovereignty of Parliament" is best discussed in terms of the meaning it has for English law. In a legal context the concept does not have an

8. *Per* Viscount Radcliffe who delivered the opinion of the Privy Council in *Ibralebbe v The Queen* (1964) A.C. 900 at 922, (1963) 65 New Law Reports 433 at 443.
9. See *Ibralebbe v The Queen* (1964) A.C. 900, (1963) 65 New Law Reports 433.
10. *Ibralebbe v The Queen*, (1964) A.C. 900 at 922, (1963) 65 New Law Reports 433 at 443.
11. Cowen, "Legislature and Judiciary", (1952) 15 M.L.R., 282 at 293; Mitchell, "A General Theory of Public Contracts", (1951) 63 *Juridical Review*, 60 at 70; *R v Christian* 1924 App. Div. (South Africa) 101 at 106 *per* Innes C.J.
12. Oppenheim-Lauterpacht, *International Law*, vol. 1, 118; Kelsen, *Principles of International Law*, 100 ff.

abstract meaning, having first been systematically discussed in relation to the British Parliament by Dicey.¹³

There are two important characteristics of sovereignty in English law which are relevant to the present discussion. The first is that a Parliament which is sovereign has the power to make and unmake any law whatever,¹⁴ the second that a sovereign Parliament does not recognize a rival law-making authority.¹⁵ The present thesis must be discussed in relation to these two features.

- (1) How far does the Ceylon Parliament have the power to make and unmake laws as and how it wills and what is the effect of its position on Constitutional reform?

The first problem that arises is whether the Ceylon courts have accepted by analogy the position taken in *Ndlwana v Hoffmeyer N.O.*¹⁶ that after the grant of independence to South Africa, the South African Parliament became sovereign in the sense that it was not bound by the Constitution of South Africa in regard to the making of laws. This decision of the Appellate Division, it will be remembered, was not followed in the subsequent case decided also by the Appellate Division of South Africa, *Harris and Another v Minister of the Interior*,¹⁷ where it was held that independence did not destroy the limitations on the legislative power of the South African Parliament imposed by the Constitution. Though it has been held that the Ceylon Constitution consists of certain specific documents to the exclusion of others such as an Order in Council dealing with parliamentary elections promulgated shortly before the constitutional documents,¹⁸ there are no decisions or *dicta* supporting the view taken in *Ndlwana's Case*. On the contrary, the Privy Council itself has adopted the view that the Constitution is a basic instrument which can lay strictures on legislative power both as to content and form. This was the assumption made by Viscount Radcliffe in his brief discussion of the Constitution in *Ibralebbe v The Queen*,¹⁹ while the Privy Council in *The Bribery Commissioner v Ranasinghe*²⁰ held that

13. *Law of the Constitution*, 9th ed., 39 ff. It was originally propounded by Coke, 4 *Institutes*, 36 and Blackstone, 1 *Commentaries*, 160.
14. *Hammersmith Borough Council v Boundary Commission*, per Harmon J, *The Times*, December 15, 1954. See also *Lee v Bude and Torrington Rly.* (1871) L.R. 6 C.P. 576 at 582 per Willes J., *Stockdale v Hansard* (1839) 9 Ad. and E. 1 at 108, *Institute of Patent Agents v Lockwood* (1894) A.C. 347 at 359, *Liversidge v Anderson* (1942) A.C. 206 at 260 per Lord Wright, *National Union of General and Municipal Workers v Gillian* (1946) 1 K.B. 81 at 85 per Scott L.J., *R v Local government Board, ex parte Arlidge* (1914) 1 K.B. 160 at 175 per Vaughan Williams L.J., *R v Electricity Commissioners* (1924) 1 K.B. 171 at 210 per Atkin L.J. Lord Cooper's strictures in *McCormick v Lord Advocate* (1953) S.C. 396 at 413 would appear to have been of a political rather than legal nature.
15. See *Att-Gen. v De Keyser's Royal Hotel, Ltd.* (1920) A.C. 508; *City of London v Wood* (1711) 12 Mod. 669 at 687 per Holt C.J., *Bowles v Bank of England* (1913) 1 Ch. 57, and *Stockdale v Hansard* (1839) 9 Ad. and E. 1.
16. 1937 App. Div. (South Africa) 229.
17. 1952 (2) S.A. 428 (A.D.).
18. *Thambiayah v Kulasingham* (1948) 50 New Law Reports 25.
19. (1964) A.C. 900 at 923, 65 New Law Reports 433 at 443.
20. (1964) 2 W.L.R. 1301, 66 New Law Reports 73.

certain legislation which purported to change the provisions of the Constitution relating to judicial appointments could not be valid because it was not passed in the due form prescribed by the Constitution. It is significant that there were cases decided by the Supreme Court of Ceylon before this Privy Council decision, including the decision of the Supreme Court in that very case, which endorsed the above principle²¹.

Harris' Case accepted limitations as to the form or procedure of legislation entrenched in a Constitution, while not having to concede that the South African Parliament was limited absolutely in its legislative powers by reference to the content of legislation. It may be argued, then, that this case did not decide that the South African Parliament could not after independence make and unmake legislation as it willed but could not do so only how it willed, in spite of the fact that the Constitution was the basic instrument. In other words it merely applied the decision in *Att-Gen. for New South Wales v Trethowan*²² in a general form to an independent legislature, even though it was not bound by section 5 of the Colonial Laws Validity Act 1865 which requires that any laws passed by representative colonial legislatures respecting their own Constitution, powers and procedure should be passed "in such manner and form as may from time to time be required" by any law for the time being in force in the colony. Whereas the requirement of the Colonial Laws Validity Act related to a limited field, the rule in *Harris' Case* was general in its application to any kind of change for which special forms were specified by the Constitution of an independent Dominion. The Ceylon courts have accepted the broad principle in *Harris' Case* but it would seem that there are, at least, *dicta* in the cases²³ which point towards the recognition of the principle that there can be and are absolute limitations as to the content of legislation in the Ceylon Constitution. The questions to be answered are whether there are and what are these absolute limitations as to content.

Historically, there were certain limitations on the powers of Ceylon's representative colonial legislature before independence was given²⁴ such as the incapacity generally to legislate with extraterritorial effect save in exceptional circumstances²⁵ or the incapacity under the doctrine of repugnancy.²⁶ It was intended that some of these be removed by section 1(3) of the Ceylon Inde-

21. See e.g. *Ranasinghe v The Bribery Commissioner* (1962) 64 New Law Reports 449, *Jailabdeen v Danina Umma* (1962) 64 New Law Reports 419, *Piyadasa v The Bribery Commissioner* (1961) 63 New Law Reports 313. The Ceylon courts have not taken this view and then abdicated their function of judicial review which would deprive the Constitution of any binding force on the legislature. This is the position in France.

22. (1932) A.C. 526.

23. *Ibralebbe v The Queen* (1964) A.C. 900 at 923, (1963) 65 New Law Reports 433 at 443 per Viscount Radcliffe and *The Bribery Commissioner v Ranasinghe* (1964) 2 W.L.R. 1301 at 1307, 66 New Law Reports 73 at 78 per Lord Pearce.

24. See Jennings, *The Constitution of Ceylon*, 3rd ed., 20 ff.

25. *Macleod v Att-Gen. for New South Wales* (1891) A.C. 455.

26. Sections 2 and 3, Colonial Laws Validity Act 1865.

pendence Act 1947, while others were intended to be abrogated by the promulgation of the Independence and Constitution Orders in Council. But if the theory of the revolution is accepted, the Constitution contains the basic embodiment of the legislative powers of the Parliament of Ceylon, the effect of the grant of the Constitution being that full legislative power was given to that Parliament except in so far as the Constitution might expressly have stated otherwise. The Ceylon Independence Act reflects the political transfer of legislative power or the grant of independence by recording the intention of the United Kingdom Parliament to recognize the withdrawal of the existing fetters on the legislative powers of Ceylon's legislative body. It is not, however, an instrument which forms part of the Constitution, for, as has been seen, it has been stated by the Privy Council that the Constitution is contained in the Constitution Orders in Council, no mention being made of the Ceylon Independence Act. The Ceylon Independence Order in Council 1947 which also released the legislature of Ceylon from certain existing limitations²⁷ would appear to be of the same genera, since it falls outside the Constitution Orders in Council. It is an Order in Council which embodies certain historical facts of political significance in this respect but legally is of no value in determining the legislative powers of the Ceylon Parliament.

Legal importance attaches to the grant of legislative power by the Constitution Orders in Council. These may conveniently be referred to as the Constitution. Section 29 deals with the conferment of legislative power on the Parliament of Ceylon. It would be useful to reproduce the whole of that section before proceeding to discuss it:

- (1) Subject to the provisions of the Order, Parliament shall have power to make laws for the peace, order and good government of the Island.
- (2) No such laws shall:—
 - (a) prohibit or restrict the free exercise of any religion; or
 - (b) make persons of any community of religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable; or
 - (c) confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions; or
 - (d) alter the constitution of any religious body except with the consent of the governing authority of that body:

Provided that in any case where a religious body is incorporated by law, no such alteration shall be made except at the request of the governing authority of that body.

- (3) Any law made in contravention of subsection (2) of this section shall, to the extent of such contravention, be void.
- (4) In the exercise of its powers under this section, Parliament may amend or repeal any of the provisions of this Order, or of any other Order of His Majesty in Council in its application to the Island:

Provided that no bill for the amendment or repeal of any of the provisions of this Order shall be presented for the Royal Assent unless it has endorsed on it a certificate under the hand of the speaker that the number of votes cast in favour thereof in the House of Repre-

27. See particularly sections 4 and 5 which deal with the power of the Queen in Council and the Governor General to legislate for Ceylon.

representatives amounted to no less than two-thirds of the whole number of members of the House (including those not present).

Every certificate of the speaker under this subsection shall be conclusive for all purposes and shall not be questioned in any court of law.

It is arguable that there are two kinds of limitation on legislation that arise from this section in so far as the legislative power is subject to the provisions of the Constitution. First, there is the absolute limitation on legislation and second, the limitation on procedure. In so far as there is a power to make and unmake laws but this is subject to the requirement that limitations on legislative power contained in the Constitution can only be removed or altered by the special procedure mentioned in 29(4), there is no absolute limitation on legislative power. Parliament may make or unmake laws concerning these matters but only by a specified procedure. The important question is whether there is any limitation of an absolute kind in this section. It will be noticed that any limitations that there could be in the section would arise from

- (a) the fact that legislation must be for the peace, order and good Government of the Island and for no other purpose,
- and (b) the fact that no law which brings about the consequences specified in subsection (2) can be valid.

If these strictures can be removed, then these limitations would not be absolute. Here it is relevant that subsection (4) which deals with change of the provisions of the Constitution states that such changes can only be made by Parliament "in the exercise of its powers under this section". This, it is submitted, must mean that, if the section limits the powers of Parliament to legislate in terms of the subject matter of legislation as opposed to the form of legislation, then Parliament cannot change the Constitution so as to add to these powers or detract from them, since the extent of the power given to legislate is determined by those limitations both as to the maximum and the minimum. Because it is specifically stated that it is in the exercise of *these* powers that changes in the Constitution may be made, Parliament cannot enjoy any more nor less than these powers. It is submitted that these qualifying words in section 29(4) refer to substantive legislative powers as conferred by section 29(1) to (3) and that the effect of them is to deprive Parliament of the power to make a change in the extent of its legislative powers so that any limitations on legislative powers contained in section 29(1) to (3) become permanent limitations which can neither be added to nor derogated from. This does not affect the substantive legislative powers of Parliament within the area in which those powers have been allowed, even though section 29(4) may impose certain formal or procedural requirements in a narrower area within that area.²⁸

28. Jennings. *The Constitution of Ceylon*, 3rd ed., 23, thinks that limitations in section 29 can be removed under section 29(4). It is to be noted that the above submissions are made, in spite of the fact that section 29(4) states in its latter part that any of the provisions of the Constitution Order in Council may be changed; subsequent words cannot alter an initial grant of power by implication because of the opening phrase discussed in the text.

Before considering the attitude of the courts to the argument above advanced, it may be useful to analyse what have been termed above the substantive limitations of section 29. On examining these limitations, it emerges that the apparent limitation that legislation must be "for the peace, order and good government of the Island" does not carry any limitation at all. This was the conclusion reached by the Ceylon Supreme Court in *The Queen v Liyanage and Others*²⁹ where it was argued that this provision placed retrospective legislation outside the legislative powers of the Ceylon Parliament. The proposition of law enunciated by the court was stated in general form and was not confined to the case of retrospective legislation. It would follow that this phrase does not permit the importation of international law as a limiting factor either,³⁰ and it is significant that the court concluded in that same case that it could not declare legislation

to be void merely on the ground that it is unjust or oppressive, or that it is violative of supposed natural rights not specified in the constitution.³¹

It is also significant that in two cases in which the Privy Council had occasion to refer to section 29 of the Constitution and discuss it, although the other substantive limitations on legislative power were mentioned, the phrase "for the peace, order and good government of the Island" was not looked upon as imposing any such substantive limitations.³² In the earlier of these Viscount Radcliffe specifically stated,

The words "peace, order and good government" connote, in British constitutional language, the lowest law making powers appropriate to a Sovereign.³³

The second group of what have been termed substantive limitations could on the other hand, be strict limitations. In *Ibralebbe v The Queen* the Privy Council referred to them as "the fundamental reservations specified in section 29".³⁴ In *The Bribery Commissioner v Ranasinghe* Lord Pearce described them

29. (1963) 65 New Law Reports 73 at 83. The court said that "in Ceylon the power of Parliament to enact law "for the peace, order and good government of Ceylon", is plenary, subject only to the restrictions expressed in the Constitution itself...."
30. In *Liyanage's Case*, the Supreme Court refused to recognize the Declaration of Human Rights as limiting the legislative power of Parliament on the ground that "there is..... no law properly so called and applicable by the courts of Ceylon which would justify a decision that the Parliament of Ceylon cannot now validly enact an *ex post facto* law." *ibid.* On the assumption that the Declaration embodies customary international law, this holding amounts to a rejection of the principle that international law can presently be imported as a limiting factor.
31. *Ibid.*
32. *Ibralebbe v The Queen* (1964) A.C. 900 at 923, (1963) 65 New Law Reports 433 at 443 and *The Bribery Commissioner v Ranasinghe* (1964) 2 W.L.R. 1301 at 1307, 66 New Law Reports 73 at 77.
33. *Ibralebbe v The Queen* (1964) A.C. 900 at 923, (1963) 65 New Law Reports 433 at 443. In the case of colonial constitutions a wide meaning is given to these words: *Chenard and Co. v Joachim Arissol* (1949) A.C. 127 at 132 (P.C.). For Dominion constitutions see *Riel v R* (1885) 10 App. Cases 675 at 678 (P.C.), *Hodge v The Queen* (1883) 9 App. Cases 117 (P.C.) and *Russell v The Queen* (1882) 7 App. Cases 829 (P.C.).
34. (1964) A.C. 900 at 923, (1963) 65 New Law Reports 433 at 443.

as "entrenched religious and racial matters, which shall not be the subject of legislation."³⁵

The only possible material limitation on the substantive powers of the Ceylon Parliament being that contained in section 29(2), it remains to examine whether the courts have said anything to support the view above expressed that section 29 imposes a maximum and minimum limit on the powers of the Ceylon Parliament so that the limitations contained in section 29(2) cannot be removed, reduced or added to by the Ceylon Parliament. As the issue has not come up for decision it is only *dicta* that can be examined. Some conflicting *dicta* have been pronounced on the matter. Tambiah J. in *Piyadasa v The Bribery Commissioner*, after conceding that the Constitution could be amended only in certain respects, when he said,

It is hardly necessary to state that the Ceylon Constitution, being a written constitution, is paramount legislation which can only be amended (and that, too, only in certain respects) by a two-thirds majority of the members of the House of Representatives as provided by section 29(4) of the Ceylon constitution"³⁶

yet maintained that

"Section 29(2) and (3) prohibit the Parliament from passing certain discriminatory legislation, except by a two-thirds majority of the members of the House of Representative."³⁷

If the limitation on amendment referred to in the earlier passage does not refer to the inability to amend sections 29(2) and (3) so as to remove, alter or add to the limitations on legislative power contained in section 29(2), it is difficult to see what it does refer to. On the other hand, it cannot be denied that the learned judge does expressly state that sections 29(2) and (3) can be implicitly amended by the special procedure outlined in section 29(4). In spite of what appears to be an inherent contradiction, the learned judge may, for the purpose of argument, be taken to have expressed the view that limitations on legislative power in section 29(2) can be removed or altered, albeit by a special procedure.

Against this view is that expressed by the Privy Council in *Ibralebbe v The Queen* that section 29

conferred upon the Parliament, power to make laws for the "peace, order and good government" of Ceylon, subject to certain protective reservations for the exercise of religion and the freedom of religious bodies.³⁸

these reservations being described later as "fundamental reservations"³⁹ to full legislative authority. This description of the position is susceptible of an interpretation which accords with the opinion that the limitations in section

35. (1964) 2 W.L.R. 1301 at 1307, 66 New Law Reports 73 at 78.

36. (1962) 64 New Law Reports 385 at 387: italics added.

37. *Ibid.* at 388.

38. (1964) A.C. 900 at 923, (1963) 65 New Law Reports 433 at 443. See also the Privy Council in *Kodakam Pillai v Mudanayake*, (1953) 54 New Law Reports 430 at 439.

39. (1964) A.C. 900 at 923, (1963) 65 New Law Reports 433 at 443.

29(2) are unalterable. But there is no need to place any undue strain on the language of the Privy Council, since in *The Bribery Commissioner v Ranasinghe* the Privy Council further clarified its understanding of the position when it said of the provisions of section 29(2) that they set out

entrenched religious and racial matters, which shall not be the subject of legislation. They represent the solemn balance of rights between the citizens of Ceylon, the fundamental conditions on which inter se they accepted the Constitution; and these are therefore unalterable under the Constitution.⁴⁰

It also asserted quite unequivocally

the fact that section 29(3) expressly makes void any act passed in respect of the matters entrenched in and prohibited by section 29(2), whereas section 29(4) makes no such provision, but merely couches the prohibition in procedural terms.⁴¹

The limitations of section 29(2) were described as "unalterable" which, it is respectfully submitted, must mean that they can neither be added to nor subtracted from. This view of section 29 for which the Privy Council gave sound political and historical reasons, can be legally explained in the manner outlined above. The opposite view espoused by Tambiah J. can only be explained on the basis that section 29 confers plenary legislative power without any limitations of a material nature and then provides limitations of a formal or procedural nature to the effect that any limitations on legislative power contained in the Constitution either express or implied can be expressly or impliedly removed, altered or added to only by the special procedural process specified in section 29(4). This view of the constitutional position does not, it is submitted, give the appropriate meaning to the words "in the exercise of its powers under this section", which are placed at the beginning of section 29(4) and must refer to the powers granted by sections 29(1) to (3). These words do not warrant an interpretation which regards section 29(2) and (3) as being outside the section and defines the powers referred to by reference to section 29(1) as if it stood alone. Had the strictures contained in section 29(2) been placed outside the section dealing with the initial grant of legislative power or had some indication been given in section 29 itself that the strictures in section 29(2) were not limitations on the initial grant of legislative power, as by express words enabling a change in those limitations, the position would have been different and the interpretation given by Tambiah J. would have been acceptable. Thus, to take an example from the Ceylon Constitution itself, the limitation on legislative power contained in section 39 which empowers His Majesty to disallow certain legislation relating to specific Ceylon Government stock is a limitation stated outside section 29. It is not part of the initial grant of legislative power. This limitation may therefore be expressly repealed or altered by the special procedure described in section 29(4) or it may perhaps be even impliedly altered

40. (1964) 2 W.L.R. 1301 at 1307, 66 New Law Reports 73 at 78.

41. *Ibid.* at 1309/79.

ad hoc if legislation falling within the prescribed area were to be enacted in the special manner provided in section 29(4).

In the circumstances, it is submitted with due respect that Tambiah J.'s view of the law cannot be supported and the opinion expressed by the Privy Council that section 29(2) contains limitations which are unchangeable is correct.⁴²

The limitation in section 29(4) being procedural, it does not as such impose any substantive or material limitations on the legislative powers of the Ceylon Parliament. This, it may be said, does not affect the sovereignty of the Ceylon Parliament, if that term is taken to mean the ability to make and unmake any laws. The Privy Council was referring to this idea, when it said,

A Parliament does not cease to be sovereign whenever its component members fail to produce among themselves a requisite majority e.g. when in the case of ordinary legislation the voting is evenly divided or when in the case of legislation to amend the constitution there is only a bare majority if the constitution requires something more. The minority are entitled under the Constitution of Ceylon to have no amendment of it which is not passed by a two-thirds majority. The limitation thus imposed on some lesser majority of members does not limit the sovereign powers of Parliament itself which can always, whenever it chooses, pass the amendment with the requisite majority."⁴³

Of course, this statement must be read subject to the concession of the substantive limitations already discussed above and mentioned earlier in the very judgment of the Privy Council. But the result of the fact that the procedural limitations cannot be regarded as creating any substantive limitations on legislative power leads to the conclusion that even the express strictures set by section 39 cannot be regarded as substantive limitations, since they can be removed by the special procedure. On this view the fact that at any time the courts may declare legislation of the Ceylon Parliament void which purports to change or violate the Constitution and has not been passed in the manner prescribed in section 29(4) does not militate against the power to make and unmake laws.

Thus, as far as the power of the Ceylon Parliament to make or unmake any law in the sense in which the United Kingdom Parliament may do so is concerned, it may be concluded that there is a significant difference in that that power is limited (i) by the strictures stated in section 29(2) of the Constitution and (ii) by the inability to add to or subtract from those limitations, while the limitations of a procedural nature contained in section 29(4) in regard to changes in the Constitution cannot be considered substantive limitations on the

42. It may also be mentioned that by Act No. 29 of 1954, an amendment of section 29(2) was attempted which had the effect of permitting the legislature to make special provision for the representation of persons registered as citizens under the Indian and Pakistan Residents (Citizenship) Act. On the submissions in the text the amendment was void, if it discriminated against or in favour of a community. It is significant that no law was passed under the amendment.
43. *The Bribery Commissioner v Ranasinghe* (1964) 2 W.L.R. 1301 at 1313, 66 New Law Reports 73 at 83.

legislative powers of the Ceylon Parliament. Nevertheless, it is important that these substantive limitations on the powers of the Ceylon Parliament impose restrictions on Constitutional reform.

It is in the light of this analysis that the statement made by Tambiah J. that

The legislative powers of the Ceylon Parliament, as contained in section 29 of the Order-in-Council, is (sic) not that of a sovereign legislature . . . , in as much as it derives its authority from the Order-in Council which imposes certain fetters on its powers of legislation.⁴⁴

must be understood. Unlike the Privy Council, the learned Judge regards the Ceylon Parliament as a non-sovereign legislature as far as its legislative powers are concerned, although as appeared earlier, he seems to have regarded all the limitations on legislative power as essentially procedural ones. While the observation is true that there are certain fetters on the legislative powers of the Ceylon Parliament, such fetters being understood to be of a substantive or material nature as opposed to a procedural kind, nevertheless, the Privy Council chose to characterize the Ceylon Parliament as being sovereign. It would seem then, that Tambiah J.'s characterization as far as legislative power goes, is in conflict with that of the Privy Council. But here one is in the realm of terminology. The Privy Council was specifically dealing with procedural limitations and it is not clear what its attitude might have been, had the substantive fetters contained in section 29 been specifically considered in relation to the question of sovereignty. The most that can be said is that perhaps the Privy Council was of the view that as far as possible the Ceylon Parliament must be given the attributes of sovereignty as understood in connection with the Parliament of the United Kingdom provided the Constitution as at the time it was given and accepted does not prohibit such an implication. The fact remains that the Ceylon Parliament is, in fact, not sovereign in the same sense as the United Kingdom Parliament, because of express limitations contained in the Constitution, at any rate in regard to the extent of its legislative powers, limitations which cannot be removed or increased legally.

- (2) Does or can the Ceylon Parliament recognize any rival law-making authority, and what is the effect of its position in this respect on Constitutional reform?

This aspect of sovereignty has not been before the Ceylon courts. It is one that has to be examined entirely on the basis of principle.

The first principle of relevance is that, assuming, as submitted, that there has been a legal revolution after the political fact of independence was established, the courts have conceded that the Constitution contained in the Ceylon (Constitution) Orders in Council is the basic law for Ceylon, irrespective of the former legal pedigree of those documents.

44. *Piyadasa v The Bribery Commissioner* (1963) 64 New Law Reports 385 at 387.

The second principle which modifies the first emerges from the approach taken by the Privy Council in *The Bribery Commissioner v Ranasinghe* in dealing with the procedural limitations on legislative power.⁴⁵ The Privy Council tended towards the view that the sovereignty of the Ceylon Parliament was not affected by such limitations. It is submitted, that even though there were substantive limitations on full legislative power, apart from the procedural limitations, which made the position of the Ceylon Parliament different from that of the United Kingdom Parliament in this respect, the attitude evinced by the Privy Council reflected a bias in favour of sovereignty in the absolute sense, as applied to the United Kingdom Parliament, even in regard to the Ceylon Parliament, so much so that it may be said that, wherever possible, the Ceylon Parliament should be given the proper attributes of sovereignty in the absence of constitutional provisions to the contrary as at the time the Constitution was given and accepted. This may involve, in certain circumstances, the imposition of unchangeable limitations on legislative powers, which are not stated explicitly in the Constitution. Such and other limitations would emanate from the concept of sovereignty and are intrinsic to it. It must be stated that Tambiah J.'s description of the Ceylon Parliament as non-sovereign⁴⁶ does not militate against this interpretation, since, though a Parliament may be described as non-sovereign because it does not possess all the attributes of sovereignty of the United Kingdom Parliament, it is possible, nevertheless, to maintain that there is a presumption in favour of sovereign attributes.

The principle submitted here is further supported by the *dictum* of Viscount Radcliffe in *Attorney General of Ceylon v de Livera* concerning the Ceylon Constitution that,

although there are many variations in matters of detail, its general conceptions are seen at once to be those of a parliamentary democracy founded on the pattern of the constitutional system of the United Kingdom.⁴⁷

It will also be readily seen that the principle submitted here does not conflict with such statements to be found in the judgments as that of T.S. Fernando J. that

Nor, on the other hand, do we have a sovereign Parliament in the sense in which the expression, is used in reference to the Parliament of the United Kingdom,⁴⁸

or that of Sinnetamby J. that,

Unlike the British Parliament the legislative bodies in the various dominions are creatures of statute. They are bound by the provisions of the Acts or Orders-in-Council by which they were created.⁴⁹

45. (1964) 2. W.L.R. 1301 at 1313, 66 New Law Reports 73 at 83.

46. *Piyadasa's Case* (1963) 64 New Law Reports 385 at 387.

47. (1963) A.C. 103 at 118, 64 New Law Reports 409 at 411.

48. *The Queen v Liyanage* (1962) 64 New Law Reports 313 at 350.

49. *P.S. Bus Co., Ltd. v Members and Secretary of Ceylon Transport Board* (1958) 61 New Law Reports 491 at 493.

The fact that the Ceylon Parliament is not supreme in exactly the same sense as the United Kingdom Parliament or the fact that the Constitution is binding on the Ceylon Parliament does not nullify the proposition that there is a *presumption* that the Ceylon Parliament has the same attributes of sovereignty as the Parliament of the United Kingdom, which is to be regarded as the basis on which the Constitution was framed.⁵⁰

The leading contender for rival authority in the case of the Ceylon Parliament is the United Kingdom Parliament. Historically, the United Kingdom Parliament was sovereign over Ceylon. Since the revolution, however, it is the Constitution that is supreme and the primacy of the United Kingdom Parliament cannot be accepted. A problem is created by the fact that the Ceylon Independence Act gives the United Kingdom Parliament power to pass Acts applicable to Ceylon provided "it is expressly declared in that Act that Ceylon has requested, and consented to, the enactment thereof".⁵¹ The Ceylon Independence Act is on the statute book of Ceylon, just as much as any legislation enacted by the United Kingdom Parliament and extending to Ceylon before the political and legal change involved in the grant of independence is still recognized as law. However, all such legislation is ordinarily changeable by the Ceylon Parliament according to the normal procedure under the new legal regime.⁵² This would apply equally to the Ceylon Independence Act as an instrument and the powers of legislation given the United Kingdom Parliament by this Act could be removed, decreased or even increased as far as the Ceylon courts are concerned, by the Ceylon Parliament, since under the Constitution the Ceylon Parliament's powers are not limited either substantively or procedurally so as to prevent this. As for the powers of the United Kingdom Parliament under the Ceylon Independence Act to enact legislation in the form prescribed there, such power remains but it is possible to say that it has the status of power delegated by the Ceylon Parliament, although this is not what was expressly done. The Constitution gives legislative power to the Ceylon Parliament and does not mention the powers of the United Kingdom Parliament. Hence, the content of that section of the Ceylon Independence Act which purports to give the United Kingdom Parliament the power of legislating for

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50. The wording of section 29(4) that any provisions of the Constitution may be changed is not in itself explicit enough to destroy this presumption, since that whole section is subject to the initial grant of 'sovereign' or 'quasi-sovereign' power in the preceding sub-sections.
51. Section 1(1). The question arises what is meant by "Ceylon" in this section. Whatever entity it may refer to, whether it be the Ceylon Parliament, the Ceylon Government, or the majority of the Ceylon people, it would seem that the express declaration to the effect that Ceylon has requested and consented to the legislation will be conclusive for the courts. If the view is taken by the courts that the declaration is not conclusive, then the question what "Ceylon" means in the context will have to be answered by them.
52. Historically, this power was stated to be granted by section 1(3) read with the First Schedule of the Ceylon Independence Act. Legally, it would arise from the revolution which occurred on the grant of independence whereby the Constitution which does not grant any special status to Acts of the United Kingdom Parliament is supreme.

Ceylon, being on the statute book, becomes a power exercised by a law permitted to remain valid by the Ceylon Parliament which has the legislative power for Ceylon. This could be interpreted as a tacit delegation. The content of the power as it now stands does not, it is submitted, prevent the United Kingdom Parliament from passing legislation in the specified manner which can change a previous legislative instrument of the Ceylon Parliament of the ordinary non-constitutional kind.⁵³ However, subsequent legislation of the Ceylon Parliament can alter such legislation and, of course, there is the inherent power of the Ceylon Parliament to take away the power of the United Kingdom Parliament to legislate for Ceylon at all. Legislation of either kind would not be governed by any procedural limitations contained in the Constitution, since there is nothing to that effect in the Constitution, either express or implied. On this theory the United Kingdom Parliament cannot change the Constitution.

The King in Council was also a legislator for Ceylon before the revolution. Though the Constitution itself is an Order in Council in terms of its former legal pedigree, its validity in the present legal system is derived from the fact that it is recognized by the courts as the basic legal instrument. In the absence of any mention of the legislative power of the King in Council in the Constitution, such power would have automatically disappeared, any express abrogation of such power in any other Order in Council⁵⁴ being really of historical and political significance. However, the Constitution states in section 39 that certain legislation of the Ceylon Parliament concerning specific Ceylon Government stock may be disallowed by His Majesty through a Secretary of State. This limited power makes the legislation of the Ceylon Parliament in a particular field subject to disallowance which would appear to be a stricture on the legislative powers of the Ceylon Parliament imposed in favour of a rival authority. However, as pointed out earlier, this stricture can be removed by the Ceylon Parliament by the special procedure specified in the Constitution, so that under the Constitution it is a power which is recognized and tolerated by the Ceylon Parliament as long as it is not removed. This may, therefore, be regarded as a power tacitly delegated, but under constitutional authority, so that its removal requires a special procedure unlike the removal of the power of the United Kingdom Parliament. In so far as the Ceylon Parliament can legislate contrary to this power or remove it totally, albeit by a special procedure, it cannot be said that the Ceylon Parliament recognizes a rival authority in the King in Council.

The Constitution also permits the House of Representatives and the Queen to legislate *inter alia* in the case of money bills,⁵⁵ notwithstanding that

53. Under the Public Security Ordinance 1947 as amended, the Governor General may in certain circumstances make regulations of a particular kind which may amend, modify or suspend any law (Section 5(2)). This is another example of delegation of power to amend parliamentary legislation.

54. See e.g. section 4 of the Ceylon Independence Order in Council 1947.

55. See section 33.

Parliament upon which legislative power is conferred is defined in section 7 as consisting of the Queen, the Senate and the House of Representatives. Thus, this is an instance of an authority different from Parliament being allowed to legislate. It is clear, however, that the power given by the Constitution to this body can be taken away by Parliament acting in the special manner prescribed in section 29(4). Moreover, Parliament can at any time pass in the ordinary manner legislation changing any legislation by this body, though it is true that this body has under the Constitution power to change that very legislation of Parliament. This too would appear to be a case of tacit delegation⁵⁶ under the Constitution, the power that Parliament has to withdraw or change the power of this body, albeit by a special procedure, being proof that it is not a rival authority.

The position of the courts is somewhat more difficult. The fact is that they have assumed the power to declare legislation invalid because it offends against section 29 of the Constitution or because it offends against some other provision of the Constitution and has not been passed in the proper manner. The position is, it is true, different from that in the United Kingdom where this is not possible. It would seem that the Ceylon Supreme Court has declared that it does not have power to legislate when it said that implying a limitation in the Constitution against *ex post facto* law "would be to arrogate to the Court the power to legislate", which it could not do.⁵⁷ However, it may be argued that an authority that can declare legislation void is a *rival authority of some kind*, although it may not be a *rival law-making authority*. This would not, however, seem to violate Dicey's proposition that Parliament does not recognize any rival *law-making* authority.

The two Houses of Parliament and the Crown in Ceylon can be disregarded as rivals because the Constitution does not give them any rival legislative powers. The position is the same in the United Kingdom.

The Constitution has apparently laid down certain limitations on the legislative powers of the Ceylon Parliament, both substantive and procedural. The procedural limitations render certain procedures necessary for specific legislation. These procedural limitations can, however, be removed. The substantive limitations cannot be removed nor changed. It is clear that the Constitution has made law which is binding on the Ceylon Parliament in that the Ceylon Parliament cannot change it. It is to be noted that the Constitution has this effect not because it emanates from the King in Council or the United Kingdom Parliament as superior law making authorities but because the

56. A comparable position in the United Kingdom has been described as express delegation: see H.W.R. Wade, "The Basis of Legal Sovereignty" 1955 C.L.J. 172 at 193: contra Jennings, *The Law and the Constitution*, 3rd ed., 144; Keir and Lawson, *Cases in Constitutional Law*, 4th.ed., 7; whose views H.W.R. Wade deals with and reasons against.

57. *The Queen v Liyanage and Others* (1963) 65 New Law Reports 73 at 83.

Ceylon courts accept the Constitution as the basic legal document consequent upon the legal revolution. The Constitution is, however, not a rival law-making authority in the sense that in the future it can impose upon the Ceylon Parliament limitations which are not changeable. Thus, the Constitution cannot really be regarded as a rival *law-making* authority in the sense in which Dicey probably understood the term.

The most pertinent question in this connection is whether the Ceylon Parliament can create a rival law-making body by Constitutional reform with power to make laws which the present Ceylon Parliament could not unmake. Suppose, for instance, that the Ceylon Parliament were by the procedure specified in section 29(4) to pass legislation to the effect that the Constitution can only be changed by another body such as the majority of the people or the Indian Parliament and repealing the provision in section 29(4) that the Constitution may be changed by a special procedure within the Ceylon Parliament. There would then apparently be no procedure for the Ceylon Parliament to change the Constitution again, since that procedure has been revoked by that very procedure, while the other body will have power to change the Constitution. If this were possible, the Ceylon Parliament could effectively create a rival law-making body. It is submitted that here in the absence of express provision in the Constitution to the contrary, the presumption in favour of sovereignty should operate to prevent the Ceylon Parliament creating a rival law-making authority. The principle must be applied in interpreting section 29. Under section 29 full powers of legislation are conferred upon the Ceylon Parliament subject to the absolute limitations of section 29(2) which cannot be altered and "subject to the provisions" of the Constitution in other respects. Specific power is then given under section 29(4) for the Ceylon Parliament to alter the Constitution provided this is done by a certain procedure within the Ceylon Parliament. Since the legislative power of the Ceylon Parliament is subject to the provisions of the Constitution, it is subject to this proviso. The answer to the question whether this proviso relating to the change of the Constitution can be used to create a rival law-making authority becomes one of determining whether there is any indication that there was intended to be no limitation on legislative power which would have the effect of preserving the sovereignty of the Ceylon Parliament. The absence of such indication would support the presumption in favour of sovereignty and its application would make the conclusion inevitable that such a power would not be recognized. But for the grant of the power to change the Constitution including the power to change the power of change which is implied in the wording of section 29(4), there is no express grant of the power to limit whatever extent of sovereignty has been given to the Ceylon Parliament, particularly by creating a rival law-making authority. This view is supported by the fact that the power of changing the Constitution is expressly stated to be vested in the Ceylon Parliament, "in the exercise of its powers" under section 29. Thus, since the grant of legis-

lative power under section 29(1)-(3) is specifically a grant of legislative power to the Ceylon Parliament as a legislature with full powers though subject to certain substantive qualifications, it is submitted that it would not be exercising "its powers under the section" if it did anything to deprive itself of those full powers which are subject only to those particular substantive restrictions. By creating a rival law-making authority and abdicating certain of its functions of legislation it would do just this. Hence, that cannot be done under the Constitution. It would seem then that there is some internal evidence in the Constitution itself to support the application of the presumption in favour of sovereignty to preventing the creation of a rival law-making authority.

The same argument may be stated in a different form, namely that the conclusion implied in the Privy Council *dictum* on section 29(2) to the effect that the substantive limitations on the legislative power of the Ceylon Parliament cannot be increased or reduced prevents the creation of a rival authority by that Parliament, since this would involve an increase of the substantive limitations in its legislative power in so far as the legislation enacted by the Ceylon Parliament would be void when in conflict with the legislation of the rival authority.⁵⁸

The Ceylon Parliament may delegate power to another authority and embody such delegation in the Constitution but this would not amount to the creation of a rival law-making authority, since it would be subject to the legislative power of the Ceylon Parliament.

If the proposition were accepted that the Ceylon Parliament cannot recognize a rival law-making authority, it is submitted that the courts will not find it difficult to give effect to a rule that legislation purporting to amend the Constitution irrevocably and which fundamentally alters the constitution of Parliament as defined in the Constitution, so that it is possible to say that the body purporting to be Parliament is not in reality Parliament, cannot be recognized as valid, since it amounts to the abdication of power by Parliament and the setting up of a rival law-making authority. The question what amounts to substantial alteration is not easy to answer but if, for instance, it were ordained that the House of Representatives should be composed of a majority of members appointed by the Governor General, this would amount to a reconstitution of the lower House in a manner which is not consistent with the democratic principle of elections which underlies the conception of the House of Representatives. The principle of election is stated concurrently with the principle of nomination by the Governor General in section II of the Constitution but the

58. Section 5 of the Colonial Laws Validity Act which protects methods of constitutional change cannot be applied to give validity to this kind of legislation since it is applicable to colonies by virtue of the supremacy of the United Kingdom Parliament. The Ceylon Independence Act 1947, section 1(3), read together with the First Schedule, withdraws the application of the Colonial Laws Validity Act to Ceylon. Of legal importance is the fact that the Constitution did not, at the time it was given and accepted, explicitly embody any provision similar to section 5 of the Colonial Laws Validity Act.

latter principle is subject to strict limitation in terms of number while the former is not so limited. It may therefore, be said that the elective principle is basic. Although the Constitution is looked to for the structure of Parliament, the Constitution in this respect being changeable in the appropriate manner, it is submitted that this does not prevent the derivation of certain unchangeable principles which emerge from the Constitution as at the time it was given and accepted, and which relate to the legislative organ. This submission is, of course, supported by the presumption in favour of sovereignty. It goes without saying that a fundamental change in the composition of Parliament would amount to a revolution, if it were regarded as having displaced the old composition. If it were recognized as doing less than this and the old composition were allowed to remain with the maximum legislative power, then it would be a case of erecting an authority with powers of delegated legislation.

The same reasoning would perhaps prevent the elimination of any of the three constituent elements of Parliament as defined in section 7 of the Constitution, since they are of the essence of Parliament. Thus, the creation of a Republic would strictly not be possible under the present Constitution since it would amount to eliminating the Queen, an essential constituent element of Parliament. The only kind of change permissible would be such as does not affect the essence of Parliament as defined in section 7.

In the event that the Ceylon Parliament purports to create a rival law-making authority and the courts recognize such a body as a rival law-making authority, it would logically have to be concluded that there has been a revolution of a kind similar to that which occurred on the granting of independence. Delegation is as much as can be recognized by the courts under the present Constitution.

The conclusion to be drawn from the above considerations is that Constitutional Reform which purports

- (a) to do anything which Section 29(2) prohibits, or
- (b) to add to or subtract from the substantive limitations in Section 29(2), or
- (c) to create a rival law-making authority, whether by completely depriving Parliament, as presently defined, of power or otherwise,

cannot be recognized as valid under the present Constitutional system. In the event that such reform is attempted and is accepted, the proper explanation is that a revolution has taken place. Whether a revolution has effectively taken place is ultimately a matter of political fact and cannot be explained in legal terms. Such a displacement of a legal order, it may be demanded, should at least take place with the consent of the people, freely and tangibly given, if democratic principles are to be respected at a political level.

THE COLONIAL OFFICE AND
SIR WILLIAM GREGORY,
GOVERNOR OF CEYLON, 1872-77
A Study in British Imperial Administration

B. BASTIAMPILLAI

During the whole of William Henry Gregory's governorship in Ceylon (1872-1877), the Colonial Office in London maintained a strict scrutiny over his administration. Generally the Governor's policies were accepted and between him and the Secretary of State the official relationship was normally cordial. Even when differences arose over questions, often Gregory's determination caused the Colonial Office to agree with his views, despite its own opinions. Through ably written despatches, private letters to the Secretary of State, and officials, and by personally presenting views while on leave, he irresistibly impressed on the imperial authorities of the wisdom of his measures.

However, in a few instances, especially over questions concerning administrative procedure¹, controversial or religious problems², differences of opinion between the Governor and the Secretary of State did arise. Then Colonial Office interference proved irksome to Governor Gregory, while on the other hand his radical suggestions became irreconcilable with conservative Carnarvon's thinking³. To some Colonial Office officials the Governor's independent attitude appeared to be even insubordinate at times, and then there arose a grave danger of otherwise harmonious relations growing strained and there was even a real need for publicly censuring Gregory. Watchful of even details, in this period, the Colonial Office clerks strictly scrutinised

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1. C.O. 54:496—See Secretary's letter to Governor No. 50 of 25.2.1875.
 2. H.L. Hall—*The Colonial Office* pp. 112-113. The religious questions was a difficult problem in most colonies.
 3. Earl of Carnarvon—Secy. of State to the Colonies, 1874-1878.

grants of leave to public officers, and salaries and pensions to them to ensure that the local government acted according to rules and routine.⁴

Although Gregory insisted that the "right of a Governor of a Crown Colony to employ the officers of the Government in the office for which he deems them best fitted is one which must be beyond dispute",⁵ this was not conceded. The appointment of officers by governments was confirmed as a matter of form in the case of other colonies, but "not in Ceylon".⁶ Even when reasons were not given for the mere transfer of an officer within the Island from one coast to another, the Secretary of State demanded explicit information about it.⁷ This close supervisory control came to be exercised even more rigidly whenever disciplinary action was taken against officers when they committed faults. The Governor's discretion was then severely curtailed; a strict observance of the correctly laid out administrative routine was enjoined. If there was any neglect in following prescribed procedure, the Governor's decisions were often not sanctioned by the Colonial Office.⁸ To Gregory, who believed that the Governor with his knowledge of local conditions was the most competent judge in local problems, Colonial Office

4. C.O. 54:477—Gov's No. 95—3.7.1872 to the Secy. of State. Also Secy's reply No. 177—26.8.1872; $\frac{8297}{72}$ C.O. minutes on these papers; see Gov's No. 105—18.7.1872/ of State and C.O. minutes on $\frac{8725}{72}$; also see Gov's No. 141—17.8.1872 to Secy. of State and papers $\frac{9492}{72}$ and C.O. minutes on them: See Secy's reply No. 220—5.10.1872; C.O. 54:484—Gov's despatch No. 19—25.1.1873 to Secy. of State and Secy's reply No. 75—25.3.1873; C.O. 54:486—Gov's No. 177 to Secy. of State and papers $\frac{Ceylon}{7582}$; Secy's reply No. 76—25.3.1873; again No. 195—5.8.1873; C.O. 54:487—Gov's No. 224—3.9.1873 to Secy. of State; see papers $\frac{224}{3903}$ Ceylon for Secy's No. 18—18.1.1873; C.O. 54: 489—papers $\frac{349}{13899}$ for Secy's No. 11—10.1.1874. See these papers for examples illustrating above statement.
5. C.O. 54:476 Gov's No. 62—23.5.1872 to Secy. of State.
6. C.O. 54:477 Gov's No. 153—29.8.1872 to Secy. of State; see also C.O. minutes on $\frac{9947}{72}$ and Secy's reply No. 253—9.11.1872.
7. C.O. 54:478 Gov's No. 191—30.9.1872 to Secy. of State and Secy's reply No. 253—9.11.1872.
8. C.O. 54:500 Gov's No. 5—5.1.1876; also see C.O. minutes on $\frac{Ceylon}{2146}$ for the information of the Colonial Office; also Secy's reply No. 105—11.5.1876; C.O. 54: 501 Gov's No. 139—7.6.1876 to Secy. of State. See papers $\frac{Ceylon}{8262}$ for James Lowther's minute—24.8.1876. (James Lowther was Parliamentary Under-Secretary to the Colonial Office at this time); and Carnarvon's minute—12.9.1876; also see C.O. 54:504 Gov's confdl. letter to Secy. of State—10.11.1876. Further, refer C.O. minutes on $\frac{Ceylon}{14385}$, but the Colonial Office in all this correspondence refuses to sanction the Gov's dismissal of certain officers.

intervention of this sort became increasingly vexatious. New to an administrative career and inclined to act according to his convictions of right and wrong, rather than according to general rules, he inevitably found that compliance with "bureaucratic red tapeism" was irritating. Like his other pro-consul friends, Governor G.F. Bowen⁹ and Arthur Gordon¹⁰, Governor Gregory could not tolerate any "meddling interference in the details of the local administration" by the Colonial Office. It appeared to Gregory as much as to Bowen that it would "be better for distant Colonies to be governed in their local affairs *by the Devil himself on the spot* rather than by a *Bureaucracy of Angels* in Downing St".¹¹

With the Colonial Office staff constantly interfering to correct even minor errors of omission or commission, it was no surprise that conflicts arose between the independent-minded Governor and conscientious Secretaries of State to whom he was responsible. Lord Kimberley (1870-1874) and especially Lord Carnarvon were undoubtedly careful administrators¹². They closely supervised the work of colonial governments, while with a slight increase of staff in 1874¹³, the Colonial Office paid an even more detailed attention to the work of Colonial Governors. No doubt in Crown Colonies, in the last resort, the Secretary of State needed to have absolute control over everything; but at the same time much mischief and irritation to Governors could also be caused by constant meddling and muddling "of the bureaucracy in local details of a mere municipal character"¹⁴.

For instance, in 1876 Gregory dismissed a public officer. The Colonial Office, however, refused to endorse his decision alleging that the inquiry had been loosely conducted. Annoyed at this, the Governor afterwards shirked taking decisions in subsequent disciplinary inquiries. To the embarrassment of the Colonial Office, he began referring such inquiries to it for settlement and decision.¹⁵ He also complained that the reversal of his decision

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9. *D.N.B. Supplement. Vol. XXII* pp. 240-242 for an account of Bowen's career. Bowen's letters to Gregory provide interesting critical comments of a Colonial Governor about the Colonial Office and its officials. See *Gregory Papers*; and for an interesting view but rather humorous one of Bowen see Pope Hennessey's life of his Governor grandfather published recently; "VERANDAH" London, 1964.
 10. Arthur Hamilton Gordon, later Lord Stanmore, was one time Governor of Ceylon (1883-1890). He had a very successful Colonial career and was elevated to the House of Lords. See J.K. Chapman's excellent book on Gordon's career for more information.
 11. *Gregory papers*; see G.F. Bowen's private letter from Hongkong—3.7.1884 to Gregory.
 12. D.M.L. Farr: *The Colonial Office and Canada, 1867-1887* pp. 48-50 for assessments of Carnarvon and Kimberley as officials.
 13. *Ibid.* For an account of this increase in staff p. 34.
 14. *Gregory papers*; see G.F. Bowen's private letter from Hongkong—3.7.1884 to Gregory.
 15. C.O. 54:504—Gov's No. 388—7.12.1876 to Secy. of State; C.O. 54:506 Gov's No. 22—26.1.1877—for examples of Gregory referring disciplinary enquires to the Colonial Office for settlement.

not only held out a premium to misconduct, but also struck a blow at the Government's prestige and efficiency¹⁶. When it became publicly known that a Governor's decisions could be overruled from London, he felt that the respect for him in Ceylon would decrease. In other words, what Gregory asked for was absolute power and responsibility to conduct administrative enquiries and to issue decisions on his own. To the Colonial Office, however, the Governor's action seemed insubordinate. Not only had he failed to follow regular routine, but he even resented and refused to do so when subsequently instructed. And worse still his despatches on the matter were improper and rebellious in tone¹⁷. So much so, R.G.W. Herbert, the Under-Secretary, lamented that with his quick and impulsive temper, Gregory, who had entered the public service late in his career, was unable to appreciate the necessity for absolute loyalty and deference to the Imperial Government as long as he was a pro-consul of it.

Gregory was sometimes headstrong and even wrong. Because of his immediate acquaintance with local issues, the Governor was best equipped for dealing with them, but on the other hand, failure to observe established procedure or follow rules could not, however, be justified or condoned. A prescribed procedure, however, irksome it was, had to be followed. It regulated the conduct of enquiries, ensured fairness and prevented arbitrary action, and above all it made way for uniformity of action in all colonies. Summary action could lead to errors, especially under less careful, rash, ill-informed or biased Governors. Moreover, if procedure was dispensed with, the Colonial Office itself would find it impossible to maintain an overall control over local Colonial administration for preventing miscarriages of justice. It was from an examination of the data obtained from Colonies and Colonial Officers that the Secretary of State decided on appeals from officers who felt that they had not been given a fair deal. If the Secretary of State was merely to endorse the Governor's summary decisions, the latter would have been made into an unchecked despot. This was neither fair nor possible, nor welcome to the public services and it would have been contrary to correct colonial practice.

Because of this intolerance of routine, Gregory posed numerous similar and other problems to the Colonial Office. He objected to and was averse to follow the normal procedure of transmitting indents through the Colonial-Storekeeper for the requirements of the Colombo Breakwater¹⁸. Again, he

16. PRO—30.6.37—See Gregory's private letter—26.10.1876 to Carnarvon; C.O. 54:504—See also Gov's confd. letter—10.11.1876 to Secy. of State.

17. C.O. 54:504—^{Ceylon} 14385; see Cox's minutes—12.12.1876, and further Lowther's minute—17.12.1876 and Carnarvon's—22.12.1876.

18. C.O. 54:499—Agents ^{Ceylon} 10361; see R. Meade's minutes—15.10.1875. Robert Meade was an Assistant Secretary in the Colonial Office.

had to be warned not to enter into direct communication with builders or manufacturers when he attempted to purchase a steam launch for the Mannar Pearl Fishery, but to transact his business *via* the Crown Agents.¹⁹ At times these sedulous efforts of the Colonial Office to discipline Gregory into a more businesslike and routine behaviour provoked him even to protest in terms more outspoken than that the Colonial Office was prepared to tolerate.

Certainly the conduct of business through the usual official channels was slow, but in order to maintain effective supervision, the Colonial Office had to ensure that a common system of transacting business was followed in all colonies. Otherwise, there could be much room for abuse. The Colonial Office was ultimately responsible for the control of colonial expenditure, and it could not discharge its obligations especially to the Treasury if Governors acted regardless of prescribed form and contrary to its prescribed rules.²⁰ Despite all his ability, even Gregory could not be allowed to take the direction of affairs completely into his hands, and his refusal to comply with usual routine often afforded a fair ground for Colonial Office annoyance and displeasure. However, at the same time a strong case also existed for streamlining and improving the procedure of conducting transactions through the Government. The Crown Agents were slow and engrossed in "red tapeism". In the interests of speed and economy more discretion in ordering and choosing goods could have been entrusted to the Governor. And being on the spot, he knew best the needs of the country, perhaps more than anyone else.

However, the most serious quarrel with the Colonial Office arose when the Secretary of State granted to Sir Edward Creasy, the ex-Chief Justice, an annual pension of Rs. 16,000/- on grounds of exceptional services, instead of the Rs. 12,500/- to which he was correctly entitled, and subsequently sought Council confirmation for his action. The local press, the legislative and executive Councils immediately condemned the Secretary of State's action.²¹ The Council's right to exercise a local control over financial affairs had been ignored; and the Council's constitutional privilege appeared to be in jeopardy.²² The members were infuriated, and so were many others. Discerning the Colony's resentful attitude correctly and the unfairness of the measure, Gregory advised Carnarvon to surrender to the local authorities the right of deciding the amount of Creasy's pension. This would have been a tactful move. Hesitant to damage cordial relations with the unofficial members, Gregory wisely preferred to obtain their co-operation diplomatically instead of forcing their acquiescence in passing measures.²³

19. C.O. 54:478—See Secy's letter No. 240—20.10.1872 to Gov.

20. C.O. 54:497—See Secy's letter No. 211—4.9.1875 to the Gov.

21. C.O. 54:498—Gov's No. 255—13.9.1875 to the Secy. of State; see also enclosure extract of Ex. Council minutes—12.8.1875.

22. *Ibid*—No. 5—21.12.1875 to Secy. of State; see also James D'Alwis's protest; also William Digby: *Forty years in a Crown Colony*—Vol. 1 p. 276.

23. PRO 30.6.37—Gregory's private letter to Carnarvon—15.9.1875; also see letter—24.11.1875.

The official members too, though they could be compelled to vote for the measure, were opposed to the grant of the exceptional pension. Everyone doubted Creasy's qualification for receiving it. And much to the Government's embarrassment, official members could and would argue against it. Therefore, the prudent way for avoiding displeasure lay in the Secretary of State's withdrawal of the measure, and Gregory strongly suggested so.

But recognising that Gregory, being personally unsympathetic to the grant, had not endeavoured to smooth the way for passing the measure, the Colonial Office suspected him of disloyalty.²⁴ And to have its way, the Colonial Office decided on a "showdown"; the Governor, official and unofficial members must be forced to recognise that Ceylon being a Crown Colony the Secretary of State was as the Captain of a ship, finally responsible for its affairs²⁵ insisted the Colonial Office. In the mind of the Colonial Office there also lurked a suspicion and a fear that Ceylon was attempting to act like a Colony with responsible government. Therefore, the Imperial Government's views on the amount of freedom official members could enjoy in Council and its overriding authority over the Council were to be clearly enunciated and demonstrated for the benefit of those in Ceylon. Referring to the Executive officers scornfully as "underlings", it was deemed absurd by the Colonial Office that they should be permitted to speak against the Secretary's measures while voting for them.²⁶ It was stated that the position of official members was clear from the Duke of Buckingham's (Secy. of State for colonial affairs since 1866) circular despatch of August 1868; they existed merely for supporting the Government.²⁷ The question of Creasy's pension was neither a religious issue, nor one of "high moral import"—questions on which official members could have exercised independent views. Officers hence need not even be permitted to grant only a silent vote; on the other hand, they were to support the measure ostensibly—to speak in its favour. It was affirmed by the Colonial Office that official members could never be allowed to oppose the Government's views or its policy.

This was the Colonial Office's consistent view during this period about the position of official members in Crown Colony Legislative Councils. But to Gregory it appeared unwarranted, and he argued that Lord Grey (Secy. of State)²⁸ by a despatch of May 1848 had conceded to official members

24. C.O. 54:498—No. 255 of Gregory's to the Secy. of State and see papers *Ceylon* 11573 and Cox's minutes—19.10.1875 on it.
25. Ibid: See R. Meade's minute—21.10.75 and R.G.W. Herbert's minute—14.10.1875.
26. C.O. 54:498—See Gov's No. 255 and papers *Ceylon* 11573 and R. Meade's minutes—21.10.1875 and 15.10.1875.
27. C.O. 54:498—See Secy's secret despatch to Gov.—29.10.1875 and No. 250—29.10.1875; Charles Bruce: *The Broadstone of Empire* pp. 234–241 for a copy of the circular.
28. See Lennox Mills—*Ceylon under British Rule*—1795–1932 pp. 114–115 for a fuller account.

the right "to express their opinions" upon all subjects with the utmost freedom. The Duke of Buckingham's subsequent despatch on the same subject had not denied this right.²⁹ Gregory was correct in this contention, but still the Colonial Office made no change nor was it willing to alter its opinion. To compel official members to vote for a measure after it had been freely criticised in Council by them would have been embarrassing and moreover the very same officials would later become responsible for implementing the very measure they had deplored. Therefore, the Colonial Office thought it best not to allow them the right to criticise it. Privately Carnarvon made the Imperial Government's view on the constitutional issue even clearer to Governor Gregory; "To withdraw a well considered proposal after you as Governor had previously communicated it to the Council and it has become common property and on the distinct ground that I have exceeded my rights as regards the Council seems to me simply impossible".³⁰ Therefore, although the local press strongly denounced the interference of the "Grand Lama of Downing Street" at this juncture, yet the continuance of strict Colonial Office control over local administration by Carnarvon was justified. Despite the unofficial members' desire for assimilating their functions to the freer forms of the responsibly governed colonies, it was, Carnarvon felt, not in Ceylon's interests for him to grant the concession. Gregory was required to impress upon the colony the necessity for maintaining a certain amount of imperial control over local affairs, "often unpalatable", but which "is indispensable as long as the constitution of a Crown Colony is preserved".

To have the Creasy Pension Bill passed, and for discharging the Secretary of State's power and responsibility over Colonial affairs, unquestioned local support was essential and was to be requisitioned. Official members were ordered to support the Bill³¹; and the Governor was even warned to exercise his power of recording an original and casting vote if need arose. The Bill was thus forced through the Council against official, unofficial³² and gubernatorial opposition. But the universal colonial resentment to the high character of Creasy's services was deleted in Council. Unofficial members voted against the Bill and recorded a strong protest,³³ while Gregory, reporting the bill's passage to Colonial Office hinted once again at the injustice of the measure.³⁴

Colonial Office assertion of overall authority over the colony was no doubt constitutionally correct. The British authorities had exercised a right-

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29. PRO 30.6.37—see Gregory's private letter to Carnarvon—24.11.75; see also Lennox Mills *Ceylon under British Rule*—1795-1932 p. 109.
 30. Ibid—see Carnarvon's private letter to Gregory—27.10.1875.
 31. C.O. 54:498—Secy's secret despatch—29.10.1875.
 32. *Overland Examiner*; 14.9.1875 p. 319; 24.11.1875 p. 414; 9.12.1875 p. 435.
 33. C.O. 54:498—See Gov's No. 5—21.12.1875 and Encl. Extract from Leg: Council Proceeding's minute—27.11.1875 contg. James D'Alwis's and Muttu Coomaraswamy's amendments and D'Alwis's protest.
 34. PRO 30.6.37—Gregory's private letter to Carnarvon—9.12.1875.

ful correct control over local expenditure. Any project entailing financial outlay in theory needed Colonial Office approval, while the right to initiate financial measures also lay with the Crown. In practice, however, the Secretary of State had surrendered the right of making appropriations out of the local revenue to the local government. And the privilege of originating measures had been left to the local authorities from Cardwell's despatch of 1864, which had been ratified by Lord Carnarvon in 1866.³⁵ Since then, though it had not been unusual for the Secretary of State to urge the adoption of measures entailing expenditure like prison or hospital reform, it certainly was unusual to send a ready-made financial measure with a peremptory order for approving it. Further, since local official and gubernatorial opinion was averse to the grant of the exceptional pension, it was impolitic for the Secretary of State to have disregarded local advice on the question. It could also be said that the favoured treatment of one official alone was bound to create heartburning among others and provoke expensive, embarrassing demands for similar treatment from other Government officials again. This was a distinct danger.

The ill-feeling engendered over Creasy's pension squabble did not die off immediately. Regarding the exceptional grant of a pension as a precedent, Governor Gregory recommended a similar pension grant to James Swan, a Ceylonese Civil Servant, who retired. But considering Swan's services unworthy of any exceptional recognition, the Colonial Office refused to sanction it.³⁶ Gregory then embarrassed the Secretary of State by audaciously arguing that the same recognition of high service which was granted to a European, Sir E. Creasy, contrary to general opinion, should not be refused to a "native" whose merit was so universally recognised that a tribute to it would be unanimously locally approved.³⁷ Vexed at the insinuation that Europeans and natives were being treated differently, the Colonial Office was also perplexed at Gregory's pugnacious attitude.³⁸ R.G.W. Herbert, the Permanent Under-Secretary, suspected that the Governor's later day despatches, independent in tone and rebellious of Colonial Office policy, were being written so that the data gained as replies to them could be subsequently used after Gregory's retirement in Parliament or outside in attack-

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35. Arnold Wright: *Twentieth Century Impressions of Ceylon*: see E.W. Perera's "Ceylon under British Rule"—1796-1906 p. 76; also see C.O. 54:504 ^{Ceylon}/₂₀₅₀: Coxs' minute—2.2.1877—it states that Cardwell surrendered the Crown's right of appropriation of revenues without Council consent.
36. C.O. 54:502—See Gov's No. 219—9.8.1876 to Secy. of State; also see ^{Ceylon}/₁₁₂₉₂ and Colonial Office minutes on it.
37. C.O. 54:504—Gov's No. 367—22.11.1876 to Secy. of State.
38. C.O. 54:504 papers ^{Ceylon}/₁₅₃₂₇—R. Meade's minutes—15.1.1877—"Sir William Gregory does not understand the ABC of a Governor's position".

ing Government Colonial policy.³⁹ Some despatches dealt with controversial and debatable topics like ecclesiastical disestablishment and Gregory's views on such questions diametrically differed from those of Carnarvon's administration. With the Governor's political associations in England, there lay a real danger that slips made by the Colonial Office in tackling important official problems might be garnered by William Gregory for use in the parliamentary English Liberal *versus* Conservative contest. Agreeing with Herbert that the later singular series of despatches could not be only owing to a mere loss of temper, Carnarvon enjoined caution in the Colonial Office in replying to them: "We must act on the law of self-preservation".⁴⁰

Actually, however, the Colonial Office failed to realise that Gregory's outburst was against an injustice—the failure to reward a long standing, efficient public servant, while on the other hand one deemed not so worthy had been amply rewarded. Smarting because the Colonial Office had ignored his advice about the "Creasy pension," Gregory further fought back, urged on by the conviction that fairness lay on his side. In fact he was neither unfaithful nor was he acting with any ulterior motive. Eventually, owing to Gregory's firm stand and the Colonial Office's helpless position, Swan's pension had to be granted. As an excuse, the opinion of Governor Hercules Robinson, Gregory's predecessor's was sought to justify this grant of an exceptional pension. It was certified by Robinson that "old" Swan did do exceptional work and was worthy of an exceptional pension.

On religious questions too, the difference of opinion between Gregory and Carnarvon grew marked, and Gregory fell foul of the Colonial Office in handling them. Seeing the local resentment towards an established church,⁴¹ and objecting to the state-church of a minority which Gregory makes clear in his *Autobiography*, Gregory encouraged attempts to have the Anglican and Presbyterian churches disestablished in Ceylon. Out of nearly 2½ million people, only 15,000 belonged to the endowed churches. And average attendances at these church services amounted to only 3,000, but on the other hand annual subsidies and clerical pensions consumed £10,394/-.⁴² Assistance to a minority group from revenues derived by taxing a majority of people professing other religions was certainly unjust. And moreover, the favoured treatment of these two sects was opposed by other Christian groups, like the Methodists and Baptists who were at this time active and major proponents of disestablishment.⁴³ The Wesleyans complained that they

39. Ibid—See Herbert's minute—15.1.1877 on the papers.

40. C.O. 54:504 ^{Ceylon} 15327; see Carnarvon's minute—18.1.1877.

41. C.O. 54:480—Gov's No. 281—12.12.1872.—for instance writing about an application for a salary increase to the Nuwara Eliya Chaplain, he said "The feeling of the colony is by no means favourable to costly church endowments".

42. C.O. 54:496—See Gov's No. 78—25.3.1875 to the Secy. of State; also No. 88—31.3.1875. A pound sterling was worth Rs. 10/- then.

43. *Overland Examiner*—8.6.1875 p. 181 and 9.12.1875 p. 443.

were handicapped in the missionary enterprise in Ceylon.⁴⁴ By extending aid only to a few, the Government directly and actively participated in a missionary effort in an impolitic manner. And ironically enough, the members of the established churches were those wealthy enough to maintain their establishments without assistance. The *Ceylon Observer* was another eager protagonist of disestablishment. Complaining of the unfairness in not extending a policy (disendowment and disestablishment) already introduced by Britain in the West Indies, the paper encouraged the Indian and local disestablishment movements rather strongly.⁴⁵ It even solicited the assistance of Alderman MacArthur, member of Parliament for Lambeth, a strong anti-church Wesleyan, for proposing in the Imperial Parliament the disendowment of Ceylon churches.⁴⁶ However, among the local populace itself, there was little enthusiasm to have these Christian churches disestablished. In a petition urging disendowment of the churches, there were only 1,317 Sinhalese and 1,507 Tamil signatures;⁴⁷ only an Hindu unofficial member of the Legislative Council like Muttu Coomaraswamy was most articulate in the cause of disestablishment.⁴⁸ Perhaps it was because of illiteracy that the local indigenous inhabitants failed to voice a complaint about the injustice of maintaining established Christian churches in a land predominantly composed of Buddhists and Hindus.

Gregory, as we have seen, wholly agreed with the objections against establishment. The State seemed to assist churches on the untenable pretext of providing for the spiritual wants of officers. But actually some officers instead really preferred the ministrations of the unaided church missionaries. In many outstations, there being no established churches, officers attended other churches and large numbers belonged to neither of the subsidized churches. Then the subsidiary church was really the church of a far smaller minority than the Irish Anglican Church, and arguments which had favoured Irish church disendowment, applied with even greater force to ecclesiastical disendowment in Ceylon.⁴⁹ Nor was the continuance of subsidies justified by the conduct of the state-paid clergymen. With their "unseemly struggles for preferment", thinking that endowments were intended "for their comfort and gratification",⁵⁰ they even tended to grow apathetic to their work because of the certainty of salaries. On the contrary, unpaid clergymen were

44. C.O. 54:496—Gov's No. 78—25.3.1875 to Secy. of State—See Encl. Resolutions passed at a meeting of Wesleyan Missionaries—6.3.1875.

45. *Ceylon Observer*—12.6.1874 p. 3; 20.6.1874 p. 1; 21.7.1874—see Editorial p. 2. These are but a few of the *Observers'* comments.

46. *Overland Ceylon Observer*:—13.5.1873 p. 245; 9.6.1873 p. 240; 9.1.1875 p. 14; 4.2.1875 p. 45; 13.4.1876 p. 315.

47. *Overland Examiner*—27.10.1876 p. 404.

48. *Overland Ceylon Observer*—27.10.1876 pp. 433 & 434.

49. C.O. 54:496—Gov's No. 88—31.3.1875 to Secy. of State.

50. C.O. 54:478—Gov's No. 175—17.9.1872 to Secy. of State.

far more vigorous and earnest in their work. Such a harsh judgment of Gregory might have been slightly coloured by his strong anti-episcopal mood, which had even made him call the Bishop "a public servant"⁵¹ much to Herbert's and Carnarvon's dislike. But it was also certainly true that it was the Anglican Bishop's impolitic conduct which generated a strong disestablishment campaign in the Island at this time and sustained it.

In 1876, the Bishop who was a representative of the Society for the Propagation of the Gospel, attempted to bring under his direct control the Tamil "Cooly" Mission of the Church Missionary Society. When the Church Missionary Society objected to this, he, withdrawing their ministers' licences,⁵² left churches "without pastors, congregations without ministers, and clergymen without any spiritual functions".⁵³ Although the Bishop of Madras, who was the then metropolitan, effected a truce at this stage, this sectarian quarrel provoked the outburst of a vigorous disestablishment movement in the country.⁵⁴ Public meetings were held to urge disestablishment, the Queen was memorialised praying for a disendowment⁵⁵ of the church, and unofficial members in Council protested and reiterated⁵⁶ the old arguments against subsidies. Not only was the grant of subsidies contrary to the State's policy of religious neutrality; Government patronage to the church had also given the Anglican church a dominance which had provoked sectarian envy and bickering. It was quite clear that in the interests of harmony the church should be disendowed. Hence permitting official members freely to vote, as a result of which the Western Province's Government Agent Charles Layard supported the unofficial members, the Governor too astonishingly voted for the withholding of grants. The other official members, however, voted together in a majority for the continuance of subsidies and hence the motion to disestablish the church in Ceylon was lost.

But the Colonial Office grew furious when acquainted with the event. In 1875, when Gregory had discountenanced the replacement of a retiring Bishop,⁵⁷ which was an initial step for the gradual withdrawal of subsidies, then Carnarvon had clearly intimated that he wanted to continue endowments.⁵⁸ And in fact Gregory's co-operation had been solicited for executing

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51. C.O. 54:497—Gov's No. 118—8.5.1875 to Secy. of State; see also R.G.W. Herbert's and Lord Carnarvon's minutes—19.6.1875. and Secy's No. 146—26.6.1875 in reply.
 52. C.O. 54:502 Gov's confdl. despatch—13.8.1876 to Secy. of State; also No. 248—26.10.1876 to Secy. of State; See in addition C.M.S. petition—24.7.1876.
 53. *Overland Examiner*—1.8.1876 pp. 279, 281 and 285.
 54. *Overland Ceylon Observer*—18.6.1876 p. 62; 7.9.1876 p. 93; see R. Meade's minute on the copy of this paper, which states that the C.O. has to promote the Bishop at any cost.
 55. C.O. 54:506—*Ceylon*
2069; see minutes; *Overland Examiner*—29.8.1876; 11.10.1876 p. 383.
 56. C.O. 54:504—Gov's No. 370—23.11.1876 to Secy. of State.
 57. PRO 30.6.37—Gregory's private letter to Carnarvon—30.3.1875.
 58. C.O. 54:496—See Secy's No. 128—31.5.1875; also PRO 30.6.37—copy of Carnarvon's private letter to Gregory—10.5.1875.

his policy; but now the Secretary of State had been suddenly let down. Herbert regretted that Gregory had not learnt as yet his true constitutional position⁵⁹ as Governor—to support the Secretary of State whatever his personal convictions may be. James Lowther, the Parliamentary Under-Secretary, deplored Gregory's behaviour in no uncertain terms. He said it undermine foundations of official loyalty,⁶⁰ and Gregory was even accused of ostentatiously airing an independence and displaying insubordination. Everyone in the Colonial Office condemned his behaviour.

As far as Ceylon was concerned, the efforts of the disestablishment movement had come to naught. The Colonial Office recognised that Ceylon's ecclesiastical grant was larger than that of other similar colonial grants. In relation to the numbers following the established churches, it was even the world's largest.⁶¹ Moreover, the Under-Secretary of State even acknowledged that the general weight of argument was against the continuance of subsidies and should eventually prevail.⁶² And even the Secretary of State himself confessed that it was logically awkward to defend the maintenance of an endowed church,⁶³ nevertheless, it was still to be defended⁶⁴ Although justice and reason lay on Gregory's side, the grant of subsidies to particular churches was continued merely because it was in accord with Carnarvon's tenets.⁶⁵ However, after some time, the just cause did triumph, but only with the emergence of a Liberal ministry. By Gregory's continued advocacy after his retirement, Lord Kimberley was persuaded in 1880 gradually to discontinue ecclesiastical stipends and finally Gregory did actually become "the means of doing away with the State-supported church in Ceylon";⁶⁶ something in which he was deeply and unceasingly interested.

Conflict of opinion between the Governor and the Colonial Office also arose over the long discussed and controversial Buddhist temporalities question. Kandyan temples in Buddhist areas owned about 376,000 tax

59. C.O. 54:504 $\frac{\text{Ceylon}}{15330}$; see Herbert's minute—9.1.1877 on these papers.

60. *Ibid*: See Lowther's minutes on same papers.

61. C.O. 54:496— $\frac{\text{Ceylon}}{4939}$: See R. Ebdens's minute—6.5.1875; C.O. 54:504 $\frac{\text{Ceylon}}{15330}$; again Ebdens's minute—6.1.1877. Ebdens apparently dealt with religious questions at the Colonial Office.

62. C.O. 54:510 $\frac{\text{Ceylon}}{1544}$: See Herbert's minute—23.4.1877.

63. C.O. 54:510— $\frac{\text{Ceylon}}{1544}$ —Carnarvon's minute—23.4.1877.

64. C.O. 54:506— $\frac{\text{Ceylon}}{2069}$ —See Carnarvon's minute—28.2.1877 on these papers, and on C.O. 54:506— $\frac{\text{Ceylon}}{1544}$ —23.4.1877.

65. Carnarvon was specially interested in ecclesiastical affairs—See D.M.L. Farr: *The Colonial Office and Canada* 1867-1887 p. 48.

66. *Gregory Papers*: See copy of Gregory's letter to the Liberal Committee—29.7.1884; also letter No. 174 from Kimberley—19.11.1880 to Gregory.

free acres of property which had been originally assigned by Sinhalese kings for their maintenance, conduct of their religious ceremonies and for the encouragement of learning. With the withdrawal of state connections between Buddhism and the British Government, the state control over the use of temple property had ceased. And gradually under dishonest trustees, peculation of temple property had grown common, while purposes for which such property had been formally granted were quietly ignored.⁶⁷ A generally ignorant, poor, peasant laity, who were often in addition timid, disunited and in feudal serfdom, were in no position legally to appeal to the power of the Courts for restraining the embezzlement by influential managers, who were enriching themselves and growing influential and powerful day by day thereby by malpractices. Moreover, the grievance was of a general nature. It affected no particular individual as such, but it affected the whole community of the Buddhist laity. No single person bothered about it thinking it was not his concern to do so; but it concerned the whole inarticulate Buddhist entirety.

A report on service tenures issued at this time once again drew the Government's attention to this widespread fraud by temple-trustees and its terrible and consequential ill effects.⁶⁸ Temple forests had been largely despoiled. A general demoralisation had set in; even priests and tenants cheated, or had been cheated; the temple lands were wastefully cultivated and generally as a rule temple tenants were badly off.⁶⁹ There was undoubtedly an urgent need which was even acknowledged by the few influential Kandyans, for arresting the continuance of this type of abuses.⁷⁰ Hence Gregory appointed a Commission composed of Government Agents and some Buddhist representatives to report on the management of temple-lands and on the disposition of Buddhists to transfer such lands to Government, so that thereby an improved management for the property could be governmentally organised, or under governmental supervision be organised.⁷¹

The Colonial Office was however upset over this action. The Governor, contrary to the Imperial Government's usual attitude, had now suddenly undertaken to tackle a complicated, dangerous, but really, in their eyes,

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67. C.O. 54:503—Gregory's No. 291—26.9.1876 to Secy. of State; also see PRO 30.6.37—Gregory's private letter to Carnarvon—26.9.1876.
68. C.O. 54:503—Gov's No. 291—26.9.1876 to Secy. of State. See quotation from *Service Tenures Commission Report* by J.F. Dickson—1871; also encl. 4—memo on resumption by the Crown of Wihara and Dewala lands, issued by J.F. Dickson—11.6.1873; C.O. 57:57—Administration repts. for 1872—*Service Tenures Commission Report* pp. 441-445; 445-450. Dickson provides the best contemporary view of the conditions of the time on this subject.
69. PRO 30/6/37—Gregory's private letter to Carnarvon—15.8.1875; C.O. 54:503—Gov's No. 291—26.9.1876 to Secy. of State.
70. C.O. 54:503—Gov's 291—26.9.1876 to Secy. of State—see Encl. 5—Memo from Sabaragamuwa Demon Temple Tenants.
71. C.O. 54:503—Gov's No. 291—26.9.1876 to Secy. of State.

a not urgent problem.⁷² James Lowther, Parliamentary Under-Secretary, quite indifferent to the State's moral necessity for arresting such dishonesty and abuses, exclaimed in a typical Conservative Party manner that rights of property, even that of Buddhists, must be zealously respected.⁷³ Lowther was not bothered at all about the abuses which had crept into the management of temple lands; rights of property were more important in his eyes. Lamenting Gregory's failure to have done so, he was warned by the Colonial Office that on subjects of magnitude with political bearings affecting imperial policy, prior consultation with the Colonial Office was absolutely essential before taking any independent gubernatorial action.⁷⁴ Regarding the main problem—the need to stop a crying evil—the Colonial Office however was non-committal; it postponed any decision whatever about it by stating that the Office awaited the Commission's report and findings. The report, when it was issued, confirmed the existence of rampant fraud, or, in other words, Gregory's contentions.⁷⁵ And to the conscientious Governor any further toleration of the situation appeared a scandal to British rule. There was an imperative urgent need for placing the management of temporalities on a proper footing. Hence some machinery had to be devised for managing temple properties honestly.

But again, fearing that State-intervention could eventually end up by making Buddhism an established religion, the Colonial Office remained reluctant to commit itself one way or other on the issue. Repeating an irresponsible attitude to a salient problem, Lowther characteristically callously advised that the Commission's report should be consigned to the waste paper basket! He could think of no wiser solution. And it clearly shows his attitude to problems of Colonial import. But Carnarvon, who was hesitant to act hastily, preferred to await a draft ordinance embodying Gregory's proposals before finally making up his mind on the subject.⁷⁶ The Governor proposed an organisation for administering temporalities satisfactorily. There was to be no interference whatever clearly with the conduct of religious ceremonies.⁷⁷ But the Colonial Office again betrayed its characteristic nervousness⁷⁸ to handle controversial Colonial issues. Amongst the Colonial officials, only

72. C.O. 54:503—*Ceylon*
13100; see Cox's minute—14.11.1876 and Meade's minute—
11.12.1876 on this subject.

73. Ibid: James Lowther's minute on the papers.

74. Ibid: Secy's reply to Gov: No. 8—17.1.1877.

75. C.O. 54:504—Gov's No. 397—20.12.1876 to Secy. of State.

76. C.O. 54:504—*Ceylon*
831 —See Lowther's minute of 30.1.1877 and compare with
Herbert's and Carnarvon's minutes—1.1.1877 and 1.2.1877; also Secy's reply to
Governor No. 22—9.2.1877.

77. C.O. 54:507—Gov's No. 40—7.5.1877; see specially Encl. Queen Advocate's rept.
of 4.5.1877.

78. C.O. 54:507—*Ceylon*
6613 —See Cox's minute—11.6.1877.

Herbert had by now become convinced of the need to protect the interests of Ceylon Buddhists. This may have been largely due to Gregory's lobbying. Therefore, freeing the imperial authorities from all risks, Herbert rather timidly wished to place the responsibility for the success or failure of Gregory's measure wholly on the Ceylon Governmental authorities.⁷⁹ But anticipating as usual that in interfering to ensure a proper use of temporalities the State would inevitably have to dabble in religious questions, the new Secretary of State, Michael Hicks-Beach (Secy. of State for Colonial Affairs (1878)—successor to Lord Carnarvon). preferred to play safe. It was argued that the British having chosen to be non-interfering in local religious questions, assumed no obligations towards Buddhists; and there was now no need whatever to do so upon abstract principles of secular government. Since Buddhism was not the established religion of the State, no Commission was to be appointed for the management of its properties. Having clearly and morally failed to discharge a responsibility, the Secretary of State justified his attitude by arguing that if temple lands were properly managed they would little affect the Colony; if on the other hand they were ill managed, Ceylon's general welfare was not greatly prejudiced.⁸⁰ The temporalities question hence remained unsolved, and Gregory's successor, Governor James Longden, was merely advised to arrange for an efficient management of temporalities by Buddhists themselves.⁸¹

But there could for this be no essential step short of direct State management at this period. Loath to provide it, Governor James Longden, like his Secy. of State Hicks-Beach, assuaged his conscience over a neglect of official obligation by explaining that the property being comparatively speaking small, the amount of mischief done was less than probably that which was done in any other description of property through fraud, carelessness or ignorance.⁸² But his successor Arthur Hamilton Gordon, later Lord Stanmore, who emulated Gregory's policy in more respects than one and who was also a conscientious and hard working Governor, did design a Buddhist Temporalities Ordinance. While steering clear of religious interference, through his enactment he endeavoured to provide an efficient control over temple-property management.⁸³

It cannot be doubted that in the above case the Colonial Office had been unwilling to protect the interest of the British subjects in Ceylon because it was apprehensive of handling a thorny question.⁸⁴ Governmental involve-

79. Ibid: See Herbert's minute—23.7.1877.

80. C.O. 54:507—*Ceylon*
6613—See Hicks-Beach's minute—15.4.1878.

81. C.O. 54:507—See Secy's reply to Gov. No. 154—15.7.1878.

82. *Gregory Papers*: See Longden's private letter to Gregory—16.9.1878.

83. Ibid: Gordon's letter to Gregory—8.1.1887; also see Lennox Mills p. 129.

84. Mills—pp. 125-130.

ment in non-Christian religious affairs would have most certainly provoked an angry uproar of protest from English and Ceylonese missionaries on the ground that a Christian State was trying to support a heathen faith.⁸⁵ "The Observer", whose management was Christian, had already warned the Government that it should not strengthen the position of Buddhism.⁸⁶ The general Christian attitude at the time was to leave corruption unchecked so that Buddhism would grow weaker and lose prestige amongst its own followers.⁸⁷

This sort of attitude was most strongly expressed especially by Ferguson. He condemned the interference of government in religion in general and in a letter to R.F. Morgan, the Queen's Advocate, on 27th July, 1872, stated that the British government must not strengthen the position of Buddhism. Again during the time of James Longden (1877-1883), Ferguson expressed a similar resentment at governmental interest in conserving and rebuilding Buddhist monuments. In a letter of 2nd June 1879, Longden wrote to Gregory that he was "keeping away" from the restoration of archaeological work after the vehement denunciation of it by Ferguson. "After the vehement denunciations of Ceylon restorations by Ferguson in his book, I have kept my hands off the Dagobas". Even Arthur Gordon (1883-1890) wrote to Gregory on 26th August 1886, that the Bishop was displeased at the repair of the Abhayagiri Dagoba.⁸⁸ Thus all the Governors of the day had to face an opposition if they interested themselves in Buddhism or Buddhist work. They were urged to neglect Buddhism by many a party. This would it was believed facilitate conversion to Christianity. But this view seems to have proved false in practice and moreover, being immoral, was condemned by Gregory. The Colonial Office had also been nervous to make up its mind on the problem because in intervening, the State might infringe the freedom of Buddhists to manage their own religious affairs. This would have provoked local discontent. Therefore neglecting an obligation it had instead preferred tolerating an abuse. There appeared to the authorities greater danger in attempting to remedy the malady than from anything in it. Hence only conscientious, courageous Governors like Gregory and Gordon had endeavoured to suggest a solution to the problem and eventually fight for its adoption.

Over constitutional questions, very often the cause of controversy in Colonies, Governor Gregory differed little from Carnarvon. During the years 1872-1877 it was a period when there was little political agitation in Ceylon.

85. Ibid. pp. 126-127 for an account of missionary opposition to the State connection with Buddhism.

86. *Gregory papers*: R.F. Morgan, Queen's Advocate's letter—28.7.1872 to Gregory with Encl. from 'Observer' Editor—27.7.1872. Ferguson was Editor of the "Observer" and wrote a number of books on Ceylon.

87. C.O. 54:503—Gov's No. 291—26.9.1876 to Secy. of State; see Encl. II—Copy of unsent Despatch Note—Nov. 1872.

88. See Gregory papers and the collection of letters of him cited above.

The articulate elements of the Colony, planters and traders were engrossed in lucrative commercial activities. They had no time for politics. Transport facilities and labour, over which agitations had hitherto risen in Ceylon, were now being made available; the coffee industry was thriving in a way; there was little economic grievance⁸⁹ or complaint. The articulate classes were growing rich; so why bother about politics? The only political claim worthwhile remarking about was made by Muttu-Coomaraswamy the, Tamil member, for a seat in the Executive Council for an unofficial member.⁹⁰ Muttu-Coomaraswamy made several other minor but interesting demands too when he personally interviewed in London W.R. Malcolm of the Colonial Office. He said that in Ceylon only Executive Council members and the three judges of the Supreme Court were addressed as "Honourable". Since in India and in some of the less important colonies this title was accorded to members of the legislature, he wanted it to be used in Ceylon too. He wanted authority granted to Legislative Councillors to inspect and comment on works for which they were called upon to vote large sums of money. For such inspections travelling allowances like those paid to Executive Councillors were requested while clerical assistance to enable Councillors to perform their official duties more efficiently was asked for. As Legislative Councillors were appointed by Governors, and so appointed whenever a new Governor assumed duties, he requested that Councillors be permanently appointed by the Colonial Office directly instead. The term of the Legislative Council was short. It lasted only three months and gave little time for Councillors to examine or discuss measures thoroughly. Hence he wanted the term of the Council to be extended to six months and provision to call up special meetings when necessary. A short term really gave to the Governor and his Executive Councillors all authority to run the government as they desired independent of the views of Legislative Councillors. He also wanted enhanced powers for the Legislative Councillors to discuss any subject they wanted. The Governor's powers to restrict discussions should be removed. The views

89. L.A. Mills p. 111.

90. Except for an agitation by William Digby, Assistant Editor of the "*Ceylon Observer*", whose contributions at that time appeared in the "*Ceylon Observer*" (November 8th, 1875 and subsequent issues), and also as an article entitled "*An Oriental Crown Colony Ripe for Representative Government*", that was published in the *Calcutta Review* of January, 1877. This was reprinted in 1904 in the *Ceylon National Review* by A. Padmanabha. See *Ponnambalam Arunachalam* by James T. Rutnam 1963. Digby also published in Calcutta a booklet in 1876 entitled "Representative Government, Elective and Broad; Not Nominated and Narrow". An Appeal to the People of Ceylon: By a Ceylonese". P. Ramanathan and his brother P. Arunachalam also took the same part in this agitation vide again James T. Rutnam: *Ponnambalam Arunachalam*.

Ferguson the "*Observer*" Editor, although he published Digby's plea did not countenance it; in fact he argued against it. This political agitation too ended abortively because no one of importance seems to have done anything worthwhile about it.

(I am much obliged to Mr. James T. Rutnam for this rare piece of information about this period and for generously supplying me with the evidence for it from his library).

of the Legislative Councillors should be obtained before any schemes were executed, and their approval should necessarily be obtained before any plan was executed.

The Colonial Office consulted Ceylon's Colonial Secretary, A.N. Birch, about Muttu-Coomaraswamy's suggestions. The Colonial Secretary who was on leave in England commented on 3rd April 1875, that there was no real need whatever to grant any of the requests. However he said that the title of "Honourable" may be extended to members of Ceylon's Legislative Council. He said it would be a popularly welcomed concession both among Ceylonese and European members. Furthermore, it would help the Governor to obtain the services of the best men for the Council. As to membership in the Executive Council, he did not desire that unofficial members should be taken. Instead he urged that the Government Agents of the Western and Central Provinces who were already Legislative Councillors be added to the Executive Council. This was briefly A.N. Birch's confidential advice to the Colonial Office.

Muttu-Coomaraswamy's suggestions made with a view to lessen the powers of the Executive Council and the Governor and to increase the powers of the unofficial members instead were on the whole not viewed seriously by the Colonial Office. Apart from indicating a willingness to grant the title "Honourable", the Colonial Office officials were not at all unanimous about granting anything else of Muttu-Coomaraswamy's demands. Cox, the chief clerk of the Colonial Office, even minuted on 7th March 1875 sarcastically that all suggestions had been made with a view to make Muttu-Coomaraswamy's position as an unofficial member of the Council more important. Some official members even thought that some of the suggestions were absurd and preposterous. Malcolm, Assistant Secretary, implied that Muttu-Coomaraswamy would not press for these demands if he was appointed either as a judge of the Supreme Court or as an Executive Councillor. He felt that such a personal favour to him would make him abandon his political demands. Cox repeated on 22nd March 1875, that Muttu-Coomaraswamy was not well pleased with his position in the Legislative Council where he ably debated his views but without much influence. He continued that Muttu-Coomaraswamy was now anxious for a higher appointment but that he would not favour him in any official position in Ceylon and especially on the Bench. At the end the Secretary of State wrote confidentially to the Governor on 6th June 1875, that the Colonial Office could observe little that required special notice in the demands.⁹¹ Thus abortively ended Muttu-Coomaraswamy's interview.

91. C.O. 54:499—Papers *Ceylon* 2384: See "Notes on matters in Ceylon" (Private) made by W.R. Malcolm on 1.3.1875 after his interview with Muttu-Coomaraswamy. And also minutes on them by Colonial Office staff.

The Colonial Office was adamant. The constitution of Ceylon was working well. The Governor and his officials and the nominated unofficials were the best representatives of the inarticulate Ceylonese majority. Therefore, the constitution needed no change.⁹² Tactful handling of political affairs by Gregory also provided little provocation to the population and contributed to create a calm political situation in the Island. He consulted the Chamber of Commerce and the Planters' Association before selecting his Council representatives. Similarly when competition arose between two Burgher aspirants to a seat, he deferred to public opinion in a democratic political way by selecting the popularly favoured one.⁹³ Within Council there was much debate, and in response to members' wishes lengthier sessions were freely permitted for the consideration of any measures by the Governor.⁹⁴ Generally tolerant of criticism and usually accommodating unofficial opinion, Gregory modified measures to suit Council desires whenever possible. His conciliatory attitude placated all elements and kept them quiet. It is hardly known that Gregory although he appeared a liberal Governor and was liberal in many ways and espoused Ceylonese causes, where the constitution was concerned, desired no change in it. But this was a secret opinion he conveyed to the Secretary of State and could not be anticipated to be his by anyone else.

With a lull in constitutional agitation, little need arose for publicly airing the Governor's views on such questions of political importance. But in one instance when the commercial elements petitioned urging that official members should not be compelled to vote invariably with the government, Gregory and the Colonial Office saw eye to eye in a solution. Official members, if permitted to vote freely, would grow more responsible and examine measures carefully, since they themselves would have to judge the intrinsic merits of proposals. Yet Gregory hesitated in advocating the grant of this concession.⁹⁵ If a Governor was successful, however well supported, he got the credit for it. On the other hand, if he failed however ill supported, he got the blame for it. The Governor alone in the context of the times and according to the constitution being solely responsible for administration, it was proper that he should command as much power as possible for executing what eventually would be his policy. Moreover, since the Colonial Office had in 1848 and 1866 refused a similar concession, correctly suspecting that it

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92. C.O. 54:499—C. *Ceylon*
2384: See "Notes on matters in Ceylon" (Private) by W.R. Malcolm of C.O. dated 1.3.1875 for a full view of Muttu-Coomaraswamy's demands and C.O. attitude to them. The C.O. was not willing to yield any constitutional change at this stage.
93. William Digby—*Forty Years in a Crown Colony Vol. I* p. 30; also C.O. 54:497—Gov's No. 166—19.6.1875; see Encl. letter from Col. Secy. to Secy., Chamber of Commerce—8.5.1875; C.O. 54:489—Gov's No. 338—10.11.1873 and C.O. 54:477—Gov's No. 116—3.8.1872 and No. 127—6.8.1872 to Secy. of State.
94. *The Overland Examiner: Sept.* 25. 1876 p. 364; Digby—*Vol. II* p. 124; C.O. 54:484—Gov's No. 32—3.2.1873.
95. PRO 30/6/37—See Gregory's private letter to Carnarvon—21.6.1875.

would not be conceded now Gregory advocated a compromise hoping that it would at least be acceptable to the Colonial Office—official members were usually to vote freely except on special occasions when the Governor could command their support for passing important measures.⁹⁶

In spite of even such a mild appeal, yet the Colonial Office yielded nothing; official members permitted freely to vote might become subject to objectionable influences.⁹⁷ In some respects there was just cause for this fear. Powerful planters, traders or missionaries might attempt to influence the English executive staff. Asserting that the Governor alone could rule in the community's interests in a Crown Colony, the Secretary of State felt a recourse to the official majority which was indispensable for maintaining his unquestioned authority over a Colony absolutely essential. For a similar reason when Governor Gordon had permitted official members greater latitude to vote and speak in Council in the Colony of Trinidad, the Colonial Office had disapproved of his action rather strongly.⁹⁸ Reiterating the attitude adopted in the "Creasy Pension conflict", the Colonial Office emphasised that in Ceylon the essence of Crown Colony government was to remain unaltered. Rightly recognising the impossibility of establishing any type of representative legislature⁹⁹, "Her Majesty's Government" alone was to be endowed with the power and responsibility for ruling in the interests of an illiterate, inarticulate majority of local inhabitants. Political concessions could only have been availed of by planters at this time, but really speaking, they had little or no concern for the masses. Hence to grant them any political power was impolitic. But more political representation or responsibility had rather to be granted to Ceylonese than to the mercantile element who already had adequate representation as far as their interests were concerned. So to give political power to the commercial interest was neither possible nor just now correct. The existing constitution secured unofficial criticism of measures, provided an opportunity for calling the Colonial Office attention to injustice by means of protests, and gave room for close supervision.¹⁰⁰ The constitution in Ceylon appeared apt for the 'seventies. The Colonial Office stand was for that time and in the environment sensible. The growth of literacy had to precede before Ceylonese could benefit from political concessions. Till then paternal benevolent despotism, as practised by Governor Henry Ward (1855-60) or Gregory was ideal in the interests

96. C.O. 54:497—Gov's No. 166—19.6.1875.

97. C.O. 54:497—Secy's No. 195—24.8.1875 to Gov: and PRO 30/6/37—Carnarvon's private letter to Gregory—16.8.1875.

98. J.K. Chapman: *The Career of Arthur H. Gordon. 1st Lord Stanmore*—1875 pp. 368—369.

99. C.O. 54:497—Gov's No. 166—*Ceylon*
8419; and also Herbert's minute—12.8.1875.

100. *Ibid*: Gov. Gregory was apparently satisfied with the existing constitution, see also Cox's minute—3.8.1875; Meade's minute—12.8.1875; Herbert's minute—12.8.1875 and Carnarvon's minute—13.8.1875. All seemed to be of the opinion that the present constitution was the best for Ceylon.

of the masses. Such Governors looked upon it as their duty to look after the inarticulate people and they generally did a fair job of it. A transference of political power at this stage would have strengthened only planter hands, and planters of course were the least fitted for representing local Ceylonese interests; it was hence necessary to safeguard the *status quo*. Considering this, perhaps it probably appears and could be argued that Gregory was not actually illiberal. He was more concerned about the welfare of the inarticulate large section of Ceylonese people, than with that of the European element.

Realising this quite well, Gregory who initiated reform in every sphere, remained not surprisingly unenthusiastic over the liberalisation of the constitution.¹⁰¹ Aware that there was little general interest in political questions amongst the majority and like the Colonial Office, believing that the Governor was best fitted for administering the Colony correctly, he had even fought the Colonial Office for obtaining for himself alone greater power and responsibility in local affairs. Hence it was now not strange that he rightly agreed on the need to conserve the Governor's existing powers and saw eye to eye with the Colonial Office over the constitutional question. His own administration had been according to his own confession "five years of despotic government".¹⁰² It had been to him "a comfort . . . to be able" to set things "right with the strong hand", when they were going wrong and "such a gratification to see great public works begun and finished according to your own plan, and not marred by vexations interference".¹⁰³ He wished no change in that position now. Of course the entire success of the working of the constitution, which was deemed best for Ceylon at this time both by Gregory and Carnarvon, depended wholly upon the Governor's personality and quality. His position of that day endowed him with great power and responsibility. Under a fair ruler like Gregory or Gordon these powers and responsibilities were often exercised in the interests of the Colony; under less able administrators neglect could occur.

Although many a time Gregory had differed from the Colonial Office and his actions had been irritating to them and were strongly resented in

101. PRO 30/6/37—See Gregory's private letter to Carnarvon—21.6.1875.

102. Gregory's *Autobiography*—Edited by Lady Gregory—see p. 366 for this quotation from letter to Henry Layard—27.9.1877.

103. *Ibid*: pp. 363-364—See quotation from letter—10.4.1877. It is a curious thing to note that Governors of the 1870's like William Gregory, Arthur Gordon, George Bowen, and Pope Hennessey were all thinking in similar terms of enjoying more power on the spot than of being mere servants of the Colonial Office. James Longden was of course a contrast to this type of Governor. He was an official who rose to that eminent position gradually unlike the other Governors referred to above who had received their appointments directly largely owing to political connections.

Colonial Office minutes, no severe official rebuke was ever directly administered by despatch. Nor was any indirect censure officially sent. Especially over his attitude on affairs on disciplinary enquiries about the offences of public officers and over the ecclesiastical disestablishment question plans were framed in the Colonial Office for censuring him for insubordination;¹⁰⁴ yet no harsh despatches were ever sent; Carnarvon never badly lost his temper with him nor being his political acquaintance was hard to him. On the other hand, on the whole, the Colonial Office generally acknowledged Gregory as an energetic, intelligent and outstanding administrator and major aspects of his policy had been ever highly commended.¹⁰⁵ Moreover his term was now ending. The loss of his wife and the loneliness of a Governor who could not keep company with anybody else because he stood socially unique since there was no equal to him in a colony had made him weary of official administration even in an Island he loved. Anyway it was now too late in any case to call the Governor to order as he had warned of his desire to resign. It was not the best time to instruct him regarding the proper code of behaviour.¹⁰⁶ And what more, although Gregory was perhaps technically wrong, or may not have officially acted as a Governor would be required to act, yet often fairness and justice had been on his side in many a controversial issue. Gregory's relations with the Colonial Office in spite of the few occasions which had provoked discord in London, had therefore been on the whole pleasant; "all that I have done has been approved of at home and no Governor could have had a more complimentary letter than the reply of Lord Carnarvon to my resignation".¹⁰⁷ It is a truly correct statement that the Governor was popular and acknowledged as efficient as one could have seen from the number of local petitions and addresses that were presented to him on the eve of his departure and above all, also from the great affection with which he was welcomed on his three return journeys to Ceylon in later years. Despite the vigilance of the Colonial Office to prevent any Colonial Governor acting too independently, it could also be said that William Gregory generally, and perhaps astonishingly for most of the period, had achieved what he wished and in his own inimitable way. He was an independent but fair and responsible pro-consul.

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104. C.O. 54:507— $\frac{\text{Ceylon}}{4476}$: see Lowther's minute—21.4.1877. Lowther somehow seemed to dislike Gregory. I wonder whether it may have been due to political differences!
105. Ibid: $\frac{\text{Ceylon}}{6614}$: (Ptd. for Parliament—C 1825 of 1877)—see R. Meade's minute—7.6.1877.
106. C.O. 54:504— $\frac{\text{Ceylon}}{14385}$ see Herbert's minute—8.10.1877 and also unsent confd! draft despatch of 1877.
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LAND USE PROBLEMS IN THE PEASANT COLONIES OF THE DRY ZONE

H. N. C. FONSEKA

Since the early 1930's the Government of Ceylon has been engaged in a programme of establishing planned land-settlement schemes in the Dry Zone as the principal means of relieving population pressure in the Wet Zone and of increasing domestic rice production. By 1959 there were 57 colonies in the Dry Zone with 37,940 allottees settled on a total extent of 195,570 acres.¹ The standard size of an individual allotment is five acres of low land and three acres of high land² in colonies established before 1955, and three acres of low land and two acres of high land in those established after 1955. Considerable development of peasant settlement is envisaged in the future. The Ten Year (1959-68) Development Plan of the Government aims to settle 99,500 allottees by 1968.³ This is more than double the total number of allottees already settled in the Dry Zone. In view of this importance of peasant colonisation in the island's land and agrarian policy, it is considered that an analysis of the problems presently facing these colonies and a consideration of the precise lines along which such problems might be remedied would be useful in two ways: (a) bringing about improvements in the existing colonies and, (b) better planning of future colonies.

This paper is devoted to an analysis of the problems that emerged from a study of the agricultural geography of five colonies in the Dry Zone carried out by the writer during 1960-62. The colonies selected for this study, each from a different district of the Dry Zone, are:

1. Parakrama Samudra Colony⁴
2. Minipe-ela (old) Colony
3. Kagama (new) Colony
4. Unnichchai Colony
5. Karachchi—Iranamadu Colony

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1. *Administration Report of the Land Commissioner for 1959, (1960)*, Government Press, Colombo. For a geographical study of these colonies see, B.H. Farmer: *Pioneer Peasant Colonisation in Ceylon*, (Oxford University Press, 1957).
 2. In the colonies low land is land commanded by irrigation water. High land is ground which is not provided with irrigation water.
 3. National Planning Council: *The Ten Year Plan, 1959, Ceylon*, page 242.
 4. An analysis of the agricultural geography of this colony, "Parakrama Samudra Colony, an Example of Peasant Colonisation in the Dry Zone of Ceylon", by the present writer, appeared in the *Journal of Tropical Geography*, Volume Twenty Two, June 1966.

These five colonies are considered to be reasonably representative of the conditions in all colonies of the Dry Zone for the following reasons:

1. the colonists questioned during field work⁵ are representative of the population of the colonies studied, and this population is representative in turn of the entire population of the Dry Zone colonies, in that they include people from every district of the island which has contributed colonists to the Dry zone.
2. the overall planning of all colonies, except Gal Oya which is under a development board, being the same and in view of one above, it could justifiably be expected that the basic problems common to the five colonies apply to the rest as well.

These problems most of them closely inter-related are discussed below.

1. *Disapproval, on the part of the allottees, of the general land-classification criteria adopted by the governing authorities*

The chief official criterion adopted in the classification of colony lands into low land and high land is irrigability. Local differences of relief and slope had been taken account of, only to the extent that these factors affected the lay-out of the irrigation channel system. Little importance had been attached to soils; soil surveys prior to the classification of land had been carried out only in the Parakrama Samudra Colony and even here only a part of the area had been covered. Types of land-use practised over many years by the local population had been ignored. This has resulted in the inclusion of land unsuited to rice within the low land category. Several allottees in the Parakrama Samudra colony complained that their low-land allotments had been carved out of one time high lands in the *purana* villages, where field crops such as *kurakkan* and *sorghum* were grown by the villages for many years and consequently soil fertility had been exhausted. Large areas of low land in Unnichchai were rocky, hummocky and even steep. Undulating and uneven stretches in Karachchi—Iranamadu reduced considerably the water retention property of land, vital for rice cultivation. In all colonies except Kagama, there were stretches of sandy and gravelly soils included in the low-land category. As the law now stands, the planting of this unsuitable land with rice is compulsory. This has resulted in diminished yields of rice.

Uneven allotments should be levelled. Where such extents are small, the allottees could do the work by themselves during the off seasons. However, where the extents are quite considerable as in Unnichchai, employment of additional labour will be necessary. Sandy and gravelly stretches and areas impoverished by one time high-land cultivation should be manured.

5. 348 allottees selected from the five colonies were interviewed. The total number of allottees living in the five colonies was 6347. The field work was undertaken during January-November 1960.

2. *Absence of forest reservations and the insufficient extent of pasture*

The absence of forest reservations for the use of the allottees in Parakrama Samudra, Minipe and Kagama caused much hardship to these people, in satisfying such basic needs as their requirements of firewood and timber, to effect the necessary repairs to their cottages, to make wooden ploughs and barns to store paddy. To relieve this shortage the allottees encroached on wind belts and other reservations. The resultant clearing of these reservations is responsible for the great force of the high *Yala* winds, with their devastating effects on high-land tree crops. The insufficient extent of pasture ground has resulted in a general shortage of draught animals. Domestic animals had to be turned loose in the forest and many fell prey to wild animals. Others were stolen, and there was a general tendency to sell for slaughter on account of the difficulties of maintenance. The pasture provided was neglected. The colony authorities failed to set up an organisation among allottees to ensure the maintenance of the pasture. And the allottees themselves lacked the social spirit and cohesion which might promote spontaneous co-operation for such a purpose.

Wherever forests remain in the outskirts of colonies, reservations should be established to meet the allottees' basic requirements of firewood and timber. Such areas would also provide rough pasture for the animals of allottees, in the vicinity. The effective functioning of these reservations depends on two factors: (a) controlling their use regarding the extraction of firewood and timber, and (b) preventing clearance for *chena* cultivation and settlement by encroachers. The actual enforcement of whatever regulations that might be formulated to bring about this effective functioning would be a difficult task.

3. *Utilisation of the high land*

In the Parakrama Samudra, Minipe and Unnichchai colonies, unfavourable ground water conditions, prevented the growth of permanent tree crops over large areas of high land. Excessive rains in *Maha* were quite harmful to the success of the vegetable crop in all colonies. Continuous *Maha* cropping of dry grains over the years, without the practice of any system of fallow or crop rotation and manuring had greatly diminished the fertility of many high-land allotments. This impoverishment was further accentuated by soil erosion and gulying except in Karachchi—Iranamadu where soil conservation methods were practised. Consequently the yields of dry grains were so low that many allottees did not cultivate them. The problem of pasture land resulted in considerable extents of high-land allotments being set apart for the use of the allottees' animals. This diminished the area under crops and further, crops planted were likely to be destroyed by the animals.

There does not appear to be any line towards a solution of the problem of growing permanent tree crops in the high land tracts of Parakrama Samudra, Minipe and Unnichchai where ground water conditions are unfavourable. Everywhere the harm caused to the vegetable crop by the *Maha* rains could be reduced by the construction and maintenance of drains to carry the excess water. The practice of a system of rotation of plots, manuring and soil conservation would improve the yields of dry grains. Each allottee should possess two draught animals and a milch cow. Attempts should be made to grow fodder grasses as *brachiaira brizantha*, signal grass and *pennisetum purpureum*, napier grass over a part of the allotment.⁶

4. Irrigation

Shortages of irrigation water in Kagama and Unnichchai colonies due to deficient supplies in Kala *wewa* and in Unnichchai tank resulted in allottees being able to secure only one crop of paddy a year, to which the greater poverty of these allottees could be attributed. A lack of adequate control regarding the distribution of irrigation water in the colonies resulted in irregular tapping by some allottees causing deficiencies to others particularly to those at the tail-end of channels. Not only did this impair the successful cultivation of paddy in the allotments affected, but was also a source of frequent dispute among allottees. The *Vel-vidane*, an officer elected by the allottees from among themselves was responsible for the equitable distribution of water. Practically all these officers lacked the authority to enforce their will on dissenting allottees. The lack of social cohesion among allottees resulting in little respect for each others rights made the function of the *vel-vidane* all the more difficult.

Kagama now has an adequate supply of water with the completion of the Nalanda *Oya* reservoir scheme, which augments the supply at Kala *wewa*. The people in Unnichchai should grow one paddy crop a year. The possibility of cultivating other crops with less exacting water requirements during the rest of the year should be investigated. The success of whatever steps might be taken to exercise greater control over the distribution of irrigation water to effect an equitable distribution among allottees will depend on the degree of social cohesion among these people.

5. Shortage of labour and draught animals and the prospect of mechanisation

A shortage of labour for low-land paddy cultivation was felt at critical times of the year in all the five colonies. This shortage could be attributed to two factors: (1) inadequate family labour due to the small number of grown-up children who could help in cultivation, in the case of most families, and

6. Recent work at the Dry Zone Research Station, Maha Illuppalama indicates some possibility of growing these fodder grasses successfully in the Dry Zone. See G.W.E. Fernando: Grassland Farming in the Dry Zone, *Tropical Agriculturist*, Volume CXIV No. 3, July-September 1958, pages 183-96.

(2) the difficulty of obtaining *attan* (exchange of labour) due to preoccupation with one's own allotment and the lack of social cohesion among the allottees. Most people could not afford the expenditure involved in hiring labour from outside. The shortage of labour together with that of draught animals and the rigid time limit laid down for the completion of the preparation of fields, by the regulation of the supply of irrigation water, forced many allottees to mechanise ploughing. This shortage of labour and animals and the fear that delay to thresh would expose the harvest to the rains led allottees to mechanise threshing. The efficiency of tractor ploughing was considerably impaired by the small *liaddas* of allotments since a comparatively large machine, Ferguson 35, was in common use. Tractors themselves were in short supply. The limited availability of Government tractors, procedural difficulties in obtaining them when available and the failure of co-operative tractor pools placed the private owners of tractors in a monopolistic position. The cost of hiring a private tractor was almost double that of a Government or a co-operative tractor. High costs and the inability to obtain tractors on credit terms largely limited the use of tractors among allottees.

The shortage of labour and draught animals for ploughing and threshing could be overcome by the use of a roto tiller. "It is cheap, barely one eighth the price of a tractor and economical, cultivating about an acre a day on two gallons of petrol.⁷ If easy credit is available, some allottees could buy them and hire to others".

6. *Declining trend in paddy yields and the allottees' resistance to adoption of better methods of cultivation*

It was found that the yields of paddy were declining over the years in many low-land allotments. This could be attributed to the diminution of the initial fertility of the land with time and the limited use of the improved techniques of paddy cultivation by the allottees.

The allottees did not follow the advice of the Government Department of Agriculture in the use of pure-line seed paddy: to obtain fresh stocks from the department once every three years. Since they were not satisfied with its quality, it was adulterated and it encouraged weed growth. Instead they kept on using paddy from each year's harvest for seed. Transplanting and the Japanese method⁸ were confined to the *Maha* season and to extents varying from quarter to one acre. Very few allottees did a thorough clearing of the weed

7. Ray Wijewardene: The mechanisation of Tropical Agriculture, Transactions for 1956, *The Engineering Association of Ceylon*, page 163.

8. The Japanese method, like transplanting as long practised in Ceylon, involves planting of rice in regular rows, but fewer seedlings are planted at each point and the interval between the seedlings is narrower. Hence the Japanese method is more labour intensive.

growth in their fields. Many were satisfied with removing weeds in areas where they were considerable and conspicuous. Unwillingness on the part of allottees to adopt transplanting and weeding on a larger scale was chiefly due to the shortage of labour within the colonies and inability of allottees to afford the expenditure involved in hiring labour from outside.

Organic manure and fertiliser were not generally used on the full extent of the land and during both seasons. It was the practice of many to manure only those areas where the rice plants were not growing well. The shortage of animals and the expenditure involved in transporting green manures from outside to the fields were the principal obstacles to the use of organic manure, while the lack of ready cash in hand and the limited credit facilities available were the difficulties limiting the use of fertiliser.

Improved methods of cultivation should be adopted to arrest the declining trend in paddy yields. The quality of pure-line seed distributed by the Department of Agriculture should be improved. The use of transplanting machines could overcome the shortage of labour for this operation. These machines, like the roto tillers, could be owned by some and hired to others. Another possibility would be the use of a seed drill to transplant according to the Japanese method which would be labour saving. The seed drill is a simple instrument which could easily be turned out by the average village carpenter. Areas which cannot be transplanted should wherever possible be row sown. Trials carried out by the Department of Agriculture have shown that row sowing is even superior to transplanting.⁹ Areas that are sown broadcast should be harrowed. If transplanting is adopted the extent of weed growth would be much less than if paddy is sown broadcast. The use of the paddy field weeder when paddy is transplanted according to the Japanese method, and the spraying of weedicides, would reduce considerably the labour requirements for weeding though however some types of weeds could only be eradicated by hand weeding. Artificial fertiliser should be applied intensively and rationally. This necessitates soil surveys of these areas for fertiliser response.

7. *Bad communications and the lack of proper marketing facilities for subsidiary crops*

The internal communications in Parakrama Samudra, Kagama and Karachchi-Iranamadu were far from satisfactory especially during the rainy season. The minor roads and cart tracks which served these areas had neither a metalled surface nor were they maintained, hence most of them became so muddy and rutty during the wet weather as to be almost impassable. This increased the costs of transporting the allottees' surplus of subsidiary crops to the main bazaar and weekly fairs in Parakrama Samudra, Kagama and Karachchi-Iranamadu to such an extent that very often the allottees

9. *Administration Report of the Director of Agriculture for the Financial Year 1963-64* (1965), Government Press, Colombo, page C 119.

found it unprofitable to do so. The unsatisfactory state of communications also prevented traders and transport agents visiting the interior areas away from main roads. Thus the allottees were left with the only alternative of selling these items to the local boutiques where due to the large supply only very low prices were obtained. At times due to a glut of some items it may not be possible to sell at all. These factors discouraged many an allottee from producing a surplus.

The local authorities covering these colonies should be responsible for the maintenance of the hitherto neglected roads and cart tracks. These authorities would need funds for such work. The resources of local bodies are small. Income from rates in colonies would be little. Hence the local bodies should have additional means of augmenting their revenue as well as adequate financial assistance from the Central Government. If the Government Marketing Department could operate a scheme to purchase allottees' surplus of subsidiary crops through the medium of the co-operatives everyone could obtain a fair price. The success of such a scheme is limited not only by Government red tape but also by the possibility of corruption among officers. The question of extending the Guaranteed Price Scheme to a greater variety of produce should be carefully considered in view of the resulting implications to the Government.

8. *Malpractices associated with the Guaranteed Price Scheme*

The operation of the Government controlled Guaranteed Price Scheme to purchase paddy, has led to the practice of considerable irregularities. The abuse of allottees by the officers at the purchasing depots in order to obtain illegal gratifications, and considerable delays in cash payments when paddy is sold under this scheme, among other factors, had forced many allottees to sell their paddy to traders and middlemen, at rates lower than the guaranteed price of Rs. 12/- per bushel. These traders and middlemen in turn sold this paddy to the Government at the guaranteed rate by irregular means.

If the allottees are to obtain the full benefit of this scheme it should be cleared of its malpractices, the chief of which is corruption among the officers. This is a difficult task.

9. *Lack of proper credit facilities*

The multi-purpose co-operative societies which constituted the allottees' chief source of credit, did not grant subsistence loans to them during times of stress such as ill health and consequent inability to cultivate and crop failure. Allottees with outstanding loans could not obtain credit facilities even though failure to pay back was due to genuine reasons. These circumstances forced people to borrow from private money lenders. The high interest rates paid on such loans constituted a heavy drain on the low incomes of the majority of the allottees.

Better credit facilities should be made available through the multi-purpose co-operative societies. Funds to hire labour, to procure machines as well as the increased use of fertiliser, depend on this. Since July 1963 the Government has made available an increased amount of credit to paddy cultivators to adopt improved methods of cultivation.¹⁰ Further, subsistence loans should be made available to meet the consumption needs of allottees during times of stress. Credit should be allowed to *bona fide* allottees with outstanding loans.

10. *Violation of the Land Development Ordinance*

Land Tenure in colonisation schemes is governed by the Land Development Ordinance, 1935. According to this enactment an allottee was given a qualified grant of the land with the condition that he could not lease, mortgage or sell his land. However, leasing and *ande* or share cropping were widespread in the colonies. The principal cause of this was financial distress and the absence of easy credit. When the allottees leased their lands or gave them out on *ande*, they obtained lower incomes than when they cultivated the land themselves. Further the development of the land itself was retarded as the *ande* cultivator or the leasee were interested only in getting the maximum output with the minimum effort since the land did not belong to them. The allottees of the Educated Youth Scheme, Karachehi-Iranamadu and the ex-servicemen of Parakrama Samudra leased their lands and became absentee land owners when they obtained employment in Government service. The Parakrama Samudra Muslims sold their lands to others because they were not interested in practising agriculture. These instances point to a weakness in the selection of allottees since these categories of people were not the right sort to be colonists.¹¹

The occurrence of lease and *ande* in colonies could be considerably reduced by the provision of better credit facilities. A reallocation should be made of allotments of the absentee allottees of the Educated Youth Scheme. The sale of allotments by disinterested Muslim allottees would result in a better development of such areas in the hands of more enthusiastic people who might buy them.

11. *Lack of Social Cohesion*

The lack of social cohesion among allottees resulted from the nature of their origin and settlement in the colonies. Not only had people of divergent castes been settled together, but even where it happened that a group of people belonged to one caste, homogeneity was not existent on account of the

10. *Administration Report of the Commissioner of Agrarian Services for 1962-63*, (1964) Government Press, Colombo, pages KK 54-56.

11. For a discussion of the methods of selection currently employed see Farmer, *op. cit.* pages 204-7.

differences in *variga* dependant on the villages of origin. This had resulted in a heterogeneous society with a strong sense of individualism. Hence spontaneous co-operation for agricultural or other purposes was all but lacking.

It is beyond the competence of a geographer to suggest ways and means of bringing about social cohesion among these allottees. However, it could be said that a selection of allottees made with the object of ensuring co-operation for agricultural and other purposes is vital for efficient production. Settlement should be in groups united by some common element or affinity as caste, *variga*, kinship or origins in the same area of the Wet Zone. The principles of selection now in operation¹² should be so adjusted as to bring about such a grouping in the selection.

12. *Limited facilities for the education of the allottees' children and their future livelihood*

The limited facilities of education available in the colonies resulted in a lack of opportunity for children of allottees to profit from a good education. This had turned them on to the land. The demand for land from the Government was acute. Where such demand had not been met with, an increasing pressure on the allotment resulted, thus leading to joint ownership and concealed fragmentation. As the families increased in size such a dependence was weakened and a landless class grew up ever ready to encroach on any available reservation.

Facilities for education with a practical bias should be provided. Not everyone could own land and practice agriculture. Hence provision should be made for other avenues of employment. A possibility lies in the field of industrialisation. The development of labour-absorptive small scale and cottage industries would attract the surplus population in colonies. The writer does not claim to have made a survey of the industrial potential of the areas studied. However from experience in the field in these areas, some possibilities could be indicated, (a) the demand for small scale agricultural implements: *katties*, pruning knives, digging forks, *alavangoes* and *mamotties* is at present mostly met with imported supplies. These implements could be turned out locally if an expansion of smithy workshops takes place. The raw material, railway spring steel, could be purchased from the Railway Department. A control of imports of these implements, leading to an eventual ban, would provide the necessary impetus for many people to take up smithy work. However a limiting factor would be that everyone may not wish to be a smith, since traditionally this craft is practised by people of a particular caste, generally considered to be low in the social hierarchy. (b) There is much scope for brick kilns in view of the fact that the demand for bricks is bound to increase in the future with increasing building construction associated with peasant settle-

12. Farmer op. cit, pages 204-7.

ment in the Dry Zone. The raw material, deposits of clay, would be available locally.

13. *Inadequate medical facilities in Minipe; non-recognition of the colony as the allottees' new home*

The recognition of the colony as a place where land was merely held in tenure rather than as a new home of the allottees was noticed among the Karachchi-Iranamadu people and to some extent among the Minipe allottees. This could be due to the strong connections that these people had with their villages of origin, possibly due to the proximity of these areas to the colony.¹³ The hardships caused to the Minipe allottees by the lack of adequate medical facilities could also be considered as a contributory cause for this attitude.

The Maiyanagana Hospital should be improved to cater to the needs of Minipe and neighbouring areas. The remedies suggested would tend to improve the economic and social conditions of the allottees considerably and thereby, it is hoped that a greater sense of attachment to the colony would develop.

Low material living standard of the allottees

The numerous problems operating in these five colonies have been responsible for a low material living standard of the allottees. The chief source of the allottees' income is the sale of paddy mainly under the Guaranteed Price Scheme. In 1960 the proportion of the crop sold in the five colonies was probably at least 80 per cent of the total harvest. The following figures of the average net income per allottee, for the agricultural year 1959-1960, of the five colonies indicate the prevailing poverty:¹⁴

Parakrama Samudra colony	..	..	..	Rs.	1,500
Minipe-ela (old) colony	..	..	..	Rs.	2,000
Kagama (new) colony	..	..	..	Rs.	1,500
Unnichechai colony	..	..	..	Rs.	500
Karachchi-Iranamadu colony	..	..	..	Rs.	1,500

This standard of living can be expected to decline, on account of the large and growing families, the average size of a family unit being eight in 1960 unless steps are taken to achieve economic improvement.

13. Practically all the allottees of Karachchi Iranamadu hailed from the Jaffna district and the majority of people in Minipe came from Pata Dumbara and Uda Dumbara, two out of five divisions of the Kandy district made for purposes of administration.

14. These figures have been compiled from statistics of income and expenditure pertaining to individual allottees collected by the writer during the course of his field work.

Conclusion

The application of the remedial measures suggested would lead to a considerable increase in the production of rice in the existing colonies. Increased rice production would lead to the betterment of living standards of the colonists and further would make an effective contribution towards feeding the growing population of the island, thereby reducing the expenditure of scarce foreign exchange on imports of rice. The remedies could be more effectively applied to future colonisation. Thereby the aims of colonisation would be realised from the very inception of colonies.

BUDDHIST NIKĀYAS IN MEDIAEVAL CEYLON

R. A. L. H. GUNAWARDANA

The Buddhist *saṅgha* of Ceylon were, till their unification under a common leadership in the twelfth century, divided into three *nikāyas* led by three monasteries at the capital. Apart from not very frequent, usually uncomplimentary, references to a group of monks of a certain Vetulla sect,¹ the information in the literary sources on the religious history of the Island pertain mainly to these three *nikāyas*. However, on considering the close relations that the Sinhalese monks maintained with Buddhist communities in India, it would seem strange if exponents of the leading schools of Indian Buddhism and their works did not find their way to Ceylon. Substantial work has been done, particularly by Prof. S. Paranavitana, on the prevalence of Mahāyāna teachings and practices in Ceylon.² But very little is known on the presence in Ceylon of *nikāyas* other than the schools of Sinhalese Buddhism. Fa-Hian obtained a copy of the *Vinaya Piṭaka* of the Mahīśāsakanikāya, when he visited Ceylon in the fifth century.³ Evidently the teachings of this school were known in the Island; it does not, however, necessarily imply that a group of monks belonging to this *nikāya* existed in Ceylon. This paper attempts to bring to light certain data which seem to reveal that the main *nikāyas* of Indian Buddhism were, in fact, represented in Ceylon in the ninth century.

In this connection, a single strophe, almost cryptic in its conciseness, which appears in the Pali chronicle *Cūlavamsa* in the chapter dealing with the reign of Sena I (833-853 A.D.) is of particular interest:

*katvā viraṅkurārāmaṃ vihāre abhayuttare
mahāsāṅghikabhikkhūnaṃ theriyānaṃ ca dāpayi.*⁴

The translation presents no difficulties: 'He (Sena I) built the Virāṅkurārāma at the Abhayuttara (Abhayagiri) monastery and granted it to the Mahāsāṅghika monks and those of the Theriya school'. Apparently, the author did not attach much significance to this episode. For he dismissed it with a single strophe. Perhaps he was merely recording a piece of information found in

1. Kern has rightly identified Vetullavāda as a term used to refer to the Mahāyāna. 'Vaitulya, Vetulla, Vetulyaka' *Versl. en Med. der K. Ak. von Wetenschappen*, Letter k. 4e. R. D. viii, pp. 312-319, reported by de la Vallee Poussin in *JRAS* 1907 pp. 432-434. More evidence to support this identification is found in the *Abhidharmasamuccaya* (Śāntiniketan, 1950) p. 79 and the *Vibhāṣā-prabhārti* quoted by P.S. Jaini in the *Encyclopaedia of Buddhism*, Fasc. A-Aca, Government Press, Ceylon, 1961, pp. 56-57.
2. See S. Paranavitana, 'Mahayanism in Ceylon', *Ceylon Journal of Science*, Sec. G, Vol. II, Colombo, 1933, pp. 35-71 and also Nandasena Mudiyanse, *Literary and Archaeological movements of the Mahāyāna in Ceylon*, Ph.D. Thesis, University of Ceylon, 1964.
3. Samuel Beal, *Chinese Accounts of India*, Calcutta, 1957, Vol. I p. 51.
4. *Cv.* 50. 68.

his sources without realizing its true significance. It is also possible that the author considered the matter too controversial for further comment. However, it is of extreme importance to the student of the history of Buddhism in Ceylon as it is the only direct reference found in historical sources to the presence of monks of the Mahāsāṅghikanikāya in the Island.

Evidently Geiger, who made a detailed study of the *Mahāvamsa* and the *Cūlavamsa*, had no compunctions about accepting this statement in the chronicle. But Heinz Bechert, who brought out a posthumous edition of Geiger's *Culture of Ceylon in Mediaeval Times*, proposes in an editorial comment on this strophe to read *mahimsāsakabhikkhūnaṃ* for *mahāsāṅghikabhikkhūnaṃ*. In support of this emendation, he cites the statement in the account of Fa-Hian mentioned above.⁵ It is significant, however, that the term *mahimsāsaka* does not occur in any one of the many manuscripts consulted for three different editions of the *Cūlavamsa*; they unanimously agree with the present reading. Hence an emendation to suit our convenience, without further consideration of other possible explanations, seems rash and unwarranted; and it has to be admitted that the *Cūlavamsa* records in rather forthright though laconic terms that the Mahāsāṅghikas and the Theravādins were given an *ārāma* at the Abhayagiri monastery. It also implies that Sena I extended his patronage to them.

The author of the *Nikāyasaṅgrahaya*, a fourteenth-century Sinhalese chronicle which purports to be a history of Buddhism in Ceylon, considered the reign of Sena I to be of such particular significance that he selected it for special consideration. He unleashes a rather strong attack on Sena. He calls Sena an insane man untutored in the words of the wise. Like a grasshopper who plunges into fire thinking it is gold, he was credulous enough to readily accept the false *dharmā* to the neglect of the true. It was in retribution for his association with the false *dharmā*, the chronicler adds, that the king had to surrender his capital to the Tamils and flee to Polonnaruva to die in disgrace.⁶

This account contrasts sharply with the description of Sena I in the *Cūlavamsa*. The Pali chronicle describes in detail the defeat he faced at the hands of the Pāṇḍya invaders; but it also recounts the many instances of patronage he extended to the *saṅgha* and refers to Sena as a king who performed 'pious actions before unheard of'. He was endowed with the ten qualities of an ideal king. Sena is further described as *buddhabhūmiḡatāsaya*, an aspirant to Buddhahood, who had his thoughts fixed on the Ultimate.⁷ The use of the term *buddhabhūmi* which denotes the highest of the ten stages of progressive spiritual development listed in the *Satasahasrikā-prajñā-pāramitā* strongly suggests Mahāyāna associations.⁸

5. Wilhelm Geiger, *Culture of Ceylon in Mediaeval Times*, (ed. Heinz Bechert), Wiesbaden, 1960, p. 208 and note 1.

6. *Nikāyasaṅgrahaya* (ed. Vēraḡoḡa Amaramōli), Colombo, 1955, pp. 20-21.

7. *Cv.* 50. 65, 83; see also *Cv.* 50. 1-3, 62.

8. *Ssp.* 1473. 11; 1520. 20. Franklin Edgerton, *Buddhist Hybrid Sanskrit Grammar and Dictionary*, London, 1953, Vol. II p. 411.

The reason which moved the religious dignitary who wrote the *Nikāyasaṅgrahaya* to the use of such harsh words seems to have been the patronage that Sena extended to an Indian monk who arrived in Ceylon during his reign. The Indian, the chronicler says, was a heretic of the Vajraparvata *nikāya* who came in the guise of a Buddhist monk. He settled at the Viraṅkurārāma and used fifteen *kaland*⁹ of gold to bribe Girivasasen, a palace official through whose help he gained the ear of the king. The king was deceived into accepting the Vājiriyavāda preached as a secret doctrine. It was in this reign, he says, that *śāstras* like the *Ratnakūta* were brought to Ceylon. And the Vājiriyavāda had persisted ever since as an esoteric teaching practised in private by the foolish.¹⁰ The last statement alludes to the prevalence of the Vājiriyavāda at the time this work came to be written. Presumably, the chronicler is recording a tradition, known in his time, which traced the introduction of these teachings to the reign of Sena I.

The difference between the traditions in the *Cūlavamsa* and the *Nikāyasaṅgrahaya* in both content and form point to their independent origin. The *Nikāyasaṅgrahaya* makes no mention of the Mahāsāṅghikas, their corporate existence with the Theravādins or of the construction of the Viraṅkurārāma by Sena I. It presents information not found in the *Cūlavamsa* in mentioning the introduction of the Vājiriyavāda and the bringing of the *śāstras*; it makes specific reference to the arrival in Ceylon of a monk from India.

On the other hand, the tradition in the *Nikāyasaṅgrahaya* confirms the information in the *Cūlavamsa* on certain important points. Both date the incident to the reign of Sena I and mention the Viraṅkurārāma in this connection. Further, both these texts reveal, though not in the same terms, that a school which did not subscribe to the Theravāda teachings gained the support of the king. The fact that the two chronicles contain two traditions which, though dissimilar, corroborate each other on main points, suggests that there was a historical basis for these traditions.

However, the information in the two chronicles is too meagre to provide a coherent picture of this incident. Further these statements, particularly those in the *Cūlavamsa*, are too grave in their implications to be accepted without more corroborative evidence.

An inscription from Anurādhapura does, in fact, provide contemporary evidence which corroborates and supplements the traditions in the chronicles. This record, erroneously called the Jetavanārāma Sanskrit inscription, was found among the ruins of a group of buildings to the north-west of the Kuṭṭampokuna area within the grounds of the Abhayagiri monastery.¹¹ Close to the spot where this inscription was unearthed are found the ruins of a structure which reveal a ground-plan unique in the architectural traditions of Ceylon and strongly reminiscent of the style represented by the ruins at Paharpur, in the Rajshāhi district of Bengal.¹²

9. It has been calculated that a *kaland* would weigh about 70 to 72 English grains. See H.W. Codrington, *Ceylon Coins and Currency*, Colombo, 1924 p. 9.

10. *Niks.* pp. 20-21.

11. *Epigraphia Zeylanica* Vol. I pp. 1-10.

12. See *Annual Report of the Archaeological Survey of Ceylon 1894*, p. 3; Cf. *Thirteenth Progress Report of the ASC* and Rao Bahadur K.N. Dikshit, 'Excavation at Paharpur, Bengal', *Memoirs of the Archaeological Survey of India* No. 55. Pl. 1.

This inscription was published in 1901, but the significance of its relevant portions seems to have gone unnoticed. What has been published is only one part of an extensive record. For it begins with a part of a conjoint word. The attempts made so far to recover the other parts have been of no avail.

The part that has been published has some lacunae in the middle and the bottom of the slab where it has been damaged, but on the whole is well engraved and renders a fairly satisfactory and reliable reading. It was composed in Sanskrit and inscribed in the Nāgarī script of the 'nail-headed' variety. Some of the letters seem to have developed *kuṭīla* forms. Wickremasinghe who edited the inscription remarked on the similarity of the script to that used in the Magadha area in about the middle of the ninth century. A more detailed comparative study seems to bear out these remarks.

It is not possible to trace all the palaeographic forms found in this record to one particular Indian inscription; but the Abhayagiri inscription bears a close resemblance in its script to the Buddha Gayā, Nālandā and Khalimpūr inscriptions of Dharmapāla.¹³ Certain peculiar and rare forms found in the Abhayagiri inscription like the two varieties of the initial *a*, the initial *i* formed of two dots beneath a regular 'nailed-head' and the initial *e* which has a short 'tail' attached to the bottom of its vertical are also found in the Khalimpūr inscription of the thirty-second regnal year of Dharmapāla. This form of the initial *i* was continued in use in the later Pāla records like the Nālandā copper plate of the thirty-ninth year of Devapāla, the Baḍāl inscription of Nārāyana-pāla and the Chittagong copper plate of Khantideva.¹⁴ Another interesting example for comparison is the *ma* which has a circular loop beneath a 'nail-head'. This is different from the examples in the Buddha Gayā and Khalimpūr inscriptions of Dharmapāla but the form in the Nālandā record of this king is almost identical in appearance. The *r* before a consonant is represented in the Abhayagiri inscription by a second 'nail-head' drawn in such a way that it is in line with the rest of the letters. In the inscriptions of Dharmapāla, it is the earlier variety with the second 'nail-head' above the line of the letters that is common; but the Buddha Gayā inscription has a mixture of both those varieties.

On the whole, the Abhayagiri inscription appears older in its palaeographic forms than the inscriptions of the reign of Devapāla. Yet, certain individual letters appear to be more developed than their counterparts in the inscriptions of Dharmapāla and parallels can be found only in the records of Devapāla. For instance, three different symbols were used in the Abhayagiri inscription to represent the cerebral *na*. Two of them are also to be found in the Khalimpūr plates; but the third, a more developed form, is not found there. All the three forms appear in the Monghyr copper plates of the thirty-third year of Devapāla.¹⁵ The *la* of the Abhayagiri inscription is markedly

13. Nālandā Inscription, *Memoirs of the Archaeological Survey of India*, No. 66, 1942, pl.Xa; Khalimpūr Inscription, *JRAS* (Beng.) 1894 pp. 39-62 pl. III; Buddha Gayā *JRAS* (Beng.) 1908 p. 101 pl VI.

14. Nālandā Copper Plate, *Epigraphia Indica* Vol. XVIII plate facing p. 320; Baḍāl Inscription, *Ep. Ind.* Vol. II plate facing p. 160.

15. Monghyr Plates, *Ep. Ind.* Vol. XVIII plate facing p. 304.

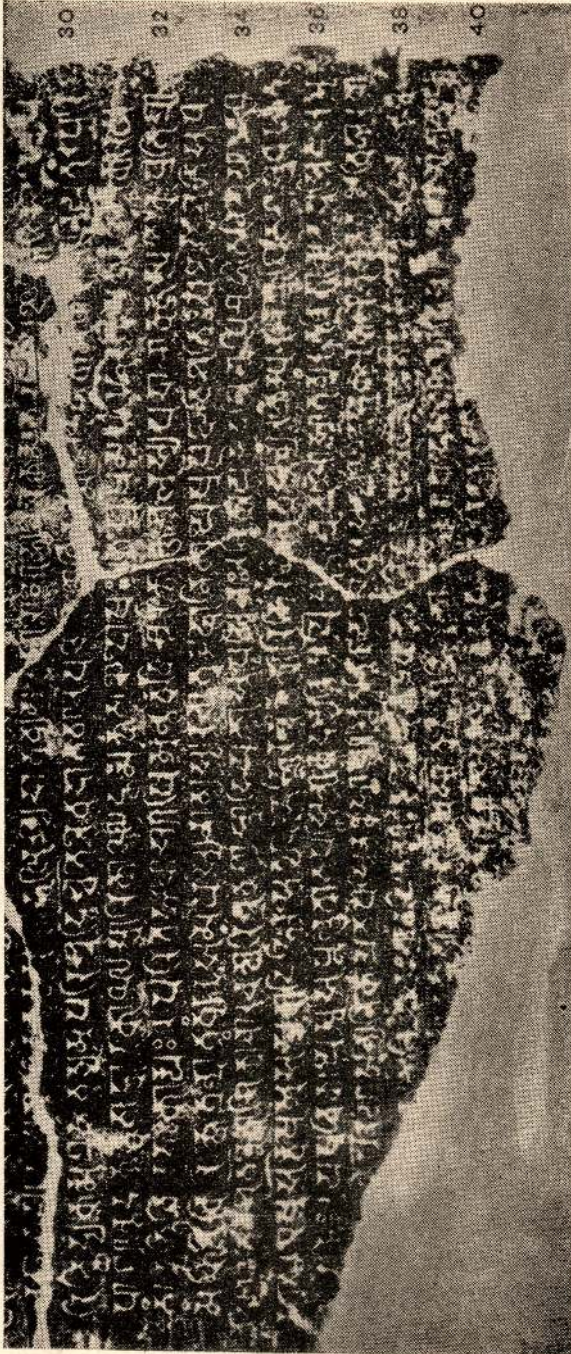


Fig. 1

Arch. Dept.

different from the examples in both the Nālandā and the Buddha Gayā inscriptions of Dharmapāla. It comes closest to the forms found in the records of Devapāla.

It is clearly evident from this comparison that the Abhayagiri inscription bears a close resemblance in its palaeographic forms to the inscriptions of the Bihar-Bengal area of India. Presumably, the scribe who indited this record was either a person from the eastern region of India or at least one who had deeply imbibed the traditions of this region. Secondly, the script of this record gives the impression that it is later than the Khalimpūr record of Dharmapāla but earlier than the inscriptions issued in the latter part of the reign of Devapāla. It may not be too hazardous to assign this record, on these considerations, to the first half of the ninth century. The reign of Sena I falls within this period.

The inscription deals with a variety of subjects including the allowances and emoluments due to the monks and the lay employees, the procedure of administration and the conditions of residence at the monastery. The last six of the legible lines fix the number of monks who were to live at the monastery and lay down regulations pertaining to the filling of vacancies that may occur. It appears from this portion of the inscription that regulations were being laid down for a hermitage which had been recently founded.

The hermitage was given to a hundred monks comprising twenty-five from each of the 'four principal nikāyas'. There was also provision for forty monks engaged in the study of the *śāstras*; they were to be tutored without affiliation to any of the *nikāyas*:

*cātur-mahā-nikāyeṣu pañcaviṃśatiḥ pañcaviṃśatistapasvinaḥ
tena śatannaivāsikānām. catvāriṃśat śāstrābhīyukta tapasvinaḥ.
nikāyabhedavināpi gṛhitaniśrayāḥ . . .*¹⁶ (See Fig. 1)

The term *nikāya* could be given three possible interpretations. It could be used to denote the main divisions of the Buddhist Canon, the divisions of the *Sutta Piṭaka* or schools of religious opinion. When the Canon is classified under *nikāyas* the number is always five and hence the first meaning is not applicable in this particular case.¹⁷ If the second interpretation is accepted, the passage would mean that the four *nikāyas* were to be studied by separate groups of twenty-five monks each while forty monks studied the exegetical treatises thereon. However, the main divisions of the *Sutta Piṭaka* are usually called *āgamas* in Buddhist Sanskrit works. The *Sutta Piṭaka* contained five and not four divisions though the fifth, the *Khuddaka Nikāya*, was not accepted as an authentic collection in the early days. Moreover, it would be strange if arrangements were made for the study of the *śāstras* and of four divisions of the *Sutta Piṭaka* without any similar arrangements being made for the study of the other sections of the Canon. The construction of the relevant sentence with the term *nikāya* in the Locative Case also suggests that it was a faction of monks rather than a section of the *Sutta Piṭaka* that was denoted by the word. The meaning in which the word *nikāya* was used becomes clearer

16. *Ep. Zey.* Vol. I p. 5 ll. 33-34.

17. See *Samantapāsādikā* (Pali Text Society Edition) Vol. I pp. 26-28.

when some of the regulations in the inscription are examined. In case of a deficiency in the prescribed number of monks of a particular *nikāya*, it was to be filled by monks from other *nikāyas*, but with the approval of the *nikāya* concerned. In case of an expulsion of a monk, however, the deficiency in the total number of monks in the monastery was to be made good with monks from other *nikāyas*.¹⁸ These regulations and the statement which stipulates that the forty monks studying the *śāstras* were to be tutored without affiliation to any one of the *nikāyas* leave little doubt that it was a group of monks belonging to a school of religious opinion that was denoted by the term *nikāya* in the Abhayagiri inscription.

The term Theriya which occurs in the strophe quoted from the *Cūlavamsa* was generally used in the chronicle to denote the monks of the Mahāvihāra. But it could be applied to the monks of the Abhayagiri and Jetavana schools as well. In fact, Indian and Tibetan lists of Buddhist sects group all the three factions under the Sthaviravādin school.¹⁹ Hence Theriya and Sthaviravādin were terms which could denote all three or any one of the main schools of Buddhism in Ceylon. If the strophe in question and the passage from the Abhayagiri inscription are taken as referring to the same incident, the term 'four *nikāyas*' may be explained as denoting the Mahāsāṅghikas and the three Buddhist schools of Ceylon. Such an interpretation would imply that each of these schools was represented at the Viraṅkurāma by twenty-five of their number. This explanation fits in with most of the known evidence. But the suggestion that the monks of the Mahāvihāra, who always regarded themselves as the orthodox faction and had earlier turned down the request of a king to hold the *uposatha* festival together with the monks of the Abhayagiri monastery,²⁰ consented at this time to live in a hermitage within the precincts of the Abhayagiri monastery, and with particularly the Mahāsāṅghikas, does not seem very likely. Further, if a reconciliation among the three Buddhist schools of Ceylon did in fact take place, it is but to be expected that the chronicles would have treated this incident in quite a different manner and in much greater detail.

A statement of I-tsing who visited India in the seventh century seems to throw valuable light on this problem: 'Throughout the five divisions of India, as well as the islands of the Southern Sea', he reports, 'people speak of the four *nikāyas* . . . In Magadha, the doctrines of the four *nikāyas* are generally in practice, yet the Sarvāstivādanikāya flourishes most . . . In the eastern frontier countries, the four *nikāyas* are found side by side (literally 'The eastern frontier countries practise mixedly the four *nikāyas*'). I-tsing goes on to enumerate the four *nikāyas* as the Āryamūlasarvāstivādanikāya, Āryamahāsāṅghikanikāya, Āryasthāvirānikāya and the Āryasammitīyanikāya.²¹ It is evident from this passage that the term 'four *nikāyas*' was used to denote the Sarvāstivādins, Mahāsāṅghikas, Sthaviravādins and the Sammitīyas who seem to have emerged, by the time of I-tsing, as the four leading *nikāyas* among the Buddhist *saṅgha* of India.

18. *Ep. Zey.* Vol. I p. 5 ll. 35-37; see also p. 9.

19. A. Bareaux, *Les sectes bouddhiques du petit véhicule*, Saigon, 1955, pp. 25-26.

20. *Cv.* 44, 80.

21. I-tsing, *A Record of the Buddhist Religion*, (trsl. J. Takakusu), Oxford, 1896, pp. 8-9.

I-tsing is not alone in giving this number of the major sectarian divisions of Indian Buddhism. The *Samayabhedopaparakacakra-nikāyabhedopaparśanasaṅgraha*, attributed to Vinītadeva, and abbot of the Nālandā monastery who lived in about the eighth century, refers to the same fourfold division of the *saṅgha* into the Mahāsāṅghika, Sarvāstivāda, Sthavira and the Sammitīya *nikāyas* and lists the other *nikāyas* as their sub-divisions.²² Similarly, the *Varṣāgraprachāsūtra*, translated into Tibetan in the eleventh century, follows the same pattern in listing the eighteen *nikāyas* under these four principal groups.²³ These four schools are also mentioned as the leading *nikāyas* in the fourteenth-century *History of Buddhism* of Bu-ston.²⁴ The accuracy of the classification of the less important *nikāyas* as sub-groups of the four principal *nikāyas* may arouse dispute. But the testimony of these sources makes it abundantly clear that the Mahāsāṅghikas, Sarvāstivādins, Sthaviravādins and the Sammitīyas had risen into the position of the four principal *nikāyas* of the Buddhist *saṅgha* by about the seventh century and that they continued to hold this position for a considerable period of time.

When considered in the light of the foregoing discussion, it seems reasonable to interpret the term *cāturmahānikāya* or 'the four principal *nikāyas*', which occurs in the Abhayagiri inscription, as a reference to the Mahāsāṅghikas, Sarvāstivādins, Sthaviravādins and the Sammitīyas. The statement in the inscription would imply that twenty-five monks from each of these *nikāyas* were to live together at a hermitage attached to the Abhayagiri monastery. Most probably, it was the monks of the Abhayagiri monastery who represented the Sthaviravādins in this context. Unlike the residents of the Mahāvihāra, the monks of the Abhayagiri fraternity had always been tolerant of and even receptive to the teachings of the non-Theravāda schools of Buddhism. As early as in the third century, they welcomed the teachings of the Vetullas.²⁵ Hiuen-tsang heard that they '... studied both Vehicles and widely diffused the Tripiṭaka...' unlike the monks of the Mahāvihāra who were 'opposed to the Great Vehicle'.²⁶ The exegetist Sumaṅgala, who lived at the end of the twelfth century or the beginning of the thirteenth century, mentions in his commentary on the Abhidhamma, the *Abhidhammatthavikāsinī*, a 'heretical' view jointly held by the Mahāsāṅghikas and the Abhayagirivāsins.²⁷ Presumably, this statement reflects the close relationship which prevailed between the two fraternities.

The practice of different *nikāyas* living together at the same monastery was not unknown as evident from the Chinese and Tibetan accounts of the Buddhist scholastic tradition prevalent in the eastern regions of India. The rather incoherent statement of I-tsing cited earlier also seems to suggest

22. A. Bareau, 'Trois traites sur les sectes bouddhiques des ā Vasumitra, Bhavya et Vinītadeva', *Journal Asiatique*, 1954. pp. 229-234; *Les sectes* ... p. 24.

23. *Les sectes* ... p. 26.

24. Bu-ston, *The History of Buddhism in India and Tibet*, (trsl. E.O. Obermiller), Heidelberg, 1931, Pt. II, pp. 98-100.

25. *Mahāvamsa* 36. 41.

26. Beal, *op. cit.* Vol. IV p. 443.

27. *māhasāṅghikā pana abhayagirivāsino ca dīṭṭhujjukammam viṣum puññakiriya-bhāvena na gaṇhanti. Abhidhammatthavikāsinī* (ed. A.P. Buddhadatta), Colombo, 1961, p. 46.

that there was some form of co-existence if not corporate existence of the four main *nikāyas* in the eastern regions of India. This gains further strength from the evidence in the *Blue Annals*. This work records the tradition that Dipaṅkaraśrījñāna, an abbot of the Vikrama īla monastery, studied the Canons of the four *nikāyas*. Further, this text states that the Tibetan scholar Rwa lo-tṣā-ba rDo-rje-grags sent one hundred *srāṅs* of gold to the Vikramaśila monastery as an endowment to pay for the regular recitation of the *Ārya-prajñā-pāramitā-saṅcaya-gāthā* by 'eighty-four *paṇḍitas* of the four *nikāyas*'.²⁸ These statements seem to suggest that the Vikrama īla monastery was an institution where monks representing the four *nikāyas* lived and that it was a centre which encouraged the comparative study of their teachings.

The *Cūlavamsa* records that the Mahāsāṅghikas and the Theriyas were given the Virāṅkurārāma built by Sena I at the Abhayagiri monastery. According to the *Nikāyasāṅgrahaya*, a monk belonging to a 'heretical' school settled at the Virāṅkurārāma and won over Sena to his cause; the *śāstras* like the *Ratnakūṭa* were also brought to Ceylon during the same reign. The Abhayagiri inscription records that monks from the four main *nikāyas*, at least one of which represented a school distinct from the Theravāda tradition, lived at a hermitage attached to the Abhayagiri monastery; it also makes special provision for the study of the *śāstras* by forty monks. On considering these remarkable instances of corroboration, it seems reasonable to suggest that all these sources are speaking of the same incident and to hold that the inscription dates back to the reign of Sena I. This dating, as pointed out earlier, is supported by palaeographic considerations, too.

The *Ratnakūṭa* or the *Pao-chi* is one of the seven categories of the Mahāyāna class of the *Sūtra Pīṭaka* in the Chinese Buddhist Canon. It contains a collection of forty-nine *sūtras*. The parallel division in the Tibetan Canon, the *dkon-brtseg*, has forty-eight *sūtras*; some recensions have only forty-five. Most of the works in the *Ratnakūṭa* class are short tracts dealing with a single problem but some like the *Pitāputra-samāgama* are analytical treatises of considerable extent.²⁹ Edgerton has pointed out that the *Kāśyapa-parivarta* is sometimes called the *Ratnakūṭa*.³⁰ A number of copper plaques discovered at the Iṅḍikaṭusāya *stūpa* at Cetiyaḡiri, a monastery which was under the control of the Abhayagirinikāya, have been found to contain quotations from the *Kāśyapa-parivarta*.³¹ These are inscribed in the Sinhalese script; Paranavitana believes that they may belong to the eighth or the ninth century.³² Hence the tradition that the scriptures of the *Ratnakūṭa* class were brought to Ceylon seems to have had a historical basis.

The *Nikāyasāṅgrahaya* mentions that the Vājjriyavāda was introduced into the Island in the reign of Sena I. The 'heretic' who won over the king belonged to the Vajraparavata sect.³³ The term Vajraparvata is once used in

28. *The Blue Annals* (trsl. G.N. Roerich), Calcutta, 1949, Pt. I pp. 243, 377.

29. Charles Eliot, *Hinduism and Buddhism*, London, 1954, Vol. III pp. 282, 283, 374.

30. Edgerton, *op. cit.* Vol. II p. 374.

31. *Ep. Zey.* Vol. III pp. 199-212, 238-242.

32. *Ibid.* p. 200.

33. No information on a sect by this name is available. In the *Avatamsaka Sūtra* there is reference to a place called the Vajraparvata situated in the sea where the *bodhi-sattvas* used to congregate. *Taisho Tripīṭaka*, Vol. X p. 241b.

place of Vājiriya;³⁴ the two seem to be synonymous. Eliot is probably right in equating Vājiriya with Vajrayāna.³⁵ It is difficult to be certain about the historicity of a tradition which occurs in only one of our sources. But the discovery of some stone slabs bearing Tāntric *dhāranīs* within the Abhayagiri monastery and not very far from the site of the Sanskrit inscription under discussion may add weight to the possibility that Tāntric teachings were brought to Ceylon during this time from the eastern regions of India. Parana-vitana has described the script on these slabs as a form of Nāgarī used in eastern India in about the ninth century.³⁶ Some of the most important centres of Tāntric and Vajrayāna teachings were found in the eastern regions of India. According to the Tibetan sources, the abbots of the Vikramaśīla monastery were, from the time of Buddhaśrījñāna, famous *vajrācāryas*. Some of these teachers, like Buddhaśrījñāna and Dipaṅkaraśrījñāna, are specifically referred to as monks of the Mahāsaṅghikanikāya.³⁷ It is possible that Tāntric teachings came to Ceylon through Indian monks from centres like the Vikramaśīla monastery or through Ceylonese monks who had lived at these institutions.

Sinhalese monks were familiar figures among the pilgrims who visited the sacred shrines in eastern India. The Chinese source *Hing-tchoan* of Wang Hiuen ts'e mentions a special monastery built at Buddha Gayā by a king of Ceylon for the use of monks from his country.³⁸ Some of the monks have left records of their visits and the meritorious works they undertook at the site. Apart from Mahānāma, a monk of the sixth century, who has left two inscriptions recording the donation of a dwelling and a Buddha image to the Buddha Gayā monastery, Prakhyātakīrtti, another Sinhalese monk, claims, in a donative inscription datable to the sixth or the seventh century, to have belonged to the royal family of Ceylon.³⁹ A tenth century panegyric record which speaks of the dedication of an image-house by a Rāṣṭrakūṭa prince was composed by a Sinhalese scholar, a monk named Śrī Jana.⁴⁰ The Sinhalese clerical community finds mention again in an inscription from the site dated in the year 51 of the era of Lakṣmaṇa Sena (c.1157 A.D.).⁴¹ In this record, the execution of an endowment made to the shrine was vested in the charge of the leaders of the Sinhalese *saṅgha*.

It is evident from the foregoing evidence and particularly from the twelfth century inscription cited above that, apart from the occasional pilgrims who came to worship at the shrines of eastern India, there was a com-

34. *Niks.* p. 10.

35. Eliot, *op. cit.* Vol. III p. 40.

36. *Annual Report of the Archaeological Survey of Ceylon 1940-45* p. 41.

37. Buddhaśrījñāna occurs also as Buddhajñānapāda.

A. Schiefner, *Tāranātha's Geschichte des Buddhismus in Indien*, Petersburg, 1869, p. 257; A. Grünwedel, *Tāranātha's Edelsteinmine, das Buch von den Vermittlern der sieben Inspirationen*, Petrograd, 1914, pp. 92-93; *The Blue Annals*. Pt. I p. 243.

38. *JRAS* (Cey. Br.) Vol. XXIV, 1915-16, p. 75.

39. *Corpus Inscriptionum Indicarum* Vol. III pp. 274-278; *Indian Antiquary* Vol. XV pp. 356-359; *Annual Report of the Archaeological Survey of India 1908-9* pp. 156-157.

40. Rajandralal Mitra, *Buddha Gayā, the Hermitage of the Sakyamuni*, Calcutta, 1878, pp. 194-197.

41. A. Cunningham, *Mahabodhi, or the Great Buddhist Temple under the Bodhi Tree at Buddha Gaya*, London, 1892, pp. 78-79.

munity of Sinhalese monks who were permanent residents at the monastery of Buddha Gayā. It is unlikely that they were confined to Buddha Gayā. Most probably, some of them would have been attracted to the centres of Buddhist learning which flourished at short distances from this shrine. Tāranātha records a tradition about the community of Sinhalese monks at Buddha Gayā who opposed Tāntric practices and attempted to convert the followers of the Mahāyāna to their own teachings.⁴² If some of the Sinhalese monks opposed the teachings of the Mahāyāna and the Tantra as Tāranātha states, it is also possible that there were others who were fascinated by these ideas and carried their influence back to Ceylon to stimulate the development of Buddhist thought in the Island. Further, it seems reasonable to expect that, like the Sinhalese monks who visited India, there were monks from the Bihar-Bengal region who went to Ceylon to disseminate their teachings.

The Abhayagiri inscription and the chronicles seem to record an interesting and important incident in the history of Buddhism in Ceylon. It is evident from the information they provide that, apart from the monks of the three schools of the Theravāda, others like the Sarvāstivādins, Sammitīyas and more certainly the Mahāsāṅghikas, lived in Ceylon in the ninth century. The evidence in the *Nikāyasāṅgrahaya* and the fact that the rules of residence and monastic administration in the Abhayagiri inscription are in Sanskrit and not in Sinhalese as usual point to the possibility that the monks representing the schools other than the Theravāda came from India. The *Nikāyasāṅgrahaya* states that the 'heretic' came from India. There is no indication of the particular region of his origin. However, the prevalence of the idea of the corporate existence of the four *nikāyas* in the eastern regions of India, the close relations maintained between the Buddhist communities of this region and Ceylon and the palaeographic peculiarities of the relevant inscriptions at the Abhayagiri monastery strongly suggest the probability of the inspiration having come from the Bihar-Bengal area. Apparently, an experiment was tried at the Abhayagiri monastery to provide for the corporate existence within one hermitage of representatives of these four principal *nikāyas* of the Buddhist *saṅgha* and to institute a tradition of assiduous comparative study of their teachings without affiliation to any one of them. This is not necessarily the first instance when the teachings of these schools and of Tāntrism were introduced to Ceylon.⁴³ But it was probably the first systematic attempt made with royal patronage to absorb these elements into the local Buddhist tradition.

42. See Schiefner, *op. cit.* p. 221 and Grünwedel, *op. cit.* p. 93.

43. When Amoghavajra visited Ceylon in the eighth century, Samantabhadra, a Tantrist of great repute, performed the Vajradhātu and the Garbhadhātu ceremonies. Amoghavajra and his two disciples learned the secrets of the five *abhisecanī* from him. This would testify to the prevalence of Tantra practices in Ceylon before the events under discussion.

See W. Pachow, 'Ancient Cultural Relations between Ceylon and China', *University of Ceylon Review* Vol. XII, 1954, pp. 182-191.

VĀHALKAḌAS OF THE SINHALESE DĀGĀBAS

L. PREMATILLEKE

Several larger dāgābas of Ceylon, such as the Kaṇṭaka Cetiya at Mihintale, the Ruvanvāli Dāgāba (Mahāthūpa), the Mirisavāṭi Dāgāba, the Abhayagiri Dāgāba and the Jetavana Dāgāba at Anurādhapura and the Tissamahārāma Dāgāba at Mahāgāma, have left the vestiges of certain ornamental projections at the base of the respective stūpas facing the cardinal points. They are at present known as *vāhalkaḍas* meaning gateways, but their real significance remains unsolved.¹

As seen in the better preserved eastern *vāhalkaḍa* of the Kaṇṭaka Cetiya and the western one of the Mirisavāṭi Dāgāba,² this structure consists of a central projection with a side wing on either side. The whole structure is solidly built of brick and the lower vertical face forming the base is covered with ornamental stone work. The remains of the eastern *vāhalkaḍa* of the Kaṇṭaka Cetiya well indicate that its superstructure, too, was solidly built of brick but without the limestone covering. It possesses three *vimānas* corresponding with the central projection and the two side wings of the base. All three *vimānas* possess niches; the larger one in the centre probably housed a Buddha image, while the side niches contained figures of deities.³ Regarding the form of the superstructure, Paranavitana comments: "We can only conjecture as to what the tops of the structures were like; perhaps they were of the same form as the roofs of buildings represented in bas-reliefs on the urinal stones and balustrades found at Anurādhapura".⁴

Each *vāhalkaḍa* is flanked by two steles on either side, the inner ones rising to the same height as the stone-faced base, while the outer ones are shorter and rise only up to the level of the lowest terrace (*pesāva*) of the dāgāba. At the Jetavana Dāgāba, however, the latter are higher than the level of the lowest *pesāva*, while the two additional nāga stone slabs are on a level with the lowest terrace.⁵ The two taller steles are surmounted by lion, bull, horse or elephant, thus repeating the well known Mauryan pillar capitals. The body of the steles is profusely decorated with floral patterns and figure sculptures. These relief sculptures follow similar motifs found at Bhārhut, Sāñci, Amarāvati and other early Indian sites (Fig. I).

1. For the plans of *vāhalkaḍas*, see Smither, J.G., *Architectural Remains of Anurādhapura*, pls. XIV-XIX, XXV-XXVII, XL, XLVIII.
2. For a detailed description of the western *vāhalkaḍa*, see *Ibid.*, pp. 20-21.
3. *Archaeological Survey of Ceylon, Annual Report for 1935*, pp. 4-6 & pl. II.
4. *Memoirs of the Archaeological Survey of Ceylon*, vol. V, p. 51.
5. Smither, J.G. *op. cit.*, pl. XL.

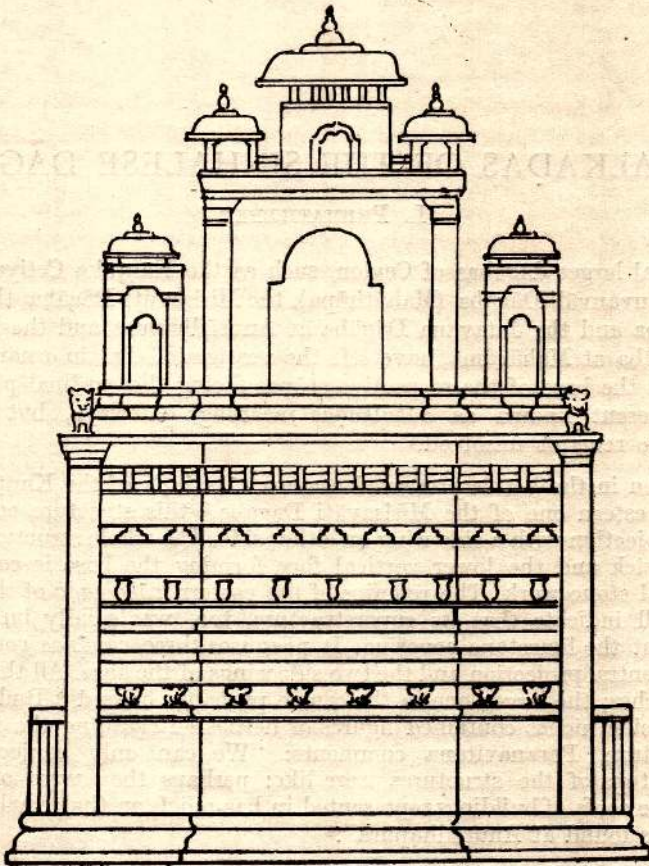


Fig. I

The excavations at the Ruvanvālisāya have revealed that the *vāhalkaḍas* have been built enclosing the limestone platforms projecting at the cardinal points as commonly found in the early Indian stūpas; the interspace between the projection and the *vāhalkaḍa* was filled with lime concrete, and embedded in the concrete were found terra-cotta and limestone caskets.⁶ The limestone facing of the terrace of the Mahātūpa (Ruvanvālisāya), according to the chronicles, were done in the reign of Lañjatissa (B.C. 119-109).⁷ Hence, the *vāhalkaḍas* in question must be posterior to this date. On epigraphical evidence, Paranavitana attributes the *vāhalkaḍas* of the Abhayagiri dāgāba to the reign of Kaniṭṭhatissa (164-192 A.D.).⁸ It could be surmised that the *vāhalkaḍa* structures were already known by the 2nd century A.D.

6. *Ibid.*, pp. 28-29.

7. *Mahāvamsa*, XXXIII, 22.

8. *Epigraphia Zeylanica*, vol. I, p. 258.

The *vāhalkāḍas* are not without their parallels in India. The bas-relief representations of the stūpas of Amarāvati and Nāgārjunikoṇḍa and also the excavated stūpas show similar rectangular projections at the base of the stūpa facing the cardinal points.⁹ But there are obvious differences between the *vāhalkāḍas* and these projections. We have seen above that the superstructure of the *vāhalkāḍas* points to a solidly built *vimāna*-like structure with niches. In the Indian examples, the upright projection is surmounted by five free-standing octagonal pillars which, sometimes, appear to have been surmounted by Buddhist symbols like *dharmacakra* and *tri-ratna*.¹⁰ There is an apparent divergence in the projection as well. The lower part of the *vāhalkāḍa* is decorated with horizontal bands of ornamental motifs, while the platforms of the Āndhra stūpas were completely covered with bas-reliefs showing Buddha figures, jātakas, life incidents of the Buddha, etc.¹¹ (Fig. II).

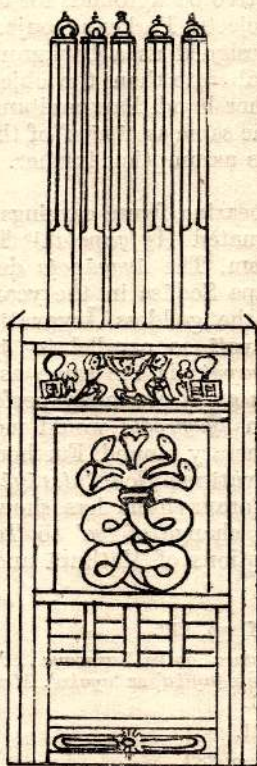


Fig. II

9. *Memoirs of the Archaeological Survey of India*, No. 71, pl. XXV; Barrett, D., *Sculptures from Amaravati in the British Museum*, pls. II, IV. Similar projections are noticeable in the stūpas of North India, e.g., Dharmarājika Stūpa at Taxila. See *Archaeological Survey of India, Annual Report for 1912-13*, pl. I.
10. Barrett, D., *op. cit.*, pls. II, IV.
11. *Memoirs of the Archaeological Survey of India*, No. 54, p. 30ff & plates.

The inscriptions carved on the pillars standing free on the projections of the stūpa at Jaggyapeta name them 'Āyaka-khamba' (Āyaka-pillars). Vogel assumes that, as the pillars are called by this name, the projections on which the pillars stand should be designated 'Āyaka'.¹² This offers an important parallel with the Sinhalese *vāhalkaḍa*.

A slab inscription of Kaniṭṭhatissa above referred to, which was found near the southern *vāhalkaḍa* of the Abhayagiri dāgāba, refers to the construction of four 'ayaka' for the dāgāba.¹³ It is quite apparent that they refer to the four projections of the dāgāba.

The purpose of the *vāhalkaḍas* or the *āyaka* projections has been questioned by several experts. It was thought that the *vāhalkaḍas* had been built as screens for the flights of steps ascending the upper basal terraces of the dāgābas and this was discounted by Smither on archaeological evidence.¹⁴ Parker considers them to be protective backgrounds for the stone flower-altars placed in front.¹⁵ Parānavitana rejects Parker's conjecture on the grounds that 'an architectural feature designed as a background for an altar would not have been so much more elaborate than the object to which it was meant to be subsidiary'.¹⁶ On the other hand, Parānavitana has indicated that 'ayaka' of the inscriptions may be the same as 'āyāga' of the Buddhist texts.¹⁷ It would be interesting to pursue this assumption further.

Several Jaina plaques bearing figure carvings found by Smith at Kankāli Tila near Mathurā are designated 'Āyāgapāṭa'.¹⁸ These tablets bear the names of those who dedicated them. The *āyāgapāṭa* dedicated by Āmohini, dated in the reign of Mahākṣatrapa Soḍāsa in the year 72, i.e., 57 B.C., according to Bachhofer,¹⁹ represents the goddess Āryavatī, and Lohuizen—de Leeuw attempts to interpret āryavatī as parallel to *āyāgapāṭa*.²⁰ However, it is apparent enough that *āyāgapāṭa* is the same as *āryakapāṭa*, and *āryaka* is explained by lexicographers as 'a ceremony performed in honour of the departed ancestors'; hence, an *āyāgapāṭa* would mean a tablet of homage set up in a stūpa which is a funerary mound. Further, an inscription on a coping stone of a railing at Amāravatī mentions 'utarāyāke paṭo' meaning 'the tablet of the northern *āyāka*'.²¹ Parānavitana has shown that, in Prakrit used by the Āndhra Buddhists, the change of 'ga' to 'ka' is very common. Hence, 'āyāga' of the Jaina inscriptions of Mathurā and 'āyāka' of the Amāravatī

12. *Epigraphia Indica*, vol. XX, pp. 15ff.

13. '(Utara-maha) ceta (hi) catara ayika karavaya...' *Epigraphia Zeylanica*, vol. I, p. 255. Parānavitana corrects 'ayika' as 'ayaka'. *Memoirs of the Archaeological Survey of Ceylon*, vol. V, p. 59, n. 1.

14. Smither, J.G., *op. cit.*, p. 21.

15. Parker, H., *Ancient Ceylon*, p. 289.

16. *Memoirs of the Archaeological Survey of Ceylon*, vol. V, p. 58.

17. *History of Ceylon* (University of Ceylon Press), vol. I pt. I, p. 262.

18. Smith, V.A., The Jaina Stupa and other antiquities of Mathura, *Archaeological Survey of India*, New Imperial Series, vol. XX.

19. Bachhofer, L., *Die frühindische Plastik*, vol. II, pl. 74 and description.

20. Lohuizen-de Leeuw, J.E. Van, *The "Scythian" Period*, (Leiden, 1949) p. 147.

21. Burgess, J., *The Buddhist Stupas of Amāravatī and Jaggyyapeta*, p. 86; *Epigraphia Indica*, vol. II, pp. 200ff.

inscription would mean the same thing.²² The Amarāvati inscription further asserts that the word *āyāgapata* should be a tatpuruṣa compound, and this would indicate that the tablets (*pata*) belonged to the *āyaka*-platforms of the stūpas.

The Buddhist texts, Suttanipāta and Theragāthā, describe the Buddha as 'an *Āyāga* of the whole world' (*Āyāgo sabbalokassa*).²³ The commentary explains *āyāga* as a place of worship.²⁴ Apadāna clearly shows the connections between the stūpa and the *āyāga*, for it records the construction of an *āyāga* for a stūpa by a devotee.²⁵ Thus, *āyāga* or *āyaka* of a stūpa could be understood as places of worship which are situated at the four cardinal points.

It is also interesting to note the term '*ādīmukha*' occurring in the Mahāvamsa in this connection. It is said that Gajabāhu I constructed '*ādīmukha*' of the Abhayagiri Dāgāba.²⁶ The chronicle further attributes the construction of the Gāmaṇītissa tank and a *mahā-āsana* hall to the same king. But the inscription of Kaniṭṭhatissa referred to above claims for him the construction of the '*āyaka*' for the Abhayagiri Dāgāba, Gāmaṇītissa tank and the *āsana-sālā*. Wickremasinghe and Hocart have commented on a certain confusion caused by the author of the Mahāvamsa in recording the works of Gajabāhu I and Kaniṭṭhatissa whose reigns are separated only by three decades.²⁷ In the above context, the *ayaka* of the inscription is apparently the same as the *ādīmukha* of the chronicle.

Paranavitana, however, considers '*ādīmukha*' to be an error and attempts to amend it to '*addīmukha*', for the word '*addīkamūla*' is mentioned in the Mahāvamsa with reference to the Mahāthūpa.²⁸

In the Jaina caumukh (*caturmukha*) temples of the Indian śilpasāstras, the four projecting chambers containing the images of Jina are known as '*mukha*'. In the context of the stūpa, the *caturmukha* of the temple applies to the four projections at the cardinal points. '*Ādi*' would mean 'front' or, as

22. Paranavitana, S., Stūpa in Ceylon, *Memoirs of the Archaeological Survey of Ceylon*, vol. V, Sinhalese Translation, p. 49.
23. *Suttanipāta*, P.T.S. ed., pp. 86, 486; *Theragāthā*, I, 566.
24. *Paramatthajotikā*, II, p. 412.
25. *Apadāna*, P.T.S. ed., p. 89.
26. *Abhayuttara mahāthūpam vadḍhapetvā cināpayī. Catuvāre ca tāth,eva ādimuham akārayī. (Mahāvamsa, XXXV. 119.)*
27. *Epigraphia Zeylanica*, vol. I, p. 253; *Memoirs of the Archaeological Survey of Ceylon*, vol. I, p. 14.
28. *History of Ceylon*, vol. I, pt. I, p. 262. The *Mahāvamsa-Tikā* explains *pācinaddī kamūlamhi* as 'on the spot where the stone pillar on the east side has been erected' (*pācinadisāya silāthambhassa ussāpitaṭṭhāne*). *Vamsatthappakāsini*, vol. II, p. 631. It is not impossible that the stone pillar referred to here was a free-standing pillar erected on the east side of the stūpa. The erection of such pillars near sacred buildings and sites was a common feature in ancient India. This custom was not unknown in Ceylon. With reference to the Bodhighara at Anurādhapura, it is recorded that four pillars bearing dharmacakras were erected at the four corners of the courtyard of the Bodhi tree. It is also noteworthy that a fragment of a free-standing pillar with a piece of an animal figure which probably surmounted the pillar has been unearthed at the precincts of the Jetavana Dāgāba.

Turnour²⁹ translates, 'former'; thus considering the synonymous forms of 'ayaka' and 'ādimukha' discussed above, it would imply that 'ādimukha' needs no amendment and refers to the *vāhalkaḍa* projections in question.

Smither's investigations at the southern *vāhalkaḍa* of the Ruvanvālisāya revealed the existence of a relic chamber on a level with the main relic-chamber of the dome.³⁰ Yet another was found together with two stone relic caskets in the southern *vāhalkaḍa* of the Abhayagiri Dāgāba. If the *vāhalkaḍa* was built merely as an ornamental appendage, then there is no necessity for a relic-chamber to be built within; and it shows that the *vāhalkaḍas* were sacred structures which formed part and parcel of the sacred *stūpa*.

Thus, the *vāhalkaḍa* can be interpreted as a structure built at the cardinal points serving to identify the *stūpa* as a place of worship. Essentially, they seem to support the image of the Buddha, and in one sense, they are more elaborate counterparts of the niches in the *stūpas* containing images of the Buddha, as seen in the votive *stūpas* of Bodhgayā, Nālandā, etc. In another sense, they might be said to present an analogy with the projecting halls of the *caturmukha* image houses.

29. See *Mahāvamsa* Translation, Wijesinghe, p. 149, n. 3; *Critical Pāli Dictionary*, Vol. II.

30. Smither, J.G., *op. cit.*, pp. 28-29.

NOTES AND COMMENTS

Tennent and Indian Immigration to Ceylon, 1846/7— a Rejoinder

K. M. DE SILVA

In a closely reasoned article¹ Dr. Vanden Driesen has offered quite lengthy and interesting comment on one portion (covering about five pages) of an article written by me for this journal²—namely my evaluation of Tennent's despatch of 21st March 1847 on the immigration of Indian plantation workers to Ceylon. There is much in his comment, however, with which I cannot agree and this article seeks to meet his arguments.

I would like to point out first that in the whole length of his essay he makes no attempt to explain the circumstances in which Tennent's despatch was written. This latter document was not written as an academic exercise, or as a contribution to the "Blue-Book", but as a reply to a charge made by the planters that the shortage of labour in the crop season of 1846-47 was due to the negligence of the government, its failure to provide them with adequate welfare facilities such as hospitals, and the difficulties of the march to and from the estates by way of the northern road. It was thus basically a defence of the government's record. I made this point in my original essay³ and I believe it is vital to an understanding of Tennent's despatch in its historical context. But this is something which Dr. Vanden Driesen ignores and his refusal to come to grips with this basic circumstance detracts from the value of his essay. Again, quite apart from this, he makes no attempt to relate the facts discussed in these essays to the general historical background of the period under discussion. Instead he tends to isolate them from this background, and studies them as it were in a vacuum. The reliability of Tennent's despatch on Indian immigration as historical evidence, and the accuracy of the statistical evidence contained in it, will be determined also by his reliability in other fields of administration and by the accuracy of Ceylon statistics in general.

But this despatch and its enclosures by themselves will be sufficiently revealing and for this purpose one needs to mention only his letter to G.A. Bushby, Secretary to the Government of India, No. 8 of 29 March 1847, (Enclosure No. 12 in Tennent's despatch of 21st April 1847) dealing with the same topic of Indian immigration to Ceylon. Writing to Bushby he argues that in general the condition of the immigrants labourers in Ceylon was superior to that of those in other colonies (such as Mauritius and the West Indies) and this had "already obviated the necessity for most of those precautions, considered essential in the case of the more distant colonies . . .". He adds that "No deceit could be practised on them as to the length of their journeys, the country and climate to which they are resorting, the description of the food they were to expect, the nature of their employment, the force of their contracts or the amount of their earnings. No intermediate abuses have ever been allowed in connection with their emigration to the island such as called for legislative interference at a former period in relation to their shipment for other destinations; there has been no fraud or misrepresentation used to collect them from the interior of India, no confinement or ill treatment at the place of shipment, no forcible embarkation and no fraudulent detention of the money proposed to be advanced to them (by the Agents) who make a livelihood by the emigration . . .".

1. Vanden Driesen, I.H. "Indian Immigration to Ceylon, the first phase c 1840-1855" A Comment". *The Ceylon Journal of Historical and Social Studies*, 7(2) pp. 218-229, referred to hereafter as Vanden Driesen (1964).
2. de Silva, K.M. "Indian Immigration to Ceylon,—the first phase c. 1840-1855" *The Ceylon Journal of Historical and Social Studies*, 4(2) pp. 106-137, referred to hereafter as de Silva (1961).
3. de Silva (1961) pp. 114-116.

Contrasting this with the former situation as regards emigration to Mauritius and the West Indies which had prompted the intervention of the Government of India, he insisted that a similar need did not exist with reference to Ceylon.

He did admit that the journey from the coast to the estates was a difficult one but he urged that these difficulties could be met by 'moderate precaution' on the part of the immigrants 'and due provision before setting out'. These were all that was required 'in addition to the facilities afforded by the Government, for enabling them to journey with perfect security'. He added that the Government of Ceylon had established resting places and medical attendants, and held out the promise that these would be increased—'so far as this route can be facilitated by continued and increased attention on the part of the government it will be attended to'. But he urged that it would be advantageous if the immigrant labourers could be persuaded to take boat if not to Colombo or Negombo, at least to Puttalam.

Not only was Tennent keen to build up a favourable image of the Ceylon administration as protectors of the immigrant Indian labourers, he was also anxious to emphasise the benevolent outlook of the employers of labour, though admittedly, he was not quite as enthusiastic in this latter task. Where 'illness and emaciation' were observable among these immigrants, he declared, "it was not attributable to the neglect of their comforts on the estates so much as to their own privation in their eagerness to save the largest possible amount of their wages within the shortest possible period".

Indeed, Tennent was not unaware of the possibility that the Indian authorities knew about the deplorable state of the immigrants to Ceylon, in particular about the high death rate. But with superb aplomb he endeavoured to save the government, and to some extent the planters, from the charge of neglect, by putting all the blame for the situation on the immigrants themselves. It was at this point that he introduced his argument that the immigrants arrived in Ceylon "in perfect health, cleanly in their persons and in every way fitted to enter vigorously on their engagements at the several estates", while "their aspect on their homeward journey (was) however different". "They return after an interval of some months dirty in their persons and their dress and by no means so fresh in their appearance or so vigorous in their movements as on their arrival. They carry away with them, however, considerable sums of money saved of their high wages which average nine rupees a month, and out of which their expenditure cannot exceed one third". To the charge of self-imposed privation, he added the accusation of gross neglect of the sick and weak. "They are too often accompanied by some of the gang suffering under illness and towards them their conduct is more unsympathising (sic) and unfeeling; never affording the requisite attention but invariably relieving their companions so disabled of their money, on the profession of carrying it to their relations in India and then abandoning them by the roadside or consigning them to the care of the peons in charge of the Hospitals and cooly rest-houses, they resume their line of march to the coast . . .".

Less than one month after he had sent this letter to the Secretary of the Government of India, Tennent sent the Colonial Office his despatch of 21st April 1847 giving a substantially different version of the situation as regards the condition of the immigrant labourers in Ceylon. Reports from other officials sent in support of his arguments described the conditions on the coffee estates as being as bad as plantation slavery in the West Indies, or "Egyptian bondage". Tennent, in more sober language, practically endorsed this view, admitting thereby that the situation was much worse than it was as regards the Indian immigrants in Mauritius and the West Indies though he did not make this explicit.

But he attributed this to the callous neglect and cruelties of the planters, a theme which he emphasised over and over again in this despatch, though he had informed the Indian authorities in his letter of 29 March that there had been no "neglect of [the] comforts (of the immigrant labourers) on the estates . . .". At the same time he concealed the equally serious shortcomings of the Government in these matters—indeed he built up a picture of a benevolent administration seeking tirelessly to minister to the welfare of the immigrants, a repetition if not expansion of the theme he outlined in his letter to the Indian authorities. It was a travesty of the truth but the Colonial Office (and perhaps the Indian authorities) as well were not aware of it.

One other point was common to both the despatch and the letter, the argument that the immigrants arrived in good health but were emaciated and disease ridden when they

returned, if they returned at all, with the difference of course that where in the latter the blame was attached to labourers themselves, in the former this theme was played down and a greater degree of blame was attached to the neglect and cruelties of the planters. Poverty-stricken immigrant labourers from South India could hardly have arrived in Ceylon in good health ("in perfect health, cleanly in their persons and in, every way fitted to enter vigorously on their engagements at the several estates" as Tennent's letter had it) and contemporary sources, apart of course from the reports enclosed in Tennent's despatch, provide no support for this view. Indeed one suspects very much that having introduced this argument to support one theory in his letter to Bushby, he persisted with it in his despatch to the Secretary of State in answer to planters' complaints although this support was scarcely necessary to his main contentions in the despatch. I shall return to this theme later on.

One needs to explain the circumstances in which each of these documents came to be written. First, the letter of 29 March 1847. Here I might quote relevant extracts from my original article. "The great publicity given in the local press to [the] controversies on Indian immigration, and particularly to the Ordinance prepared by the non-officials in the Legislative Council attracted the attention of the Madras Government. Though the immigration of labourers for plantation labour in Ceylon was officially frowned upon the Madras Government had turned a blind eye on a movement of such obvious benefit to its citizens. (As the law stood it was illegal to abet the emigration of labourers from India except to Mauritius, British Guiana, Jamaica and Trinidad). But once it became a matter of controversy it was impossible to ignore it any longer. The Governor General of India in Council expressed readiness to discuss the problem of Indian immigrant labour with the Ceylon Government.⁴ The negotiations on behalf of the Ceylon Government were conducted with great skill by Tennent, who throughout these discussions insisted that the treatment accorded to these immigrants was both benevolent and enlightened and that there was little need for the stringent legislation which controlled the traffic to Mauritius and the West Indies. This was less than the truth but the Indian government only too willing to please did not raise awkward questions".⁵ The letter of 29 March 1847 was thus merely part of this campaign, and the facts it contained were tailored to meet these needs.

The despatch of 21 April 1847 was equally tendentious. It was "basically a defence of the Government's record . . . The evidence carefully selected and the arguments skillfully marshalled led to one conclusion—the labour crisis of 1846 was the result of the planters' negligence and ill-treatment of the immigrants".⁶ "Besides it was Tennent's aim to effect a radical change in the state's attitude to the problem of immigrant labour; there was to be no state sponsored or state subsidised immigration, but the state was to intervene to protect the immigrant from the planters. By concentrating on the shortcomings of the planters—and by concealing the equally serious shortcomings of the Government—Tennent hoped to get the Colonial Office to approve this change of policy".⁷

It is clear then that Tennent, in the space of less than four weeks had, on the basis of the same set of facts, come to two diametrically opposed sets of conclusions (on the question of immigrant Indian labourers in Ceylon) to meet two different needs. In the circumstances is it a matter for surprise that one treats Tennent's despatch of 27th April 1847 with so much suspicion? Evidently Dr. Vanden Driesen has missed Tennent's letter of 29 March 1847, though it was one of the many enclosures in the despatch. He is not alone in this, as the Colonial Office too apparently missed it. But once the two documents are compared, the whole basis of Dr. Vanden Driesen's defence of Tennent's credibility in general, and to be more accurate, the credibility of his despatch as a historical source, is completely undermined. Indeed so damaging is the effect of the comparison that one hardly needs to proceed any further with the business of meeting his criticisms, but since the latter are so many and appear to be so logical it is necessary to deal with the more important of them.

4. This matter was raised officially by a letter from the Secretary to the Government of India, to Ceylon's Colonial Secretary, Tennent, dated 6 February 1847. Tennent's letter of 29 March was thus a reply to this letter.
5. de Silva (1961) p. 115.
6. *ibid.* p. 116.
7. *ibid.* p. 117.

Dr. Vanden Driesen's main criticisms may be divided conveniently into three categories, viz. those relating to Tennent's contention that immigrants arrived in the planting districts in fair or good health, but returned home so worn out and emaciated with disease that large numbers died on the way home; the cholera epidemic of 1845-46 and its impact on the immigration of labour in 1846; and the statistics in Tennent's despatch.

In an earlier paragraph I have pointed that Tennent's argument that the immigrants arrived on the planting districts in fair or good health had first appeared, indeed in a much stronger form, in the letter of 29 March 1847; in that document it served to buttress the main theme of his argument that such distress as existed among the immigrants—and this he urged, was very little—was the result almost entirely of the immigrant's self-imposed privation. In the despatch this same argument was used to support quite another theory—that conditions on the estates were deplorably bad.

Dr. Vanden Driesen makes much of the fact that this argument was supported by memoranda sent in response to a questionnaire prepared and despatched by the Governor (and not by Tennent) to a set of officials who are described (by Dr. Vanden Driesen) as "experts" in the matter. Dr. Vanden Driesen goes on to emphasise the fact that it was Governor, Sir Colin Campbell rather than Tennent who took the initiative in collecting this information.⁸ But the one thing that struck contemporaries in Ceylon (as well as at the Colonial Office) was that Campbell never initiated anything during the whole period of his administration; indeed during this period the effective ruler of the colony was not Campbell but the Colonial Secretary of the Ceylon Government, first Philip Anstruther (to 1845) and then Tennent. And during the last few months of his administration when this problem of Indian immigration became a matter of acute controversy he was even less inclined to take the initiative. In fact the evidence appears to suggest that the questionnaire referred to by Dr. Vanden Driesen was drafted by Tennent, and sent to a group of five officials selected by him. And they were certainly not selected because of any expertise they possessed. It is here that Dr. Vanden Driesen's failure to relate this despatch and its preparation to the general historical background of the period leads him astray. If indeed, as he would have us believe, Tennent was guided in his choice of officials, by the degree of expertise they possessed on the matter of Indian immigration, he needs to explain why it was that Tennent preferred the opinion of the A.G.A. Kurunegala, W. Morris when there was a Government Agent of the North Western Province, J. Caulfield a more senior and experienced official? Again why was the A.G.A. of Mannar, F. Price a very able civil servant, not consulted even though a good many of the immigrants landed in the coastal areas of his district? And, why did he not call for the views of P.A. Dyke the Government Agent of the Northern Province (which then included the present N.C.P.) who, it was generally acknowledged, was by far the ablest civil servant of his day? Again why did he not consult P.E. Wodehouse, Government Agent, Western Province? The failure to consult Wodehouse is rather significant in view of the fact that in a confidential memorandum of 6 March 1846 addressed to Tennent himself, he had made reference to the problem of Indian immigration to Ceylon.⁹ This is not to mention the Government Agent of the Central Province, C.R. Buller, who was also omitted from this survey, though the incompetent Colepepper, Superintendent of Police at Kandy was consulted. Then again, while the Police Magistrates of Gampola, Matale and Kandy were consulted, the District Judge of Kandy was not. Indeed, Dr. Vanden Driesen's task is not to explain why Tennent chose these five officials out of so many for this delicate task, but to explain why others more experienced were not.

The one thing common to the officials picked by Tennent was their lack of seniority in the public service. They were chosen not because they were experts but because they were junior men. And to understand this situation, one needs to remember that Tennent was on bad terms with practically every senior civil servant in the Colony. To a large extent this animosity was due to the resentment felt by the latter at Tennent's appointment to a post which they felt ought to have been filled by one of them, but his own failings also contributed to this, a weakness that bordered on timidity, a pronounced lack of candour and a well developed talent for intrigue. Thus in 1846 when Tennent was engaged in what was perhaps the most constructive piece of work he did in Ceylon, his very able report on the finance and revenue of the colony¹⁰ he was to complain that he did not get

8. Vanden Driesen (1964) p. 219ff.

9. C.O. 54/238 Torrington to Grey, confidential despatch of 16 August 1847, and its enclosure, Wodehouse's confidential memorandum to Tennent of 6 March 1846.

10. Tennent's *Report on the Finance and Commerce of Ceylon*, 22 October 1846, in *Reports on the Finance and Commerce of the Island of Ceylon* (H.M.S.O. 1848).

the co-operation of the senior civil servants in this matter, but the evidence does seem to suggest that this co-operation was lacking, among other reasons, because of Tennent's anxiety to frame a report with a pronounced *laissez faire* outlook in which the practical experience of the administrator was given less consideration than theoretical arguments. Quite obviously Tennent had learnt his lesson well, and when his despatch on Indian immigration was being prepared he preferred to rely on the more malleable and flexible junior officials who would not let considerations of practical experience stand in the way of Tennent's pre-conceived notions on the subject.

These then are the reasons why I was not inclined to place much reliance on the reports enclosed in Tennent's despatch as evidence in support of Tennent's notions on Indian immigration. On other matters these reports are more valuable and I have quoted them with approval. Dr. Vanden Driesen takes me to task on this. He asks "Why this differentiation? Why reject part of the evidence and accept the rest?"¹¹ The explanation is simple—where their evidence is corroborated by other and by generally more reliable sources it has been accepted.

Dr. Vanden Driesen, naturally, seeks to question the reliability of the two sources quoted by me to refute the views expressed in Tennent's despatch—Dr. Willisford and the Bishop of Colombo. With regard to Dr. Willisford, my critic is right on one minor point, that he was not the Senior Medical Officer in 1846-7 as I had described him, but even this hardly affects his reliability as witness. Willisford's evidence was given on 24 January 1849 before the Committee of the Executive Council on the Fixed Establishments of Ceylon, which made the first systematic study of the Ceylon Civil Service and the Fixed Establishments of the Island attempted after the establishment of British rule in the Colony. (Dr. Vanden Driesen is mistaken when he states that this evidence was given in 1852¹²—it was given on 24 January 1849, but the report of the Committee was printed only in 1852). The evidence here, was indeed the evidence of an expert on the medical services and his comments on Indian immigration are all the more valuable for not being part of some government sponsored investigation directed for some tendentious purpose. And this is what Dr. Willisford says: "A large proportion of the persons dependent on the government for the supply of medical attendance and medicine are the coolies who visit Ceylon in search of employment, and who arrive at the different ports in a state of greater or less exhaustion from starvation or disease".¹³

As regards the Bishop, Dr. Vanden Driesen makes the categorical assertion that Bishop Chapman in his reports to the Society for the Propagation of the Gospel said nothing whatever about conditions on the line of march. This statement is inaccurate in many ways. For one thing Bishop Chapman did not send any reports to the S.P.G. on this matter; he merely sent a few letters in which this subject was mentioned. In his letter of 12 November 1847 he quite definitely referred to this theme. "(Very) many (Indian labourers) died from fatigue and exhaustion in the pitiable condition in wh(ich) they come, from sickness, jungle fever, dysentery in their long and weary travel through uncleared and most unhealthy country". Here again, this letter was written not as part of Tennent's investigation, but as a reply to an accusation made by a S.P.G. missionary in India the Revd. T. Brotherton—an accusation which received considerable publicity in Ceylon, that only a third of the emigrants to Ceylon returned to their homes in South India (the death rate was so high); that half the emigrants became habitual drunkards while in Ceylon; and that those who returned to their villages became a corrupting influence there.¹⁴

Almost every other contemporary source would support Willisford and Bishop Chapman as against Tennent. To quote just three such sources. First there was a statement made by P.E. Wodehouse in his memorandum to Tennent on 6 March 1846 that the immigrants arrived "in a great state of destitution".¹⁵ Then Millie, a contemporary planter, writing about conditions in the 1840's noted that: "Few gangs of coolies arrived on the estates without some deaths occurring on the road, but more took place after arrival on the estates being worn with the journey and change of climate... it is generally some

11. Vanden Driesen (1964) p. 221.

12. *ibid.*

13. Dr. Willisford's evidence of 24 January 1849 in *The Report of the Committee of the Executive Council on the Fixed Establishments of Ceylon*. (H.M.S.O. 1852). p. 212.

14. For a discussion of this episode see, de Silva, K.M. *Social Policy and Missionary Organisations in Ceylon, 1840-55* (London, 1965) pp. 277-280.

15. C.O. 54/238, Torrington to Grey, confidential despatch of 16 August, 1847 and its enclosure Wodehouse's confidential memorandum to Tennent of 6 March, 1846.

time before the cooly gets hardened".¹⁶ Next there is Twynam's evidence that "There can be no doubt that from 1843 to 1850 there was comparatively great mortality amongst the immigrant coolies, and more especially between 1843 and 1845 at the commencement of the immigration, and the description given by (Dr) Van Dort of the Coast Cooly might apply with some truth to the wretched spectres with which the Cooly immigration commenced."¹⁷ None of these extracts would seem to lend support to Tennent's fanciful argument that "incoming labour reached the plantations in a healthy condition but departed attenuated by disease".¹⁸

Dr. Vanden Driesen argues that of the "host of criticisms" made by me, "those directed against Tennent's 'novel argument' (appeared to him) to be the key to the whole controversy. For if it can be shown that Colonial Secretary was not mistaken (here), the other points at issue lose something of their appearance of being part of a grand plot intended to deceive the Colonial Office".¹⁹ I would like to point out that the facts and arguments contained in this present article do provide sufficient evidence to show that Tennent was indeed mistaken and that there are all the signs of a deliberate attempt to mislead the Colonial Office. In these circumstances the other points at issue must be regarded as integral parts of this attempt to deceive the Colonial Office. Of these 'other points at issue' the first was the cholera epidemic of 1845-46. In my original article I suggested that Tennent had deliberately ignored the probable effect of this epidemic on the flow of immigration to Ceylon, in order to concentrate attention on this main theme of a deplorable situation created by the neglect and harassment of the planters.²⁰ Dr. Vanden Driesen attempts to meet this by a number of arguments:²¹ that Tennent had ignored it because he was more concerned with long-term factors rather than purely immediate causes (here it might be pointed out that Tennent did not ignore other purely immediate causes, such as storms at sea, and the better than average harvest in South India); that the effect of the epidemic was confined to Kandy and Jaffna only; that it was over sufficiently early not to affect the immigration during the crop season of 1846-47; and that in any case the shortage of labour had become apparent *before* the epidemic broke out in 1845 and was due largely to an increase in the area under cultivation, by almost a third by 1845.

Of these arguments the last is the most plausible but it hardly affects my position because it is not Tennent's argument. It is Dr. Vanden Driesen's and on this point I am in complete agreement with him. If, as Dr. Vanden Driesen insists, Tennent omitted reference to the epidemic because he was interested in the long-term causes of labour shortage, then it must also be conceded that he did not, in his despatch, show any great awareness of the long-term factor involved in the very significant increase in the area under cultivation after 1844. Dr. Vanden Driesen has carefully and skillfully demonstrated how this factor by itself could have created a labour shortage in 1846-47. But it is his argument and not Tennent's. And it still does not mean that the epidemic had no effect on immigration in 1846. Nor is it a reply to my charge that Tennent had ignored this epidemic in his despatch.

The second and third point in Dr. Vanden Driesen's criticism of my views on the epidemic can be quite justly described as a bit of special pleading; they appear to be less an attempt to explain a situation, than to explain it away. The basic issue as I see it, is as follows—it was well-known among contemporaries, particularly the planters that the Indian labourers in Ceylon fled to their homes whenever there was an epidemic of cholera and did not return till they were certain it was over. This had happened in 1843, and it was to happen again in 1853.²² And since the epidemic of 1845-46 was much the

16. Millie, P.D. *Thirty Years Ago, or Reminiscences of the Early Days of Coffee Planting in Ceylon* (Colombo, 1878) Chapter XIV, no pagination.

17. C.O. 54/463, Robinson to the Earl of Kimberley, 60 of 28 February 1871, Enclosure 1, *Correspondence on the Condition of Malabar Coolies in Ceylon*, No. 8. Twynam to the Colonial Secretary of the Ceylon Government, n.d. [1869-70], p. 15. Twynam had been successively, writer to G.A., N W P and stationed at Puttalam, 1847-48; A.G.A., Jaffna, 1.10.1848 to 1852; Acting Police Magistrate, Chavakachcheri 1853; A.G.A. Mannar, 1856-1868; Acting. G.A. Northern Province 1868, and G.A., N.P. 1869.

18. Vanden Driesen (1964) p. 219.

19. *ibid.*

20. de Silva (1961) p. 116.

21. Vanden Driesen (1964) pp. 222-223.

22. See *The Colombo Observer*, 28 March 1853.

most virulent in the first half of the nineteenth century, it is hardly likely that the pattern of immigrant behaviour during it was in anyway different. Contemporary evidence quoted by me in my original article strongly suggests that the immigrant labourers particularly those in the Kandy district where the epidemic was at its worst, fled panic-stricken to their homes.²³

Indeed it is necessary to draw Dr. Vanden Driesen's attention to recent studies made by European historians of the fears generated by cholera and the close connection between cholera and social disturbance in nineteenth century Europe.²⁴ Though no similar studies have yet been made of the impact of cholera on Indian society, it must be remembered that India was the great reservoir of cholera, and that in the nineteenth century the Indian masses feared cholera above all other diseases.²⁵

The second of 'the other points at issue' related to the question of Government medical facilities available to the immigrant labourer, in particular to Tennent's attempt to exaggerate the amount and probable impact of these medical facilities by his "skillful and unscrupulous" use of statistics for this purpose. Dr. Vanden Driesen summarises my main arguments on this point as follows: "Firstly, we are told that the Colonial Secretary (Tennent) was guilty of an untruth when he referred to 'the hospitals of the Government' since 'there was no government hospitals in Kandy . . . and little else in the way of medical facilities provided by the Government in the whole of the Central Province'. Secondly, we are asked to believe that Tennent made 'a skillful and unscrupulous use of statistics' when submitting returns pertaining to official expenditure on medical institutions in the Colony".

As a reply to the first part of this Dr. Vanden Driesen having made a systematic search of Blue Books, Almanacs, and other documents, has prepared a list of medical institution in the Central Province, and in other planting districts. He refers to six such institutions, but since two of these are at Kurunegala, only four in his list actually fall within the Central Province.²⁶ Of these two were in Gampola and Matale and of the rest one was the Pioneer Hospital in at Kandy to which immigrant labourers and the local population were not admitted, and the other was the 'Pauper Hospital' in Kandy which in all probability was the hospital run by the Kandy-Friend-in-Need Society described in my previous article. In fact, Dr. Vanden Driesen's researches only go to underline the accuracy of my statement that 'there was no Government hospital in Kandy . . . and little else in the way of medical facilities provided by the Government in the whole of the Central Province'.²⁷ (I was referring of course to hospitals and medical facilities available to the immigrant Indians). Kurunegala, after all, was part of the newly formed North Western Province.

23. de Silva (1961) p. 116.

24. See particularly, Briggs, Asa, 'Cholera and Society in the Nineteenth Century.' *Past and Present*. (19) April 1961.

25. Catanach, I.J. 'Agrarian Disturbances in Nineteenth Century India,' *The Indian Economic and Social History Review*, Vol. III, No. 1. March 1966.

26. Dr. Vanden Driesen quotes an extract from Tennent's despatch of 21st April 1847 where the latter when describing the measures taken by Governor Stewart Mackenzie to improve conditions on the line of march from Kandy to Puttalam states "that hospitals were eventually formed at these two places and medical sub-assistants attached to each". Vanden Driesen op. cit. 225. Here again the information is very vague, and no attempt was made at indicating whether these hospitals had survived Mackenzie's departure, and if so, where precisely they were situated, and whether they were actually government hospitals.

27. The information that there was no Government hospital at Kandy appeared in the *Report of the Committee of the Executive Council on the Fixed Establishment of Ceylon* (p. 210). This formed part of Dr. Willisford's evidence given on 21 January 1849. This was the first systematic survey of the Government's Fixed Establishments and the information in this report is much more reliable than information in Blue Books, Almanacs etc. Besides, Tennent himself was a member of this Committee and he signed the report without any dissent!! He had every opportunity to contradict Dr. Willisford. And one is justified, therefore, in concluding that Tennent's information as regards medical facilities provided by government for the immigrant labourers in the Central Province was misleading.

With regard to Tennent's use of statistics, it might be pointed out that the figures in the enclosures attached to the despatch, impressive though they were, are not particularly illuminating. Rows and rows of statistics were set out in impressive array (and Dr. Vanden Driesen prints several of these tables in the text of his article²⁸) all designed to conceal the government's neglect of the immigrant labourer. Tennent did not indicate *how he had obtained them* and the use of such terms as "institutions used exclusively by the immigrants" and other "institutions used by both natives and immigrants" are vague and confusing when not actually misleading. Did the immigrants, for instance, use the "small-pox" Hospitals and Pauper Hospitals in the Western and Southern Province?

The Colonial Office was hardly likely to know that the Ceylon officials themselves had very little confidence in the statistics provided by Government departments; the collection of statistics in the colony was at best haphazard and unscientific, and at worst a matter of deliberate invention. There is nothing to indicate that the statistics used by Tennent were in any way more reliable or accurate than those usually provided by Ceylon officials.

Dr. Vanden Driesen has much greater faith in the official statistics of this period than Tennent himself had. Here again his failure to relate Tennent's despatch to the general background of this period leads him astray. Had he remembered the fact that one of the better known minor episodes of the 1848 "rebellion" in Ceylon was the confusion caused in the Kandyan areas by Tennent's attempt to obtain more accurate statistical information for the annual Blue Books, Dr. Vanden Driesen is hardly likely to have attached so much value to these statistics. Indeed, no one among the Ceylon officials of the late 1840's had a greater contempt for the official statistics of the day than Tennent himself.

23. Vanden Driesen (1964) p. 226ff.

Observations on Computations of the Mortality Rate among Immigrant Indian Labourers in Ceylon in the Coffee Period

MICHAEL ROBERTS

Computations of the mortality rate among immigrants are based largely on the calculations drawn by A. M. Ferguson and others from Government records on the ingress and egress of immigrants at the ports of Mannar, Talaimannar and Colombo. On this basis Ferguson found that in the period 1841-1848 inclusive there were 136,117 immigrants or around 55% unaccounted for, being the difference between the arrivals and the departures recorded. Leaving a wide margin for error he concluded that 70,000 immigrants or around 25% had died in this period, a conclusion he maintained in 1859 as well as 1849.¹ It is said that such views first originated from a missionary in the Madras Presidency² but even planters subscribed to this opinion.³ The figure is accepted by several modern students as "fairly accurate".⁴ It is argued that Ferguson afforded plenty of leeway for error and that as these computations were not seriously challenged by anyone this suggests their validity.⁵ But the fact is that till the late 1850's ruling circles were not aware that the official statistics were extremely unreliable. As officials in the Northern Province pointed out in 1859, in May to September, the time when immigrants arrived, the winds forced the sailing vessels to land in Mannar, Talaimannar or nearby, but from November to April when they were picking up immigrants the winds forced these vessels to go further south and the coast here was not under the observation of the Customs.⁶ In order to avoid regulations, moreover, even ships leaving from Mannar surreptitiously picked up more passengers elsewhere.⁷ This factor was taken note of by Ferguson in 1859. Applying the same methods to his mortality computation for the period 1841-1858, he held the omissions in the departures recorded by Government to account for 25%. At a straight guess he placed the number of immigrants settled in Ceylon at 140,500. This still left 222,000 unaccounted for, i.e. 25% of the total ingress.⁸

1. K.M. de Silva, *Social Policy and Missionary Organizations in Ceylon 1840-1855*, (London, 1965), App. VII, pp. 299-300. A.M. Ferguson, *Ceylon Summary of Useful Information and Plantation Gazetteer*, (Colombo, 1859), pp. 167-173. The 1849 figures were in *The Colombo Observer* of which he was joint editor.
2. *The Examiner*, 19 June 1852, alleging that the missionary retracted his statement once the local press challenged it. The missionary referred to probably was Rev. Brotherton; for a proper explanation of the circumstances one should see K.M. de Silva, *Social Policy 1840-1855*, (London, 1965) pp. 277-280.
3. *The Examiner*, 16 June 1852, "On Coffee Planting in Ceylon" by C.R. Rigg.
4. K.M. de Silva, *Social Policy 1840-1855*, (London, 1965), App. VII, p. 300. Also see I.H. Vandendriesen, *Some Aspects of the History of the Coffee Industry in Ceylon with special reference to the period 1823-85*, Ph.D. Thesis, Economic History (London, 1954), pp. 186-187.
5. K.M. de Silva, *Social Policy, 1840-1855*, (London, 1965), App. VII, p. 300. At least in 1859 it was challenged—by a planter, Tytler. See A.M. Ferguson, *The Ceylon Commonplace Book; Directory, Road Book and Compendium of Useful Information*, (Colombo, 1861), Tytler—Colonial Secretary, Colombo [hereafter Col. Sec.] 11 March 1859, pp. 108-109.
6. A.M. Ferguson, *The Ceylon Commonplace Book, Directory, Road Book and Compendium of Useful Information*, (Colombo, 1861), H.W. Gillman (for G.A. Jaffna)—Col. Sec., No. 167, 11 July 1859, pp. 110-111.
7. A.M. Ferguson, *The Ceylon Directory, Calendar and Compendium of Useful Information for 1866-68*, (Colombo, 1868), App., "The Labour Laws of Ceylon" p. 39. This article appeared in *The Colombo Observer*, Supplement, 31 May 1866.
8. A.M. Ferguson, *Ceylon Summary of Useful Information*, (Colombo, 1859), pp. 169-173.

Clearly much was guesswork. As an official put it, he had "not been able to discover any reason why 25 should be assumed in preference to any other number as the percentage of omissions in the returns."⁹ Several other factors had been blissfully ignored. In Colombo, till 1857, departures were clocked on the verbal report of the "masters" of vessels on the number they intended to take.¹⁰ There was considerable room for error in assessing the number of those who had settled down or stayed for a length of time. As far as the late 1850's and the 1860's were concerned, Ward's assertion that "[f]ew immigrants settle. [f]ew accept permanent engagements"¹¹ does not stand up to the facts. Immigrants were buying land, usually to cultivate coffee, in 1856 as well as later.¹² Most of the labour in the Public Works Department, whether irregular labour or on three year contracts, was immigrant; while the semi-military Pioneer Corps was largely so.¹³ The efforts of the Immigrant Labour Commission to collect the capitation tax in 1859-60 as well as other evidence reveal that many immigrants were employed under Chetties and shopkeepers or as servants, horsekeepers etcetera.¹⁴ From 3.5% of the arrivals in the early 1850's, women composed 14.16% of the arrivals in the period 1859-1861—a factor that would have encouraged settlement or semi-settlement.¹⁵ By 1866 Ferguson acknowledged this feature, and just as arbitrarily as before, estimated that 10,000 settled per year (during the 1860's). At the same time he raised the 25% assigned to account for omissions in the officials returns to "probably . . . 30-40%".¹⁶ In the meanwhile, Twynam, promoted from Mannar to the Government Agentship of Jaffna, had discovered that some immigrants left for India from Point Pedro in the Jaffna Peninsula.¹⁷

It is clear that the mortality computations of early years are of little value, though one can agree with Ferguson's general view that "the mortality in some of the earlier years of Coffee Planting was large".¹⁸ To quote Twynam, who was stationed in the North-West in the 1840's,

[there] can be no doubt that from 1843 to 1850 there was comparatively great mortality amongst the immigrant coolies, and more especially between 1843 and 1845 at the commencement of the immigration, and the description given by [Doctor] Van Dort of the coast cooly [in 1869—a false one for the time—] might apply with some truth to the wretched spectres with which the cooly immigration commenced.¹⁹

9. A.M. Ferguson, *The Ceylon Commonplace Book*, (Colombo, 1861), Gillman—Col. Sec., No. 167, 11 July 1859, pp. 110-111.
10. A.M. Ferguson, *The Ceylon Commonplace Book* (Colombo, 1862), Saunders [The Collector of Customs]—Col. Sec., No. 43, 23 May 1859, p. 110. Admittedly only a few immigrants went through Colombo.
11. CO 54/338, Enclosed among despatches, Private letter from Ward-Lytton, 13 December, 1858. Ward was Governor from 1855-1860.
12. *The Ceylon Times*, 1 July 1856, Season Report on the Weather of Ceylon, Kandy Proper, by Dr. Charsley, 10 May, 1856.
1864 *Blue Book Reports*, Robinson, Cardwell, No. 134, 16 September 1865, Encl., [1864 Administration Report, Kandy District and Central Province], by F.B. Templer, the G.A. Kandy, 26 August 1865, p. 157. Immigrants settled in all parts of Ceylon; for example see A.O. Brodie, "Statistical Accounts of the Districts of Chilaw and Puttalam North-Western Province, *J.R.A.S.C.B.*, (1853), p. 50. But "settled" can be a confusing term. Some "settled" for, say, 5-20 years. Ward may have been talking in the stricter sense in which case 1858 was too early to judge.
13. CO 54/392, O'Brien—Cardwell, No. 197, 30 August 1864, Encl., Report of the Public Works Dept. for 1863, T. Skinner. O'Brien was the Acting Governor, 1864-65.
14. Ceylon Govt. Archives, Lot 6/2644, Dawson—Col. Sec., No. 1426, 28 April 1860; and No. 952, 2 March 1860.
CO 54/463, Robinson—Earl of Kimberley, No. 60, 28 February 1871, Encl. 1, *Correspondence on the Conditions of the Malabar Coolies in Ceylon, passim*.
15. Vandendriesen, *op. cit.*, p. 244.
16. A.M. Ferguson, *The Ceylon Directory for 1866-1868*, (Colombo, 1868), "Immigration Returns from 1843 to 30th June 1866", pp. 178-183.
17. 1872 *Administration Reports*, Jaffna District and Northern Province, 2 June 1873, p. 103—" [this] was first brought to my notice in 1866".
18. A.M. Ferguson, *The Ceylon Directory for 1866-68*, (Colombo, 1868), "Immigration Returns . . ." pp. 178-183.
19. CO 54/463, Robinson—Earl of Kimberley, No. 60, 28 February 1871, Encl. 1, *Correspondence on the condition of the Malabar Coolies in Ceylon*, No. 8, Twynam—Col. Sec., n.d. [1869-70], p. 15.

Mortality would have been all the greater with the impact of small-pox and cholera epidemics [such as those in 1845], both diseases which the immigrants tended to bring over and disseminate; both of which decimated immigrants and indigenous inhabitants indiscriminately. Such epidemics would have taken a heavy toll on immigrants whatever Government did but welfare measures on the immigrant routes could have reduced their impact. These were woefully inadequate till the late 1850's.

As officials of the 1860's pointed out it was fallacious to compute the immigrant death-rate for the whole period 1841 to the 1860's together because of the great difference in conditions on the immigrant routes in the 1840's and the 1860's. They tended to take 1862 as a dividing line.²⁰ This was not doing justice to Ward whose welfare measures on the North Road were a considerable improvement on the state of affairs before his time.²¹ In the 1860's certainly, conditions were further improved. Not only were more sheds built but 18 wells were sunk, medical practitioners stationed on the route and patrols regularised.²² Between 1862 and 1869 inclusive, roughly £37,685-9-0½ was spent on the Mannar ferries and on immigrant welfare service on the North Road.²³ It is true that some of the sheds did fall into disrepair²⁴ but the other features, such as the wells, counted for more. Major-General O'Brien argued that even under "favourable circumstances the mortality on the North Road [was] considerable and [that] the coolies . . . [arrived] generally in a weak and sickly condition"²⁵, but his views are suspect because he was trying to hang the coat of a Government subsidised steamship service to Colombo on the peg of bad conditions on the North Road—he wished Government to grant £3,000 a year to the Madras and Colombo Steamship Company who would carry immigrants between Colombo and Madras and Negapatam, thus saving them a tedious and dangerous march. Whatever O'Brien felt, Ferguson placed the annual immigrant death-rate in the 1860's at 4%²⁶—much below his earlier guesses for the preceding period. This opinion, however, has support from official quarters. While pointing out that the statistics were still unreliable (and those before 1858 "notoriously unreliable"), the Governor, Robinson, was convinced that the death rate in "recent years" was not more than 3%—basing himself on a sample of deaths on twenty five estates during 1868-69 and on calculations computed by Twynam.²⁷ Twynam calculated the death-rate after 1862 to be 2.5% per year but even his computations involved guesswork in estimating the number settled in Ceylon. What is more, the total unaccounted for was divided by 3½ which, for reasons unspecified, was taken as the average length of an immigrant's stay in Ceylon (in cases where he had not settled down).²⁸ His computation would amount

20. CO 54/463, Robinson—Earl of Kimberley, No. 60, 28 February 1871.
21. *The Colombo Observer*, 28 May 1857, Remarks on W.A. Swan's [Report on the State of the Cooly Route—including extracts from the report, which was written on the 17th May 1857].
22. 1863 *Blue Book Reports*, O'Brien—Cardwell, No. 197, 30 August 1864, Encl., [1863 Administration Report, Jaffna District and Northern Province], p. Dyke, G.A. Jaffna, 12 May 1864, p. 138.
CO 54/370, MacCarthy—Duke of Newcastle, No. 172, 30 August 1862.
23. 1867 *Administration Reports*, Mannar District, W.C. Twynam, A.G.A., 17 June 1868, App. F, p. 93.
1869 *Administration Reports*, Returns from the District of Mannar, p. 116. £4000 has been taken as the expenditure in 1862; the expenditure in other years being specified to the last penny in the above Reports.
24. CO 54/463, *op. cit.*, Encl. 1 *op. cit.*, No. 4, Russell [G.A., Kandy]—Col. Sec., 6 December 1869, p. 12; and No. 8, Twynam [G.A. Jaffna]—Col. Sec., n.d. [1869-70], p. 17.
25. CO 54/391, O'Brien—Cardwell, No. 150, 15 July 1864.
26. Vandendriesen, *op. cit.* p. 265, citing Ferguson. But Dr. Vandendriesen does not accept this. Besides arguing that the refusal of the planters to send in the returns demanded by the Mortality Ordinance of 1862 suggests that they had discovered that "the death rate was higher than they had at first supposed and were . . . averse to giving it undue publicity" [*ibid.*, p. 275], he is convinced that this figure "is something of an understatement" because of the heavy percentage of deaths among immigrants who entered hospital and because "we are told that many coolies still died on the roads", [*ibid.*, p. 267].
27. CO 54/463, Robinson—Earl of Kimberley, No. 60, 28 February 1871. The estate returns showed 3.3% and 2.8% death rates for 1868 and 1869 respectively.
28. *Idem.* Twynam's figure for the whole period 1841-1870 was 7.04% which, when multiplied by 3½, provides a mark near the original 25% computation of Ferguson's.

to 9.0% if no such division was made. While immigrants did tend to stay for longer spells in the 1860's, there is no particular reason why it should be taken as $3\frac{1}{2}$ and not $1\frac{1}{2}$, $2\frac{1}{2}$ or $4\frac{1}{2}$. Given the attention devoted to the North Road in the 1860's, 3% may be near the truth, though perhaps an underestimation, but even approximate figures are impossible given the data at hand. The main point is that the death-rate in the 1860's was not abnormal. As Louis Liesching reported,

[w]hatever may formerly have been the fatigue and hardship endured by immigrant coolies, that state of things no longer existed [on the North Road].²⁹

Templar, A.G.A. Mannar, complained that many erroneous impressions existed in ruling circles on this score and stated that "the sleeping, watering and hospital accommodation . . . [was] nearly all [the immigrants could] want, and in some respects more than they [would] use". He did not "imply" that none died on the road but believed that, "as a general rule, such as [died] by the way would have died" in any event.³⁰ These officials were trying to meet contrary impressions in Ceylon and London. This should make one circumspect about accepting this evidence but the facts speak strongly in their support, a map depicting welfare services on the route (in 1872) being particularly revealing.³¹ As for the estates, official evidence which appears discriminating held both treatment and conditions to be satisfactory.³² Even if this was slightly exaggerated one can follow Twynam in stating that

[u]nder ordinary circumstances there [was] not . . . amongst immigrant coolies [of the late 1860's] a higher death rate than amongst other classes of the community in general.³³

Whether for the 1860's or for the earlier period, however, it is difficult, if not erroneous, to take a particular percentage as the approximate death-rate in the manner Ferguson and other contemporaries have done.

29. 1869 *Administration Reports*, Nuwarakalawiya District, L. Liesching, A.G.A. 2 April 1870, p. 107.
30. 1870 *Administration Reports*, Mannar District, P.A. Templar, A.G.A. n.d. [1871]), p. 102.
31. 1872 *Administration Reports*, Mannar District, Allanson Bailey, A.G.A. 19 June 1873, p. 126; and Map of the Welfare Services on the Route, p. 106.
32. CO 54/425, Robinson—Earl of Carnarvon, No. 57, 6 March 1867.
CO 54/471, Gregory—Earl of Kimberley, No. 99, 9 July 1872.
CO 54/476, Private letter from Gregory—R.G.W. Herbert, 10 June 1872, enclosed in volume with despatch No. 69.
33. CO 54/463, *op. cit.*, Encl. 1, *op. cit.*, No. 8, Twynam—Col. Sec., n.d. [1869-70], p. 16.

Interviewers and Interviewees in Fertility Studies

O. E. R. ABAYARATNE AND C. H. S. JAYAWARDENE

Since World War II increasing use has been made of the sample interview technique in the study of the interrelation of social and economic variables, family structure fertility norms and fertility.¹ In most of these studies the female has been the subject of investigation. The surveys have been planned on the assumption that it is the female and the female alone that could give accurate information regarding fertility and that in the study of the social, psychological and economic correlates of fertility, the most relevant data is that obtained from the female. In recent times the validity of these assumptions has been questioned and attempts have been made to ascertain to what extent the male differs from the female with regard to fertility norms. These studies seem to indicate that there exists little or no difference.² From the methodological point of view this finding is significant in that it lays open the possibility of making use of mixed samples (male and female) in community survey studies dealing with this subject. As the person to be interviewed in a house that falls into the sample could be either the husband or the wife, the mixed sample has the advantage of conserving time and energy and perhaps reducing costs.

Information obtained in interviews is influenced not only by the interviewer and interviewee but also by the interviewer-interviewee interaction that occurs during the interview.³ In occidental countries the middle aged married female has been considered the best interviewer for obtaining information on fertility and related subjects. Cultural peculiarities may show the picture to be different in other parts of the world. However, the ability to secure the services of this supposed ideal interviewer may necessitate alternate arrangements which may violate the orthodox concept of the ideal. Thus in Taiwan young unmarried females were employed as interviewers and that without any apparent disadvantage. It was our belief that in the cultural context of the Ceylon society both young unmarried females and young unmarried males could be used as interviewers and that the across-sex interview situation was not an impediment. In view of the unorthodoxy of our belief it was decided to put it to the test. This paper is the result.

Briefly put, the study consisted of getting both husband and wife interviewed at different times and comparing the answers given by them. Six interviewers (two males and four females) working in pairs, were sent to interview the wives of police officers living in flats provided for policemen by the Government. After these interviews were over, the interviewers were requested to interview the police officers at the police station. The interview schedules of husband and wife were identified and the degree of concordance and discordance in the two sets of answers determined. As both male and female interviewers were used, the completed interview schedules could have been divided into four groups:

Group 1

where male interviewers interviewed both male and female interviewees;

Group 2

where female interviewers interviewed both male and female interviewees;

Group 3

where male interviewers interviewed male interviewees and female interviewers interviewed female interviewees;

1. For a survey of the studies that have been conducted see Ronald Freeman: *The Sociology of Human Fertility*. *Current Sociology* Vol. X/XI No. 2. 1961-62.
2. W.A. Morrison: Attitudes of females towards family planning in a Maharastrian village. *Milbank Memorial Fund Quarterly* Vol. 35 January 1957 67-81.
W.A. Morrison: Attitudes of males towards family planning in a Maharastrian village. *Milbank Memorial Fund Quarterly*. Vol. 35 January 1957 67-81.
3. Hadley Cantril: *Gauging Public Opinion* (Princeton University Press. 1947).

Group 4

where male interviewers
interviewed female interviewees
and female interviewers
interviewed male interviewees.

This division enabled the identification of the sources of the discrepancy. When there was no discordance the responses elicited to the questions was assumed to be accurate for both husband and wife had given similar answers on different occasions. Absence of discordance was further interpreted as an indication that these particular interview situations were conducive to the elicitation of accurate information. Thus if there was no discordance in the Group 1 responses, these were assumed to be accurate and the male interviewer-male interviewee interview situation and the male interviewer-female interviewee interview situation were considered to provide factual information. Discordance in the other groups was then interpreted on the basis of these conclusions. In illustration, the response to question 1 (see Table 2) showed no discordance in the Group 1 responses indicating that accurate information was given by male and female interviewees to male interviewers. There was also no discordance in the Group 4 responses indicating that accurate information was also given by male interviewees to female interviewers. Discordance occurred in the Group 2 and Group 3 responses which involved female-female, female-male and male-male interview situations. As the female-male and male-male interview situation have yielded accurate information, the discordance must be due to the female-female interview situation.

The questions contained in the interview schedule were of two types. The one dealt with the pregnancy history and the other dealt with beliefs and practices some of which were related and some unrelated to pregnancy. The questions dealing with the pregnancy history dealt with facts such as the date of pregnancy, whether the pregnancy was planned, whether family planning methods were resorted to prior to pregnancy, whether there were difficulties during pregnancy, how the pregnancy terminated and whether there were difficulties at delivery—facts that should have been in the possession of both husband and wife. The total degree of discordance in the responses to this group of questions was 2.5%. The highest discordance was in response to question 1, which dealt with the date of pregnancy (3.1%) and the least (0.8%) in the responses to question 6 which dealt with the difficulties at delivery. This was as far as the questions were concerned. With regards the interview situation the greatest discordance (3.6%) was in the Group 4 responses where interviews were always across sex and the least (1.3%) in the Group 3 responses where there were no interviews across sex, suggesting that the across sex interview situation was not conducive to the elicitation of accurate information in this connection. The responses to all questions in this section support this conclusion. Group 1 and Group 2 also involve the across sex interview situation. In Group 1 a male interviewer interviews a female interviewee and in Group 2 a female interviewer interviews a male interviewee. The discordance in Group 2 (2.7%) was greater than the discordance in Group 1 (1.6%) suggesting that of the two across sex interview situations the female-male interview situation was the least conducive to accurate information.

Considering the questions in this section individually the responses to Questions 4, 5 and 6 show complete concordance in group 3. This permits the conclusion that males give accurate information to males and females to females in this connection. The highest degree of discordance in the answers to these questions were found in Group 4 which suggests that either males do not give females or females do not give males, accurate information. As the male-male and female-female interview situations were found to elicit accurate information, the presence of discordance in the responses to these questions in Group 1 which involves the male-female interview situation and in Group 2 which involves the female-male interview situation suggest that both across sex interview situations are not conducive to the elicitation of accurate information. The greatest degree of discordance in the responses to questions 4 and 5 was in Group 2 suggesting that as far as these two questions were concerned the female-male interview situation was the least conducive to accurate information. In the responses to Question 6 the greatest discordance was in Group 1 suggesting that the reverse is the position here.

There was discordance in all groups in the responses to question 1, 2 and 3. The highest degree of discordance was in the Group 4 responses suggesting again that the across sex interview situation was the worst. In the responses to question 2 and 3 there was a high degree of discordance in Group 2 also. This was much higher than that encountered in Group 1 and Group 3. This suggests that male interviewees are reluctant to give accurate

information to these questions to female interviewers. The responses to question 1 show a high degree of discordance in all groups. The highest degree of discordance, as was pointed out earlier, was in Group 4. The second highest degree of discordance was encountered in Group 3. These facts lead to the inference that in this case the discordance is due to the inability of the interviewee to give accurate information.

Summarising briefly we find that as far as the questions relating to the pregnancy history are concerned

(1) interviewees are unable or are reluctant to give accurate information in answer to question 1—regarding the date of pregnancy. Scrutiny of the completed interview schedules reveal that most of the discordance was due to males being unable to recall the exact date of a miscarriage. In some cases females too were not able to recall the exact date of such an event;

(2) the male is not the correct person from whom information regarding question 2, 3, 4 and 5 could be obtained if the interviewer is a female. The male, however, appears to give correct information to male interviewers.

(3) the female does not give correct information regarding question 6 to male interviewers. Both males and females do give correct information to the female interviewers.

(4) the most accurate information regarding pregnancy history can be obtained by female interviewers interviewing female interviewees.

The questions that relate to beliefs and practices are a little more complicated from the point of view of responses than the questions relating to the pregnancy history. Some of these questions deal with facts that have affected one individual and the knowledge of which could or could not have been in the possession of the other. Question 1 falls into this category. Here there is discordance in Group 2 and Group 3 and no discordance in Group 1 and Group 4, suggesting that the interviewees were in possession of the information sought on the one hand and that female interviewees were reluctant to divulge this information to female interviewers on the other. A second group of questions involved behaviour that affected both husband and wife and the knowledge of which should have been in possession of both. Question 5 fell into this category. There was no discordance in the responses. The third group of questions involved behaviour and beliefs which could have been different for husband and wife. Into this category fell questions 2, 3, 4, 6, 7, 8, 9 and 10. The degree of discordance noted in the responses show that these questions could be divided into two sets. In the first set, the degree of discordance noted was more or less the same for all groups, indicating that the discordance was due to the interviewee rather than the interviewer or the interviewer-interviewee interview situation. In the second set, there was no discordance only in the Group 3 responses which involved no across sex interview situation.

Summarising briefly, the position with regards these questions appears to be that

(1) most frequently interviewees, whether they be males or females tend to give accurate information to interviewers whatever may be their sex, provided they possess the information;

(2) the responses from husbands and wives differ mainly because the reference is to a different experience, so that the answer of the one or the other could not be assumed to be reflecting the situation of the family;

(3) questions that have some relationship to pregnancy are answered more truthfully by males when the interviewer is a male and by females when the interviewer is a female.

APPENDIX

INTERVIEW SCHEDULE

Person Interviewed	House Number
1. Did you/your husband ever change your/his occupation?	
If Yes. Why?	
2. If there was an opening for your wife/you, would you or she object to her getting employed? He	
She	

3. What is the average number of children people in this area have?
4. Is this the number they want?
5. How many children have you now living?
6. Is this the number you originally wanted?
7. Do you think families could be planned so that you could have the number of children you want and at the time you want them?
8. On any occasion on which your wife/you were pregnant would you have preferred her not to be pregnant? If Yes. Why?
9. How frequently do you have your horoscope read?
10. How frequently do you seek assistance from gods in your day to day activities by vows, thovil ceremonies and the like?

PREGNANCY HISTORY

Pregnancy	1	2	3	4	5	6	7	8	9	10	11
1. Date											
2. Was it planned?											
3. Were family planning methods resorted to prior to pregnancy?											
4. Were there difficulties in pregnancy?											
5. How did the pregnancy terminate?											
6. Were there difficulties at delivery?											

Interviewer

TABLE 1

Discordance in husband and wife responses to pregnancy history questions

	Male interviewed by	Female interviewed by	Group 1	Group 2	Group 3	Group 4	Total
			Male	Female	Male	Female	
Question 1	2.2%	2.7%	3.7%	5.6%	3.1%
Question 2	1.1%	2.7%	2.3%	2.8%	2.3%
Question 3	2.2%	3.1%	1.1%	4.1%	2.8%
Question 4	1.1%	3.5%	—	2.8%	2.4%
Question 5	1.1%	1.2%	—	1.4%	1.0%
Question 6	1.1%	0.8%	—	1.4%	0.8%
Total	1.6%	2.7%	1.3%	3.6%	2.5%
Sample	21	54	22	21	118
Number of pregnancies involved			90	258	88	72	508

TABLE 2

Discordance in husband and wife responses to non-pregnancy history questions

	Male interviewed by	Female interviewed by	Group 1	Group 2	Group 3	Group 4	Total
			Male	Female	Male	Female	
Question 1	—	1.9%	4.6%	—	1.7%
Question 2	4.8%	3.7%	4.6%	4.8%	4.2%
Question 3	4.8%	5.6%	4.6%	4.8%	5.1%
Question 4	4.8%	3.7%	4.6%	4.8%	4.2%
Question 5	—	—	—	—	—
Question 6	4.8%	3.7%	4.6%	4.8%	4.2%
Question 7	4.8%	1.9%	—	4.8%	2.5%
Question 8	4.8%	1.9%	—	4.8%	2.5%
Question 9	4.8%	5.6%	4.6%	4.8%	5.1%
Question 10	4.8%	5.6%	9.1%	4.8%	5.9%
Total	3.8%	3.4%	3.7%	3.8%	3.5%
Sample	21	54	22	21	118

REVIEW ARTICLES.

I. THE PORTUGUESE IN CEYLON

C. R. BOXER

Dr. Abeyasinghe explains in his preface that his choice of subject was dictated by the availability of the archival material, but he soon discovered that the period had an interest and importance of its own. It was during those years of Dom Jeronimo de Azevedo's captaincy-general that the Portuguese became a territorial power in Ceylon. "Territory brought many problems in its wake, and in the Portuguese response to those problems, one can discern the broad and often sketchy outlines of a policy for Ceylon. The basic elements of their policy in Ceylon were worked out during those eighteen or twenty years. In that sense, these were the years of the foundation of Portuguese rule in Ceylon".* True enough, and this is something overlooked by those who believe that Portuguese power and influence went into a drastic decline within a few years of the Dutch and English rounding the Cape of Good Hope. The Portuguese quickly lost their dominance in the Indian Ocean; but the first third of the seventeenth century was precisely the period when they extended their control in the only two regions where they ever penetrated beyond the range of their coastal forts—Ceylon and the Zambesi river valley.

The author correctly claims that this is the first work which attempts a comprehensive survey of Portuguese rule in Ceylon in its various aspects. He has not concentrated on the political, military and religious developments as previous writers have done; but without neglecting the importance of these aspects he has given due weight to the less romantic but equally vital economic and administrative factors. In his introduction Dr. Abeyasinghe surveys the sources and the subject. Inevitably he had to rely heavily on the Portuguese sources. With all their deficiencies and drawbacks they are vastly superior to the few surviving Sinhalese sources, which are virtually limited to the *Rajavalia* and the *Mandarampura puvata*. One of the principal Portuguese sources comprises the correspondence between the Crown of Portugal (united with that of Spain at this period) and the Viceroy and other authorities at Goa—there are very few letters emanating directly from Colombo. This correspondence is known as the *Livros das Monedes*, or "Books of the Monsoons", from the term given to the copies kept in the archives at Goa. These records are not complete for the years 1594-1612, as the letters written by the Crown are seldom accompanied by the answers from Goa, as they are from the year 1615 onwards. But, as Dr. Abeyasinghe states, the position is not as bad as it sounds. For the Crown's letters to Goa quote extensively from the relevant material in letters from the viceroy, the captain-general, or whatever local authority had sparked off the discussion in hand. Thus, though the letters of the authorities at Goa and Colombo may not have survived, their contents, at least in regard to the more important problems, have.

Dr. Abeyasinghe stresses that the Crown's letters range over the whole field of Portuguese interests in Ceylon. "They may discuss momentous issues, such as whether the conquest of the island should be suspended or continued in another form, or comparatively trivial issues such as the grant of some land to an obscure nephew of the widowed third queen of Kotte. In all cases they are very useful. From them one can form a general idea of the political fortunes of the Portuguese in Ceylon. More important, they lay down royal policy. Sometimes these policy instructions are quite detailed, as for instance on the question of the allotment of land to the Portuguese. At other times only the objective is given and the authorities in India or Ceylon are given a free hand to devise the means for its achieving. A case in point is the oft-repeated instruction that the conquest of Ceylon must be completed, or that the Sinhalese must be treated with justice. Sometimes the king merely conveys the various points of view that have been placed before him in regard to some important problem and enjoins on the viceroy to take a decision in council. This happened when the suggestion that cinnamon should be a royal monopoly was put forward. Letters outlining the various views placed before the king are particularly useful, for they give us a deeper insight into the complex problems of the Portuguese and enable us to know with greater certainty why a particular decision was taken".

*ABEYASINGHE, TIKIRI, *Portuguese Rule in Ceylon, 1594-1612* (Lake House, Colombo, 1966). XI + 247 pp. 2 plates + 4 maps and diagrams.

Of the documents preserved in the Arquivo Histórico Ultramarino at Lisbon, Dr. Abeyasinghe singles out two for special mention: the report of Antão Vaz Freire, who was *Vedor da Fazenda* (Superintendent of the Revenue) in Ceylon from 1609 to 1616; and Dcm Jeronimo de Azevedo's standing-orders (*regimento*) to a succeeding captain-general of Ceylon, which naturally embody the fruits of the former's long service in the island. Above all however, the author has utilised the two surviving copies of the original four *tombos* (land-registers) which were completed by Vaz Freire, and two registers of royal dues from the same period. These, as Dr. Abeyasinghe states, "have been veritable 'mines of information'—a *cliché* no doubt, but one which is here true and well-earned".

The missionary chronicles and the historical works of Diogo do Couto, António Bocarro, Padre Fernão de Queiroz, S.J., Captain João Ribeiro, and others like them, are well known to every serious student of the history of Ceylon. Dr. Abeyasinghe has naturally made a thorough and discriminating use of these in addition to his archival sources. His evaluation of the Portuguese sources in general is worth reproducing in full.

"Even a nodding acquaintance with these chronicles and histories should serve to dispel a fear that is sometimes expressed (particularly in Ceylon) that to base a history of the Portuguese in Ceylon on their own writings will necessarily lead to glossing over their many acts of barbarity and their callous disregard for human life, especially Sinhalese. That fear is completely baseless. Most of these authors did not write to comfort their readers, but rather to shock them. At least one writer, Queiroz, seems to have painted the misdeeds of his countrymen in the darkest possible colours in order to induce them to sit down in sackcloth and ashes. It can be said without fear of contradiction that of the three European powers who ruled Ceylon, the Portuguese were unique in having produced chroniclers and writers who were the first and the severest critics of their own countrymen. This is all the more commendable when one remembers that many of these chroniclers and writers held official positions and enjoyed royal patronage".

To which this reviewer would add "Amen"—reminding the reader that likewise, as Whiteway pointed out long ago (in his *Rise of the Portuguese Power in India*, 1899, p. 22), there is reason to believe that on occasion the Portuguese chroniclers deliberately exaggerated the atrocities of their compatriots in the East; not (as Queiroz may have done) to induce them to repent, but to stress their ability to smite the Muslim and the Heathen hip and thigh, "pardoning neither age nor sex", to use one of their own favourite expressions.

After briefly recounting the vicissitudes of the Portuguese in Ceylon and the disintegration of the kingdoms of Kotte and Sitawaka, until the time of Azevedo's arrival in the island, the author then devotes two successive chapters to "The consolidation of Portuguese Authority over Kotte, 1594-1601", and "Kandy on the Defensive, 1602-1612". This section of the book covers ground which has been pretty well tilled by Dr. Abeyasinghe's predecessors, and he has nothing very new or startling to add. But the reader would be ill-advised to skip these two chapters, since the author has some new insights on familiar themes and he is able to correct some common misconceptions. Particularly interesting is his discussion of the atrocities attributed to Azevedo by the historian Faria e Sousa, which have been accorded wide currency and uncritical belief ever since. Dr. Abeyasinghe brings in a verdict of "not proven" rather than one of "not guilty"; but he snags that Azevedo, on his own admission, ordered the "judicious liquidation" of real or suspected rebels under cover of night, or through third parties, even if he did not employ the more spectacularly cruel methods of which he was accused. The author also adduces convincing reasons to show why the wars which racked the island for much of this period did far less lasting damage in the Four *korales* than they did in the Seven (p. 32). He rightly points out the importance of the reports which the Crown received about Ceylon from the Municipal Council of Goa, which provided a relatively objective assessment of what was happening in the island.

The real "meat" of the book is supplied by chapters IV-IX. Chapters IV-VII, deal successively with the administration of Kotte, the politics of land and land tenure, and the revenues of government. Ch. VIII, which is much briefer than any of the others, discusses the military and administrative expenditure, and Ch. IX, missionary enterprise. The book is rounded off with a short concluding chapter, a glossary, a bibliography, and an admirable index with copious cross-references. As indicated at the beginning of this review, Dr. Abeyasinghe is breaking much new ground in chapters IV-VII, for even if some

of his material was already available in print, he has been the first to analyse and synthesize it thoroughly. His discussion of the land tenure and revenue systems naturally centres largely around Antão Vaz Freire's *Tombos*, and the impact of the Portuguese as a land-holding class, whether soldiers, *casados* (married settlers), or the Religious Orders and churches which were given much of the confiscated temple-lands. Regarding the latter, Dr. Abeyasinghe writes (p. 127): "The short-term political importance of the advent of a foreign land-holding class has been shown to be little. The changes in production they induced were even less important. The Portuguese soldiers and *casados* were neither soldier-farmers nor gentlemen-farmers. Their interest in agriculture was limited to its cash returns. There is no evidence that they brought any important new crops, better strains of existing crops, or improved methods of agriculture. The age-old system of farming continued under the Portuguese. The change in the tenorial obligations was one between the crown and the landholder. Between the landholder and the cultivator there was in principle none".

Some of the Sinhalese Christian converts were also rewarded with grants of land, and many of the *mudaliyars* and other senior officials became Christian, in part at least for this purpose. They continued to live on their lands, whereas the Portuguese *casados* continued to reside in Colombo and the soldiers in the camps (some of them semi-permanent) and forts. The author shows that the Portuguese usually got the best land available, most of the *gabada* villages in the more fertile areas being awarded to them sooner or later. Despite some inter-marriage with the Sinhalese, which in Ceylon was extended to high-caste women and even princesses (whereas in Goa only low-caste women and prostitutes could usually be induced to marry Europeans) the *casados* did not apparently exert much influence on Sinhalese life. "Given time they might have exerted some influence. But during the fifty years of the existence of the *casado* population, they were nothing more than a parasitic, urban, class of absentee landlords whose contribution to Portuguese power in Kotte and the mainstream of life in Ceylon must have been very slight indeed". Dr. Abeyasinghe also argues, no doubt correctly, that the permanent undercurrent of hostility flowing strongly throughout the Portuguese occupation of Ceylon and occasionally boiling into rebellion, must have owed much of its impetus to anger felt at the loss of the best villages to the foreigner. Nor do the ecclesiastical landholders seem to have been more considerate of their peasant cultivators than were the secular *foreiros* (grantees).

Whereas under the Sinhalese monarchs, the holding of land subject to a cash payment (instead of service-tenure) was the privilege of a favoured few, it became a general rule during the administration of D. Jerónimo de Azevedo. Henceforth there were only three broad categories of land—those paying a quit rent, which became the most numerous category; those owing service; and those doing neither. This last category included the Church lands, the bulk of which were owned by the Franciscans and the Jesuits. From the point of view of permanence of tenure, there were two categories of lands—those held for two or three lives and those held at the Crown's pleasure.

Under the Portuguese, revenues were received in cash or in goods. The collection took two forms—direct collection by royal officials and revenue farming. The major items of revenue were collected by officials. The smaller items, to collect which it would be uneconomic to employ a separate official, were farmed or rented out. In the latter category, Dr. Abeyasinghe instances the river ferry-crossings, "and the dues from washermen, goldsmiths, limeburners and fishermen were also sometimes rented out. One cannot", he adds, "argue from these few examples that there was a general system of farming out the revenue collection in Portuguese times". But I think it fairly safe to suggest that revenue farming was widely practised in Ceylon, just as it was in Portuguese India, Africa, and Brazil, or for that matter, in Portugal itself. The author of a recent and massive work on the agricultural history of the Portugal in the period 1750-1850, observes: "It is a very systematic usage in Portugal to farm out the smallest public offices which can bring in any money". (1) This did not mean that a "capitalist class" existed in early seventeenth century Ceylon or, for that matter, in the other Portuguese colonies. The amounts involved were usually very small, and where they were not, the contractors usually experienced great difficulty in collecting them.

1. A. Silbert, *Le Portugal Méditerranéen à la fin de l'ancien régime, XVIII-début du XIX siècle* (2 vols., Paris, 1966), Vol. I, p. 271.

In his chapter on missionary enterprise, Dr. Abeyasinghe inevitably has little which is new to contribute, since this aspect of the Portuguese period in Ceylon has been more intensively studied than any others. But he has some interesting comments on the reasons why so many of the fisher caste became Roman Catholics, and on the carrot-and-stick methods adopted by the Portuguese to secure converts. On the vexed question of how far the Portuguese used force in this connection he writes: "If one must raise this question, then it should be framed differently: not whether Catholicism was propagated by force, but whether force was employed against Buddhism and Hinduism. While the answer to the first question is 'no', that to the second is an unhesitating 'yes'." He also rightly stresses the difference between the first generation of converts, often made through compulsion or hope of worldly advancement, and the second and third generations of Christians who had been brought up in that faith from childhood. The missionaries were fully aware of this difference, and they were not unduly worried by the lack of faith in the first generation, as the Bishop of Dume stated at Goa in 1522 and Queiroz over 150 years later. Dr. Abeyasinghe concludes his admirable book with the observation: "Even to this day, a thriving Catholic community and an active church remain monuments to Portuguese rule, though the connection with Portugal snapped in 1658. Whatever might have been the motives of the first converts, the devotion of their descendants to the Catholic faith is not in doubt".

There is also no doubt that this work is a major contribution to the history of Ceylon. There are, of course, some gaps to be filled in; but these are due to the paucity or total lack of material. There is disappointingly little about the cinnamon trade, which, after all, was the main *raison d'être* for both the Portuguese and the Dutch presence in Ceylon; but Dr. Abeyasinghe shows (p. 152n) that contemporary information on the cinnamon trade is largely wanting in the Portuguese archives. The author very seldom gets any of his facts or dates wrong, though those for Gaspar Correa on p. 151 are way out (for "1561-1583" read "1512-c.1561"). One might occasionally argue with some of his judgments. The present reviewer would qualify slightly the author's observation on p. 48: "the Portuguese were mistaken in thinking that the Sinhalese could be relied on to fight Sinhalese. The Dutch and the British were wiser. The former employed Malay troops and the latter, Indians and Malays in their wars against Kandy". True enough, as a general rule, but there were a good many exceptions.

Dr. Abeyasinghe admits on pp. 21-22 that only the loyalty of the Sinhalese commanders, Samarakone and his brother, saved the Portuguese from annihilation during Azevedo's celebrated retreat in the general rebellion of 1595. João Ribeiro, who on occasion dismissed the Sinhalese as being "all Blacks and so our enemies", likewise admitted that the arms-coolies who served the Portuguese flying-columns were very reliable, "and in case of a defeat they would rather lose their lives than abandon their loads". He also states that the Sinhalese *lascarins* under similar circumstances would save the lives of their Portuguese *Dissavas* even at the cost of their own. Dr. Abeyasinghe exaggerates when he states that the government at Madrid gave no help to the Portuguese in Asia between 1580-1640. This is a favourite allegation of contemporary Portuguese historians, but it is based much more on nationalistic prejudice than on ascertainable historical facts.

Such minor criticisms and differences of emphasis do not alter the fact that Dr. Abeyasinghe has done what he set out to do and even more. He has an enviable command of English, and a wry but not obtrusive sense of humour which enlivens his discussion of the technicalities of land tenure and revenue collection. He has brilliantly and clearly synthesized and analysed his material, and he has displayed a remarkable but not a rapid impartiality. Barring some unexpected discoveries of unrecorded material on Ceylon in the Portuguese archives, it can be asserted without fear of contradiction that this book will remain the definitive work on its subject for all time.

II. ARTHUR HAMILTON GORDON, A NINETEENTH CENTURY COLONIAL ADMINISTRATOR

K. M. DE SILVA

A book dealing with the career of a colonial administrator of the nineteenth century, stretching over several decades and covering a variety of colonies, confronts the reviewer with certain awkward preliminary issues.¹ Should one treat it as a biographical study proper—the man in the context of his age—or, as a series of monographs on a colonial governor's administration of several colonies? The author himself, in this instance, states that his book is "a study of Gordon and his work. It is neither an examination of British colonial history nor a history of the colonies in which Gordon served". But it is difficult to separate 'Gordon and his work' from 'an examination of British colonial history' or indeed from the 'history of the colonies in which Gordon served'. It is thus not a history of colonial policy, or the colonies where he served but only a study of an administrator, and of the way he reacted and the way he carried over his reactions. In this sense it would be a good history of part of the story of how colonies were governed—or misgoverned—under the Crown Colony system.

Gordon was one of the most remarkable colonial administrators of his day, and his career has attracted the attention of a number of scholars: his correspondence with his lifelong friend Gladstone has been edited by Professor Knaplund with a brief and sympathetic introduction surveying Gordon's career; his administration of Fiji has been surveyed with an amplitude and thoroughness worthy of the subject by J. D. Legge in his *Britain and Fiji* 1858-1880. Professor Chapman's book is in its own way a notable contribution to the study of British colonial history, as well an exceptionally perceptive biographical study of one of the ablest colonial administrators of the nineteenth century.

The Gordon that emerges from Champan's study is a volatile and immensely attractive character, overbearing, proud, and incapable of a harmonious relationship with able and independent subordinates, or colonial politicians; a subtle blend of Liberal politician and patrician administrator; the adherent of a thorough-going humanitarianism, which made him ideally suited to the role of benevolent 'despot' in the dependencies, but a comparative failure in the less congenial background of the self-governing colonies where democratic politicians did not take kindly to this patrician air, or his concern for the protection of 'native' interests against those of planters, merchants and administrators. There is a superb vignette of Gordon by A. P. Maudslay who had been his private secretary in Fiji.

"... Nowhere has he been popular, since he had a very bad manner with strangers... He is very determined and puts aside all opposition when his mind is made up, but with people with whom he is in sympathy, though not agreeing, he is perfectly open to discussion... He is a High Churchman with strong religious opinions, which he does not air. He professes to be a thorough liberal but his aristocratic leanings come out insensibly. He is very proud of his family and descent. He is very large-minded and in some things almost an enthusiast. Well read, particularly in history..."

Gordons' father was the ineffectual Aberdeen whose tenure of office as Prime Minister was noteworthy mainly for Britain's involvement in the Crimean War; he was his father's confidant and private secretary during this period. Gordon became a close friend of William Ewart Gladstone and the friendship was to last over four decades till in the 1890's Gordon drifted away from Gladstone and Liberalism over the Irish Home Rule issue. Gordon was an M.P. till 1857; and it was only in 1860 after his father's death that he entered the Colonial service having failed to secure an appointment to the permanent staff of the Colonial Office.

His first appointment was to New Brunswick (1861-6) where he quickly won a reputation as an efficient, if not very tactful administrator. But the egotistical streak in him and the hard authoritarian core in his character made him singularly unsuitable to deal with the rough and tumble of political life in that colony and its vigorous, outspoken and truculently democratic politicians. He disliked New Brunswick immensely and his experiences there left him with a strong distaste for service in the self-governing colonies.

1. Chapman, J.K. *The Career of Arthur Hamilton Gordon, First Lord Stanmore, 1829-1912*. (University of Toronto Press, Toronto 1965) pp. vii, 387. Illustrations, bibliography, index. U.S. \$8.50.

The tour of duty in New Brunswick was far from being uneventful or unconstructive and Gordon was disappointed that his very real services there were not given a more substantial reward than a transfer to Trinidad. What he really wanted, indeed he wrote to Gladstone that "the only object [he] really desire[d]", was the government of Ceylon.

His period of service in Trinidad from 1866 to 1870, was perhaps more satisfactory, in the scope it provided for that strand of benevolent paternalism that was to be so prominent in his policy in colonies without—what he regarded as—the restraints and checks imposed by a democratic political system. A vigorous effort was made to diversify the economy of the island, to reduce its excessive dependence on sugar; comprehensive measures of land reform directed at strengthening peasant agriculture were introduced; and in the tradition of the Liberalism of his day, the privileges of the established church were reduced to ensure full religious equality, and the colonial government took a greater interest in education. But despite this heavy programme of work, Gordon was unhappy in Trinidad (he felt he deserved a more important station) and when Gladstone became Prime Minister in December 1868 pleaded for a transfer, either to a post of permanent under secretary at the Colonial Office, or for a better colonial government and he specified that the "only two governments which I really cared to fill—(are) Jamaica and Ceylon". But Gladstone was reluctant to press his case, and Kimberley who was Secretary of State for the Colonies was not inclined to help—he was in any case rather annoyed with Gordon and not a little jealous of the latter's friendship with Gladstone, and regular correspondence with the Prime Minister.

It was Ceylon that he yearned for; he made a specific request for Ceylon on the assumption that Hercules Robinson was due to leave for Madras in 1870. Mauritius was what he got but he still hankered after Ceylon, and even pleaded that he be given the opportunity of a transfer here as soon as there was a vacancy. He loathed Mauritius. Knaplund states that he found "its climate . . . vile; its society . . . boorish; its labourers . . . exploited, and its government unfair and unjust to the poor". A planter dominated legislature circumscribed his power almost as effectively as the more democratic assembly of New Brunswick. Despite the opposition of the planting interest he was able to ameliorate the condition of Indian labourers in Mauritius and to check abuses on the plantations. Though it gave him great satisfaction to have protected them from the planters, he confessed on the eve of his departure from Mauritius that this "by no means lessened my detestation of the place, or made me the less rejoiced to be upon the eve of quitting it".

Then began what was perhaps, the most fruitful phase of his colonial career, his spell of service in Fiji. Legge notes that "he brought to Fiji a reputation as an uncompromising guardian of native rights. In Trinidad and Mauritius he had experienced the intransigence of the planters outlook, and knew what it was to oppose an entrenched and self-interested class". He was thus well suited to carry out Carnarvon's policy of introducing "a strict discipline into the relations of settlers and natives". Fearless and uncompromising he consistently refused to countenance any measure which could in any way threaten the interests of the native people.

For a Liberal administrator he was perhaps exceptionally perceptive in his grasp of the fact that there was no automatic connection between economic progress and native welfare; indeed he preferred to protect the interests of the native people even if it meant slowing down the process of economic development. During his stay in Fiji he "made a distinctive contribution to the government of native peoples", and the principles of native administration evolved by him approximate closely to those of the system of Indirect Rule applied by Lugard and Cameron in Nigeria and the latter in Tanganyika. Among these principles perhaps the most significant was the role attached to the native chiefs who were to be not merely the mouthpieces of the colonial government but an integral part of a total social system. Under Gordon's administration the government's concern was with that integrated social system. Legge comments that "as a man of broad vision (Gordon) was able to relate the immediate problems of native administration to a considered general view of the nature of social organisation and social development".

In a letter to Gladstone, Gordon outlined the difficult problem of protecting the native people of Fiji. The problem, he explained, was "how to get them from the 15th century to the 19th . . . in a few generations this great interval could be got over, but it will take time". His policy, he explained thus. "My doubt on the one hand is whether they will ever be allowed this time and breathing space, and my effort on the other is to secure it for them—If they are at present treated as 19th century British subjects, their extinction in a short time is evitable—if they can get some 25 years for their present civilisation to grow and root itself firmly, they will hold their own without need of further adventurous help".

He left Fiji for New Zealand in 1881; his decision to move was determined largely by "his private affairs as well as his conception of public duty". In Fiji he was the 'paternal despot' a role he loved; in New Zealand he would once again be faced with the democratic legislature that he detested. But still he went, because he felt "it to be his special mission to protect the natives of Oceania against the evil influences of American, Australian, British, French and German exploiters. To this end he persuaded the British government to establish the office of High Commissioner for the West Pacific, a post [he] himself would fill". Indeed he expected to combine this office with the governorship of New Zealand, and if a deputy was appointed to administer Fiji, to continue as governor of Fiji as well. And, since the Maoris of New Zealand "were suffering under a regime which denied them justice and robbed them of their land, Gordon believed [that] as governor [he] might be able to save them from extinction".

He was a misfit in New Zealand's democratic society, a rather ludicrous throw-back to a tradition which New Zealanders loathed. Nor were his hopes for the High Commissionership of the Western Pacific realised. He was the first occupant of this post and he thought it would make him the protector of the native people in the whole area, but he possessed neither the military nor the naval forces for a task of this magnitude, and he had no means of restraining the white adventurers who were not British subjects. But he had one achievement to his credit—in 1883 when the colonial government of Queensland hoisted the British flag in New Guinea, Gordon successfully prevailed upon Gladstone to quash the annexation: the argument he used was the humanitarian one, that a self-governing colony was not to be trusted to give aboriginal South Sea Islanders fair treatment, a lesson he had learnt in New Zealand.

II

In 1883 Gordon at last secured the government of Ceylon. But it had come a full twenty-five years too late. In 1884 he wrote to Gladstone that though he liked Ceylon his work here had "two drawbacks. Our poverty prevents our undertaking even works certain to be remunerative; and my public officers are, as a rule, remarkably feeble and inefficient,—Much as I like the life . . . circumstances compel one to an inaction which is irksome. I should therefore hail with satisfaction a move to Bombay when it falls vacant next year . . . Still more joyfully, however, should I hail anything which gave me a reasonable excuse to return to England for good—".

Chapman has delineated the salient features of Gordon's administration in Ceylon with greater clarity than would have seemed possible in a single chapter, but there is a tendency to over-estimate the significance of his work, the obvious and perhaps inevitable result of an excessive concentration on the Stanmore MSS in the writing of this chapter. His irrigation policy is an example: the work of his predecessors, Ward and Gregory in particular paved the way for him but they get no credit for this from Chapman who seems to suggest that the most constructive achievements in irrigation were Gordon's, if indeed he was not the pioneer in the field. Again, no attempt has been made to evaluate the shortcomings of his schemes of central and provincial irrigation boards.

The treatment of Gordon's Buddhist policy might have been more satisfactory had author placed greater reliance on the printed Sessional Papers of this period. As it is there is a regrettable lack of precision in his definition of terms, in addition to an altogether hazy historical background against which this policy is analysed—as the references to a Buddhist 'church', or statements that the British 'took over control of [their] estates' when they 'conquered' the Kandyen Kingdom would clearly indicate. Again it is no reflection on Gordon's generosity of outlook to dwell on the defects of his Ordinance of 1889 on Buddhist Temporalities. Here too he was completing something which Ward had begun, and which Gregory himself might have attempted had the Colonial Office not been so wary of touching this Buddhist problem. And Gordon's Ordinance of 1889 was in itself no permanent solution; in 1905 Governor Blake reported to the Secretary of State that Gordon's Ordinance "which with an educated community would be excellent, was far above the heads of the ignorant mass of Sinhalese Buddhists". Blake convinced the Colonial Office that it could no longer refrain from permitting active state intervention to prevent abuses in Buddhist Temporalities. This was what enlightened Buddhist opinion had demanded for several decades, but only Gordon had been willing to recognise the justice of this demand, though he was himself reluctant to go so far.

Indeed Gordon was singularly free from any narrowness of mind in matters of religion, and this attitude enabled him to respond more generously than the great bulk of his advisers in Ceylon to the problems created by the Buddhist revival which was gathering speed

during his tenure of office. His tactful handling of the excited feeling and tension created by the Kotahena riots of 1883 and his patent impartiality impressed the Buddhist leaders. The great uproar in official and Christian circles over the fact that at Budulla Gordon had listened with interest, and indeed reverence, at the chanting of *jayamangala gatha* at a reception accorded to him was evidence of the bigotry that confronted him in these quarters, and the tolerance and breadth of vision he displayed were all the more impressive for that. It is a very significant contrast, and one wishes that Chapman had devoted a little space to this aspect of Gordon's character.

There are more serious acts of omission. There is no mention of the deaths from starvation in Uva and Walapane, following on the eviction of tenants from their holdings, for the contravention of the new regulations with regard to the paddy tax imposed by the Grain Tax Ordinance of 1878. The situation was at its worst in the years 1882 and 1883, and was the tragic result of policies pursued by Sir J. F. Dickson the Government Agent of the Central Province. This became a matter of public controversy when Le Mesurier the eccentric A.G.A. of the Nuwara Eliya district "moved by compassion at the condition of the survivors (in Walapane) devised a scheme for their relief"—the Bodhi-Ela scheme of which Gordon became patron. The first paragraph of the prospectus of the Bodhi-Ela scheme reads as follows:

"During the years 1882 to 1885 large numbers of Kandyan villagers in the Nuwara Eliya District were ejected from their ancestral holdings by the sale of their paddy lands for default in the payment of paddy tax, to lead a vagabond life and eke out a miserable existence by pilfering in the villages, to migrate to towns and swell the criminal population in the country, or, as was often the case, to die of sheer starvation in the jungle".

Le Mesurier came under heavy attack from his superiors, in particular Dickson, for bringing the Walapane issue into the open. The Establishment closed ranks. Administration Reports were carefully vetted to eliminate embarrassing references to this controversial issue, and Gordon himself made a mild and half-hearted defence of the Grain Tax Ordinance, particularly after the matter was ventilated in the House of Commons.

The Grain Tax issue became a matter of public controversy again. The tenacious George Wall and *The Ceylon Independent* persistently urged its abolition and sought the assistance of the Cobden Club and other representatives of Radical opinion in England for this purpose. The defence of the Grain Tax was conducted with considerable skill by the Fergusons, A.M. and John, and their newspaper *The Ceylon Observer*. Critics of the grain tax gained an ally with the nomination of Panabokke as the Kandyan member in the newly enlarged Legislative Council of 1889—he made a forceful speech advocating its abolition. In the past James d'Alwis the Sinhalese representative had lent the prestige of his name to the campaign for the maintenance of the paddy tax.

The Grain Tax controversy came to a head in 1890-1 when Gordon had left the island. The tax was abolished in 1892 and Gordon now Lord Stanmore, spoke up in the House of Lords for its abolition.

Gordon's attitude to the local 'aristocracy' is another theme which Chapman has neglected. A local newspaper once made the cynical comment that "There was no aristocracy in the Island. Sir William Gregory found one in the Kandyan Provinces, Sir Arthur Gordon found one in the Low Country". It is noteworthy that both Gregory and Gordon were aristocrats and Liberals. In Gregory's case his sympathy for the Kandyan aristocracy could have been merely the appeal of aristocrat to aristocrat. What of Gordon? For Gordon was after all the pioneer of the system of Indirect Rule. Can we read into his relations with these groups something more than the mere appeal of aristocrat to aristocrat? A desire, perhaps, to make them more effective junior partners in the administration. Indirect Rule on the Fijian model could not have suited Ceylon, but the aristocracy, because of their docility, could have their uses for the colonial administration, as a counterweight to the brash and affluent capitalist group then organised in the Agricultural Association with Charles de Soysa as its first President. And many incidents in Gordon's administration of Ceylon would seem to lend support to this hypothesis.

While Chapman has neglected these issues—and who, in the course of a brief chapter could have avoided doing so?—he has quite properly laid his emphasis on the financial problems which faced Gordon. His treatment of Gordon's handling of the Oriental Bank Corporation crisis is both judiciously fair and comprehensive, without any resort to the

wooden jargon that generally disfigures the efforts of economic historians when they deal with an issue of this nature. In this episode Gordon is seen at his best, a superb blend of impudence and decisiveness. When the Manager of the Madras Bank urged him to guarantee the notes of the Oriental Bank Corporation, Gordon turned to his legal advisers, Sir James Fleming, the Attorney-General, and C. L. Ferdinands the Solicitor-General, for their opinion. They were agreed that such a guarantee could not be given, as it amounted to a payment of money out of public funds, which could only be done by the Legislative Council. Gordon, assured of the support of the Legislative Council, brushed aside the views of his legal advisers as merely technical and narrow-minded, and guaranteed the notes. His boldness saved the day, where a more orthodox and cautious approach might have proved disastrous.

His masterful handling of the scheme to extend the railway to Uva, was perhaps further proof of his grasp of the mechanics of colonial administration in a Crown Colony without a democratic legislature.

But these qualities did not endear him to his critics and a good many of the officials of his day. They would have heartily endorsed the view that Gordon was "the most masterful and autocratic Governor who came to Ceylon". Though himself independent, forthright and decisive he seldom appreciated these qualities in others, least of all in the civil servants and judicial officials of his day. His relations with the Chief Justice, Sir Bruce Burnside, as well as with the Attorney-General and the Solicitor-General were uniformly turbulent; he was contemptuous of the Supreme Court and indeed of lawyers in general. Opposition irked him, and his hostility to Fleming and Ferdinands was coloured by their steady refusal to bend the knee to him. The Judges of the Supreme Court and Burnside in particular were not a little disturbed by Gordon's practice of granting pardons to convicted persons without a reference to the judge who tried the case; this they rightly regarded as a discourtesy to the Bench.

Gordon's relations with non-officials could hardly be described as an improvement on those with the officials. Hector Van Cuylenberg crossed his path, and Gordon went to great lengths to get his revenge. Then, there was the clash with Ramanathan after the latter's return from London where his doings during the Jubilee year received much favourable publicity in the Ceylon press. He offended Charles de Soysa. At the end of Gordon's career in Ceylon, when a meeting was held at the Colombo Library to collect public subscriptions for a monument to the Governor, an unruly mob rushed in and succeeded in wrecking the meeting. It was believed that Charles de Soysa was largely instrumental in organizing the opposition to this meeting—he had not forgotten or forgiven Gordon's offensive remarks.

Unfortunately perhaps, Chapman plays down this more colourful side of Gordon's character, just as he ignores the more colourful episodes in the latter's administration of Ceylon. His emphasis is always on the paternalism, benevolent or otherwise, that characterised Gordon's outlook as a colonial administrator; in focussing attention on this the most significant strand of the Governor's policies, the author tends to make it seem more constructive and benevolent than it was. The result is a picture that seems curiously lacking in vitality and so unlike the dynamic and impetuous Gordon he admires so much.

These criticisms on the author's chapter on Gordon in Ceylon will perhaps bring out the limitations of the biographical approach—even of such a skillful and incisive biographical study such as this—as a means of outlining either the development of colonial policy or the issues of colonial administration in an individual colony. One has only to contrast Legge's chapters on Gordon in Fiji with Chapman's to see the deficiencies of a biographical study as a means of studying 'Gordon and his Work', and the 'history of the colonies in which Gordon served'.

But in mitigation one can plead that biographical studies such as these have their uses, as a very necessary corrective to the study of colonial activity in individual colonies in isolation from the general picture of a whole colonial empire. While each individual chapter in them will give us no more than a mere glimpse of the situation in a particular colony, books such as these ranging as they do over several continents, and several types and stages of colonial development, afford a basis for a more varied understanding of the diversity of the problems of colonial policy as well as the chief agent in their handling, the colonial governor. Indeed the shift of emphasis from chapter to chapter from one part of the empire to another provides penetrating insights into the fundamental problems of colonial policy and administration in a manner that purely regional studies seldom can.

BOOK REVIEWS

Ceylon by S. Arasaratnam. (A Spectrum book. The Modern Nations in Historical Perspective series, Prentice Hall, Inc. Englewood Cliffs, New Jersey). 182 pages. \$ 1.95, paperback.

A history explains how a people from their early beginnings came to be what they are today. A history also deals with the past as it really was. Such an account has to be much more than an explanation of the present. Dr. Arasaratnam no doubt realises this, but, required, by the series to which he contributed, primarily to explain contemporary Ceylon, that is Ceylon as a modern nation, he adopts a somewhat unusual method in writing his history.

He begins his book not from the early beginnings but with a valuable survey of the problems facing contemporary Ceylon (1947-1962) though this chapter could have been more intelligible had it come after his chapter on British Rule (Chapter V).

He sees contemporary Ceylon as divided and rent by communal, political and religious rivalries and by economic problems that seem to defy quick and rational solution. Therefore he deals with the period prior to 1505 not so much as the story of the Sinhalese and Tamil Kingdoms or as a story of kings and chiefs, of monks and priests who made history but primarily as a story of the Sinhalese, Tamils and Muslims, most of whom were cultivators, craftsmen and traders and were mainly passive as far as politics were concerned.

He changes his method of treatment after 1505. He does not continue from this date the story of the Sinhalese, the Tamils and the Muslims who made Ceylon their home, but gives an account of what the Portuguese, the Dutch and the British rule did in Ceylon and what reaction they produced. He probably thinks that the European powers did not do much more than to give the people a degree of unity or at least not more than to provide them with a unified framework of development. Probably on account of this he devotes less than a third of the book to this entire period (1505-1947) and only about a seventh to the British Period.

It is true the structure of society that developed before 1505 continues up to today without any radical change, and the Sinhalese follow mainly Buddhism, the Tamils Hinduism and the Moors and the Malays Islam. But are not the causes of friction between the Sinhalese and the Tamils, between the Buddhists and the Christians, due mainly to changes under British rule in the political, economic and social spheres, and to the grant of equal rights and equality of opportunity to peoples who divided by race and caste enjoyed unequal privileges? Probably Dr. Arasaratnam was influenced more by recent controversies than by basic facts.

The conviction that it was the early period that required such full treatment and the consequent allotment to it of nearly half the book seems to have created further difficulties. Dr. Arasaratnam's training in historical research was mainly in modern documents and he writes a historically valuable chapter on Colonial Rule and Western Influences. But when he deals with the Sinhalese and the Tamils he had to depend mainly on chapters by non-historians in the *University History of Ceylon*. Hence he mixes fact with fiction, legend with history and in the case of the Tamils he confuses what actually took place with the ideas and beliefs held by the Ceylon Tamils today. As a result he gives the Ceylon Tamils a greater historical importance before the Chola occupation than they deserve and ignores the fact that the Ceylon Tamils even today form only about eleven per cent of the population while the Sinhalese count nearly seventy per cent.

In spite of these defects this book is a valuable short history of Ceylon. Dr. Arasaratnam's treatment is essentially historical. He does not for instance deal with the early period as an account of kings but under the titles, The Growth of Political Power and Institutions, Development of Social and Economic Organization, Developments in Buddhism: Buddhist Institutions and Learning and Achievement in the Fine Arts. He selects the facts significant in history, arranges and divides the material according to modern methods and deals primarily with change and causes of change. Of the few short histories now available it is one of the best.

G. C. MENDIS

Pakeman, S. A. *Ceylon*, (London, 1964) 256 pp. 30 sh.

Like a storm after a long drought, and just as welcome, there has been a spate of books on Ceylon in recent years. Pakeman's is the second of three brief surveys of Ceylon history to appear in the last two years. It is a worthy addition to Benn's distinguished *Nations of the Modern World* series.

A full three-fourths of the book deals with the British in Ceylon, and nearly half with the twentieth century. This concentration on the very recent past imposes its own peculiar and not altogether beneficial limitations on the author. Pakeman himself is conscious of one of these. "Anyone writing a book in [this series] is inevitably faced by the possibility that between the actual time of writing and of publication events may occur to make most unexpected changes in the situation as set down in the book—the political situation in particular". This is perhaps less significant than another—the inevitable tendency to interpret the past from the standpoint of the present age and its own special concerns, and this in turn leads to the neglect of some of the crucial issues of the past, particularly those which appear to have little bearing on the present. Thus one of the major weaknesses of the book is its treatment of the rise and consolidation of British power in Ceylon in the nineteenth century; those aspects which have little relevance, and indeed some which have considerable relevance, to contemporary issues have received most scanty attention, if indeed they are treated at all. The missionary contribution to the evolution of modern Ceylon is hardly touched upon, and the growth of the plantations has not received the detailed treatment it deserves as the most fundamental development in the country's recent history.

On the other hand the 20th century is treated on a more lavish scale, with a lively appreciation of the issues at stake, with considerable sympathy for local personalities and movements, and with judicious detachment and a consistent effort to be fair in his judgements. His long stay in Ceylon and wide experience, academic and political (he was for some years a nominated M.P., nominated to represent European interests) have enabled him to survey the history of the last phase of British rule with something of the 'insider's' grasp of trends and issues. Those who require a brief and competent survey of 20th century Ceylon, written in a straightforward and lucid style, will find it in the later chapters of this book. It will be particularly useful to those who find Howard Wriggins's massive *Ceylon, the Dilemmas of a New Nation*, too formidable for their tastes. The basic facts are set out in fair detail. Pakeman's later chapters, based as they are on the available published material, provide a useful introduction to wider themes. But one has good reason, however, to complain about the blandness with which some of the more controversial topics have been treated—it is so much like an amiable teacher sitting in judgement over a lively and high-spirited set of students, reluctant to condemn their frailties, but intent on maintaining harmony by leavishly and indiscriminately praising them even where no praise is due. This singular softness of tone tends to leave one longing for the sharp, cruel, jagged edges of committed writing.

Not that the author has no commitment to any particular set of political principles. Running through the whole book, and indeed giving an air of consistency to all his judgements are his own political values—this is the evolution of Ceylon as seen by an Englishman of Liberal instincts. The other consistent theme in the book is a conscious effort to defend the British record in Ceylon, but it is done without any raising of voice or harsh and angry denunciation of other writers. This politeness of tone, despite its shortcomings in other respects, renders this attempt at defending the British record, more effective than it might otherwise have been, for he is by no means blind to the faults of his countrymen in Ceylon, and the shortcomings of their rule here.

One last comment. For an author of his experience and academic background this book contains too many mistakes of an elementary nature. It would be unfair to catalogue them all, but one or two taken at random would suffice as illustrations. The Municipal Council's Ordinance was introduced during the administration of Sir Hercules Robinson, and not by Sir William Gregory (p. 97). The Bank of Ceylon was not merged with the Central Bank in 1961 (p. 25).

These defects, however, do not detract from the real merits of this book—it is a lucid and attractive historical survey of modern Ceylon.

