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Vol. I

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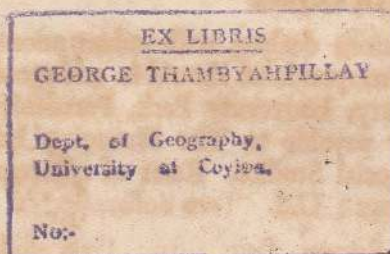
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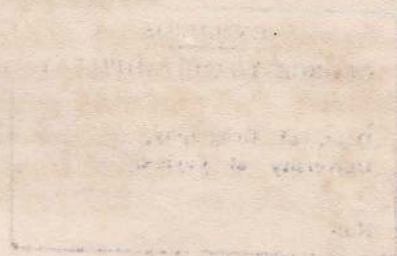
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NOTES ON CONTRIBUTORS

- S. PARANAVITANA, C.B.E., Ph.D. (LEIDEN), HON. D. LITT. (CEY.). Research Professor of Archaeology, University of Ceylon. Former Archaeological Commissioner, Government of Ceylon.
- E. R. LEACH, M.A. (CANTAB), Ph.D. (LOND.). Lecturer in Social Anthropology, University of Cambridge.
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SOME REGULATIONS CONCERNING VILLAGE IRRIGATION WORKS IN ANCIENT CEYLON

S. PARANAVITANA

THE economic structure of the ancient civilization of Ceylon was based on the cultivation of rice, the staple food of the people, and the cultivation of rice was largely facilitated by the network of reservoirs, large and small, spread over those regions of the Island comprising what is now called the Dry Zone. The chronicles have recorded the construction of a large number of these irrigation works by kings who ruled the Island from the fourth century B.C. up to the fifth century A.C., and even later. But the hundreds of ancient irrigation works scattered all over the greater part of the Island could not have been due to the initiative of kings, that is to say, in modern parlance, undertaken by the central government. Many of these reservoirs must have been originally constructed either by village communities under the direction of their aldermen, or by private individuals, who could command the labour necessary for the purpose.

In the case of a village irrigation work constructed by private enterprise, the person who supplied the labour or the expense necessary for the work had a proprietary right in it, as is proved by numerous references to privately owned tanks in early inscriptions as well as in literary works. This proprietary right, which was exercised by the levying of water-rates on the fields irrigated by such a reservoir, was inherited by the descendants of the original founder. When an irrigation work was a co-operative undertaking by a number of people, their descendants were entitled to stipulated shares in the income from the tank, and gradually formed themselves into a village community. Rules and regulations must have been laid down governing the relationship between the proprietors of the reservoirs and the farmers who tilled the fields irrigated by them, the equitable distribution of the water in the reservoir among the holders of shares in the fields, and other matters arising from the utilization of the reservoirs and the channels which conducted the water from them to the fields. No examples of such legislation dating from ancient times have come down to us in historical writings or inscriptions.

From about the first century B.C., some of these privately owned irrigation reservoirs, or shares in the fields watered by larger reservoirs, have been donated to the Buddhist *saṅgha*. The acceptance of such gifts of lands by a *bhikkhu*, for the purpose of deriving a regular income therefrom, was not strictly in keeping with the spirit of the Buddhist religion, and various devices were adopted to reconcile this enjoyment of a share of the produce of land with the Vinaya rules expressly prohibiting the practice. With these, however, we are not concerned here. One result of this development in the monastic life of Ceylon Buddhism was that the *bhikkhus*, in enjoying the monastic requisites from the income derived from irrigation works and fields, had to be conversant with the rules and regulations, the contravention of which would make their conduct reprehensible according to standards accepted by the society of their days, and would even make them liable to a charge of theft, an offence for which the punishment was expulsion from the Order.

The original Vinaya rules had made no provision for such eventualities, for the good reason that the monks of the early days did not accept gifts of land. But when the Order had compromised in this matter, the original rules had to be supplemented by others covering this new phase of the monastic life, and these, as was the case with a number of Vinaya rules attributed to the Buddha Himself, must have been modelled on institutions governing the communities with whom the *saṅgha* had relations. This must have been particularly so, as many of the offences that a *bhikkhu* might commit in the enjoyment of revenue from land, must have been *loka-vajja*, i.e. considered as offences in lay society as well. Buddhaghosa, in the *Samantapāsādikā*, in discussing theft, has much to say about the manner in which that offence could be committed in the course of the utilization of water from a reservoir. These regulations throw indirect light on the standards of legal conduct in vogue among village communities in Ceylon during the fifth and preceding centuries, and are therefore not without interest to the student of history.

There appear to have been some among the villagers of those days who were as much concerned with the causing of injury to others' interests, as they were in looking after their own. And the proprietors of irrigation works, who derived income therefrom, seem to have been considered legitimate prey by mischief makers who viewed their affluence with envy. Buddhaghosa details many devious methods adopted by people so as to prevent the proprietors of reservoirs deriving benefit from the water to which they had a right. Any of these methods, if resorted to by a *bhikkhu*, as indeed by a layman, was tantamount to committing theft. We now quote the commentator's own words :

‘With regard to the matter of breaching the dams (of reservoirs), he who has breached a dam with trees growing thereon has committed a *dukkata* offence, as it is a stratagem for theft, and the offence is committed at each blow. One who breaches the dam by taking his stand inside the reservoir and working outwards, completes the offence when the outer extremity is reached. When cutting inwards from outside, the act is completed when the inner extremity is reached. When breaching from inside as well as from outside, leaving the middle, the act has been committed when the middle is reached. If any person, after having weakened the dam (of a reservoir) drives cattle over it, or causes village boys to drive cattle over it, and the cattle thus driven come and cause the dam to be breached with their hoofs, it has to be held that the breach of the dam had been caused by that person himself. If any person, after having weakened the dam, drives cattle into the reservoir, or causes the village children to drive cattle (into it), and the dam gets breached by the waves raised by such cattle, or (if a person) asks the village boys to sport in the water, or frightens boys who are sporting in the water, and the dam gets breached by the waves raised by them ; or fells or cause some one else to fell down a tree growing in the water inside the reservoir, and the waves raised thereby breach the dam, the dam has been breached by that person himself’.

‘If any person, after having first weakened the dam, obstructs the flow of the water from the spill provided for the safety of the reservoir, or the valve pit, or constructs a ridge in such a manner as to lead into this place (*i.e.* the reservoir) the water which flows to another place, or straightens the channel, or breaches the reservoir belonging to himself situated above another’s reservoir so that the water rushes out sweeping away the dam—(if the dam is breached by any of these devices), it has been breached by that person himself. In all such cases, it has to be taken that theft has been committed in accordance with the value of the quantity of water that had flowed out. The same law applies to a person who opens the passage through which the water flows out from the reservoir’.

‘If, moreover, when the dam had been weakened by him, cattle come of their own accord to the water and raise waves, or having been driven thereto by village children, without having been ordered to do so by any one, or the village children having come to the water of their own accord, raise waves while sporting therein, or a tree cut down by another person falls into the water and raises waves, and the waves raised by any of these causes breach the dam, and furthermore, if any person, having weakened the bund when the reservoir is dried up, obstructs the spill where the excess water flows out, or closes the valve pit, or constructs a ridge to divert water flowing elsewhere, or straightens the dry channel ; and, thereafter, when

the rains fall, the water rushes and breaches the dam, in all such cases, the person responsible is liable to pay compensation. If any person who, in the dry weather, levels to the ground the dam of a dried up reservoir (belonging to another), and thereafter, when the rains fall, any water that flows into it escapes, he should also pay compensation. Whatever the quantity of harvest that may be raised by means of that reservoir, if even the value of one fourth of that quantity be not paid as compensation to the proprietors, a *bhikkhu* who has acted in the manner detailed above, becomes one who is not worthy to be called a *sramaṇa*, and has violated the religious vows that he had taken'.¹

It was not only with causing loss to others as a motive that illegal acts were committed by villagers with regard to irrigation matters. Gaining an undue advantage for oneself was an even more powerful motive. Buddhaghosa has acquainted us with some regulations that were in force to prevent selfish persons from deriving undue advantages in the supply of water from reservoirs which were owned by the entire village community, but irrigated fields which were individually owned. These regulations are given in detail below :

'In the case of a reservoir which is public property (*sabba-sādhāraṇa*), all the men (in the village community) are proprietors of the water in such a reservoir. Men grow crops in fields below a reservoir. For the purpose of irrigating the crops, a great channel issues forth from the reservoir, and runs its course through the middle of the fields. The water in that main channel, too, when flowing, is the common property of all. They (the farmers) branch off smaller channels from that main channel and lead water to each individual's field. They do not allow the water from these branch channels to be taken by others. In seasons of drought, when the water in the reservoir is reduced, water is distributed by turns. If any person, when his turn comes, does not receive water to his field, his crop would be dried up. Therefore, one is not entitled to receive water at the turn of another. Thus, if any *bhikkhu*, with dishonest intent, leads water into the channel or field of his own, or of another, from the distributory channel or field of another, or allows the water (from another's channel or field) to flow towards the forest, it is indeed a case of theft committed by him. If any person were to reflect in this wise : "My turn for water will come soon, but in the meantime this crop of mine is being dried up", and consequently blocks the course of the water leading to another's field, and leads the water into his own field, it is also a case of theft. If any person blocks the course of the channel here and there so that the water enters into his

1. The Pali passage translated above is at pp. 344-45 of the P.T.S. Edition of the *Samantapāsādikā*.

own field without entering the field of another, while the water had not yet issued out from the reservoir, and had not arrived at the intake of the distributory channel belonging to another, and the channel is still dry, such blocking is legal, if it had been done before the water had issued out from the reservoir; if it is done after the water had issued out, compensation should be paid. No offence of theft has been committed by a person who goes to the reservoir and himself opens the sluice and leads water to his field. Why? Because his field had been made to be dependant on that reservoir. However, it is stated in the *Kurundi* that such an act constitutes a case of theft.²

It was not only with regard to the water in the reservoir and the channels that rules and regulations were in force defining proprietary rights. Such regulations were also in force with regard to the fish in these inland waters. The majority of the ancient Sinhalese lived in villages far away from the sea-coast, and fresh sea fish could not have been brought into such villages in a condition fit enough for consumption without special arrangements for transport being made at great expense. The average villager's fish diet must have been obtained from the reservoir and the channels which irrigated his rice field. Buddhaghosa has not considered this matter unbecoming for notice by a great dignitary of the *saṅgha*, such as he was, and his observations on the proprietary rights over fish in inland waters, given below, are of more than ordinary interest.

'With regard to fish and tortoises that have owners,³ the entire water in reservoirs etc. is the place (of theft). Therefore anyone who catches a privately owned fish with hook, net, basket, or hand, in a place where such fish are reared, commits the *pārājikā* offence of theft, whenever a fish of the value stipulated for the offence,⁴ is taken out of the water even up to a hair's breadth. Some fishes, while being caught, move here and there, leap up into the sky, or leap on to the bank; it is a *pārājikā* offence to catch a fish while it is in the sky or on the bank. The same is the case with regard to the stealing of a tortoise that had gone out for food. With regard to a thing in the water, the *pārājikā* offence is committed by moving it out of the water.

'With regard to large reservoirs which are public property in various districts, they dig a channel, like a small river, connected with the valve pit: this channel also is public property. They branch out smaller

2. *Samantapāsādikā*, P.T.S. Edition, pp. 345-346.

3. i.e., fish and tortoises in sheets of water that were private property.

4. The theft of an object less than a quarter of *kaḥāpaṇa* in value was not an offence, according to the secular or the ecclesiastical law of ancient India.

channels from that main channel and, at the end of the smaller channels, they dig pits for their own use. When there is need for water for them, they clear the pits, the smaller channels and the main channel, and open the passage from the valve pit. The fish then set out with the water and, in due course, come to the aforementioned pits and remain therein. They do not prevent the catching of fish in the reservoir and in the main channel. But they do not allow the catching of fish that had got into the smaller channels belonging to individuals and in the water pits ; they prohibit it. Therefore, if any person catches fish in the reservoir, in the valve pit, or in the main channel, he should not be held guilty of theft. In the case of a person catching fish that had got into the smaller channels, or the pits, he should be held guilty of theft in accordance with the value of the fish caught. If a fish, while being caught from those places, leaps into the air or falls on to the bank, there is no offence of theft committed by a person catching such fish that had got out of the water and are remaining in the sky or on the bank ; why, because they are the proprietors only of such fish as are remaining in the places that have been appropriated by them. Such is the law on this matter. The procedure is the same with regard to tortoises. If a fish while being caught moves up from the pit to the small channel, the guilt of theft attaches to one who catches it there. There is no guilt of theft for one who catches a fish that had moved up from the branch channel to the main channel, or from the latter to the reservoir. If any person, by means of boiled rice, entices the fish in the pit to the branch channel, and catches them there, he is indeed guilty of theft. If he entices the fish further from the branch channel to the main channel and catches them there, he is not guilty of theft. Some people bring fish from places of common proprietorship, keep them in pits with water in the back gardens, breed them there, and daily kill two or three for meals ; if any person catches fish of this description anywhere, in the water, in the sky or on the bank, he is indeed guilty of theft. In the case of such tortoises also, the same rule applies.⁵

This extract from Buddhaghosa definitely establishes that, in ancient Ceylon, where a reservoir, irrigation channel or sheet of water was held to be owned by an individual, the fish therein was considered to be the property of that individual, and any other person appropriating such fish by whatsoever means was liable to be held as having committed theft. The share of the fish caught in reservoirs or channels constituted part of the income that one was entitled to receive from one's proprietary rights over them. In the case of large irrigation reservoirs which belonged to, or were administered by, the central government (*i.e.* the king), the right of fishing

5. *Samantapāsādikā* (P.T.S. Edition) pp. 330-331.

must have been farmed out. In the course of exercising such right over the fish in irrigation works, a particular king, convinced that it was a sin to take away life in any form whatsoever, may have prohibited fishing in state-owned irrigation works. The Basavakkulam Pillar Inscription of the 19th year of a king styled Sirisaṅgboy (Sena II, 853-887 A.C.), for example, furnishes us with evidence to the effect that, in the ninth century, fishing in that reservoir, situated by the side of the Mahāvihāra, was prohibited; for it is laid down in that edict that, in the event of fishing in the tank going unpunished, the officer, in charge of the capital city (*nuvara-laddā*) had to pay to the king a fine of ten *humas* of gold.⁶

Nissamka Malla, in several of his inscriptions, claims to have abolished the levying of an impost called *pisaṃburu-vata*. The mention of this meritorious administrative detail usually follows that of his granting protection to all manner of beings in the great irrigation reservoirs⁷; indicating that the one is a consequence of the other. *Pisaṃburu-vata* thus appears to have been some kind of impost that was levied in the twelfth century on those who had the right to fish in the major irrigation works owned by the state. The word *pisaṃburu* occurs in old Sinhalese literature with the meaning of 'moss' or 'weeds that grow in water'⁸. Perhaps this was an euphemism for fish, and was calculated to minimise the obliquity that would have been attached to a practice involving the taking away of life, amongst a Buddhist population, in the same manner as the word *gas-gōna* (tree-stag) is used today, among the people of Sigiri and the neighbouring villages, to indicate 'monkey', when they partake of its flesh—a practice looked down upon by other people who consider the flesh of the monkey to be unclean diet.

6. E. Müller, *Ancient Inscriptions in Ceylon*, No. 111.

7. See *Epigraphia Zeylanica*, Vol. II pp. 110, 140, 145 and 155. The reading *visaṃburu* which occurs in most places of the printed text is due to mistaking *pi* for *vi*.

8. See Bhadanta Sorata's *Sumaṅgala Śābadakoṣa*, S.V.

AN ANTHROPOLOGIST'S REFLECTIONS ON A SOCIAL SURVEY

E. R. LEACH

THE publication of two documents giving results of the Ceylon University Socio-Economic Survey of Pāta Dumbara (Sarkar and Tambiah 1957 ; Tambiah 1957) clearly represents a landmark in Ceylon social studies. Whatever criticisms may be levied against particular details of this pioneering work its importance cannot be questioned. It has two particular virtues which I should like to stress. Firstly, the field of study (58 Pāta Dumbara villages) is precisely delimited and the method of study exactly described. Secondly, the facts are presented in such a way that they can be subjected to reasoned criticism. These are simple but by no means common merits ; all too often sociological writers, both in Ceylon and elsewhere, indulge in sweeping and specious generalisations without offering any detailed evidence in support of their conclusions.

The bulk of my present paper is taken up with criticisms of certain features of one of the Pāta Dumbara publications. I should like to emphasise from the start that this criticism does not imply that I feel any personal antipathy to the document in question (Sarkar and Tambiah 1957) ; indeed the contrary is the case. I myself am at present preparing for publication an account of a small village in the North Central Province which I studied by anthropological methods in 1954. Although my orientation and interests were quite different from those of the University of Ceylon Socio-economic Survey team, a good deal of my data is strictly comparable, and I am struck by the wide extent to which I find myself in general agreement with Drs. Sarkar and Tambiah. But I cannot regard this as a demonstration that the methods of the two types of investigation are equally satisfactory. On the contrary I believe that Drs. Sarkar and Tambiah have really arrived at their conclusions by intuitive methods, and that it is only because they are both by instinct first class *anthropologists* that their conclusions are fundamentally correct. The numerical apparatus in which these conclusions are embedded seems to me to be very largely a complicated piece of self deception.

The issue is a general one and is not confined to the particular case of the Pāta Dumbara survey. The book under discussion, *The Disintegrating Village*, strikes me as being a particularly 'true to type' specimen of a

certain kind of sociological report. In criticising this book, I am not criticising the authors, who have accomplished an exceptionally able piece of analysis, but the principles of method on which the book is based. The purpose of my criticism is to display, by a process of negation, the crucial points at which contemporary sociological and anthropological investigations differ, and hence to imply that social anthropology has a special contribution to make to Ceylon social studies such as is not at present provided by conventional sociology.

But first I must limit my categories. Sociology, in its widest sense, is an all-embracing sort of discipline. At the level of abstract theory, anthropology and sociology are virtually one and the same (Macrae (1957)), and in terms of subject matter there is often no obvious distinction between sociology and history (*e.g.* Pieris (1956)). But there is a more limited kind of sociology which is explicitly concerned with empirical research into contemporary social situations, and this is not only comparable but antithetical to social anthropology. For the remainder of this paper, when I write of 'sociology' it is to 'field sociology' of this limited type to which I refer.

In this area of field research, the differences between sociology and social anthropology do not lie in theory but in method. As a consequence of the fact that the principal research tool of the field sociologist is a command of statistics, it has become a necessary feature of sociological investigation that the 'results' should be expressed in numbers. It follows that the units of sociological investigation must always be entities which can be expressed in numbers.

The extent to which this criterion limits the subtlety of sociological investigation is not always appreciated ; yet, if we observe what research sociologists actually do, we find that their operations are severely restricted. Sociologists count things ; they count people and houses and fields and acres and answers to questionnaires and so on and so forth, and of course they are very clever with their statistical arithmetic. But is that enough ?

I would be the last to suggest that statistical investigations are necessarily mistaken in aim or application, but they are certainly limited in scope. It is my thesis that there is a wide range of sociological phenomena which are intrinsically inaccessible to statistical investigation of any kind. It is in this area of non-statistical social fact that the social anthropologist is professionally expert.

The difference in method between research sociology and social anthropology stems from this distinction. The sociologist and the social anthropologist start with different premises about the nature of their subject matter. The sociologist with his statistical orientation presupposes that the field of observation consists of 'units of population', 'individuals'; in contrast, the social anthropologist, with his non-statistical prejudices, thinks of his data as being made up of 'systems of relationship'.

Let me take a simple case, a household consisting of a man and his wife and their two children, son and daughter. The sociologist may categorise such a family in a variety of ways. He may treat it as a single unit—'one family'—, or as four units—'four individuals', or as two adults and two children, or as two males and two females, or as one producer and three consumers, and so on—but always the sociological analysis will reduce to a set of numbers.

But the anthropologist will never treat such a family as either a single unit or as a multiple of units, he must always see it as part of a complex. The family, as a whole, consists of an internal network of relationships and is, in turn, linked to other elements in the outer social world by a further network of external relationships. For the anthropologist, the head of the family is not a single entity; he is not an individual man who can be described by a series of numerical characteristics and thereafter 'processed' in a Hollerith machine. Instead he is a complex of roles—a husband in relation to his wife, a father in relation to his children, a property owner in relation to his house, and employee in relation to some external employer and so on.

Differences in field research technique then logically follow. The sociologist assumes that the truths he is seeking to investigate are statistical truths and, in the normal way, he endeavours to arrive at these truths by sampling procedures. Consequently the size of the 'population' which can be investigated may be large in relation to the number of investigators; and the length of the enquiry may be correspondingly short. In the Pāta Dumbara survey which covered 58 villages, 116 square miles and 17,561 households the main research team consisted of 2 professional experts and 29 students; apart from preliminary planning and various pilot surveys, the major part of the research was completed in 10 days (Sarkar and Tambiah (1957) pp. vii, x, xiii, xvi).

In sharp contrast, an anthropologist will ordinarily confine his attention to a single very small geographical area and endeavour to investigate the total network of interpersonal relationships which exists within that small

area. The truths which he thus discovers are particular truths and, if he is wise, he will be extremely cautious about attempting to generalise from these particulars. Again to quote an example ; in 1954 I made a study of a single very small village in the North Central Province. The total population of the village, including children, was 146 ; the number of households—using the same definition as that used in the Pāta Dumbara survey—was 39. I carried out my investigations alone with the aid of an untrained clerical assistant and I lived in the village for about five months, a period which, in the view of most professional anthropologists was far too short.

It is easy to see that the more obvious criticisms which anthropologists can make against sociologists are the simple converse of those which sociologists are likely to make against anthropologists. On the one hand, the sociologist with his sampling techniques and his questionnaire investigations appears to be presupposing uniformities which perhaps do not really exist. In a sense, he is forced to assume that, already, before ever he starts his questionnaire enquiries, he knows, by intuition, just what are the significant variables concerning which it is worth while making enquiries. On the other hand, the microscopic investigations of the anthropologist may well be of such a particular nature as to have no general validity at all.

Both arguments carry weight and there is a commonsense implication that, if they hope to achieve conclusions which have a general as opposed to a particular validity, the sociologist and the anthropologist ought to act as a team. With that view I am very largely in agreement. In this paper, however, I am not so much concerned with the interdependence of anthropology and sociology as with their contradictions. To that end I shall now make specific criticisms, from an anthropological point of view, of certain features of the analysis given in *The Disintegrating Village* (Sarkar and Tambiah (1957)).

But let me repeat again, my criticisms are directed against defects inherent of the particular application of those methods, which is mostly skilful and at times highly ingenious.

At p. xvi we are told that throughout the volume the 'sampling unit' is the 'household'. A 'household' is defined as "persons who cook their rice from the same pot." It is stressed that this is not identical with the elementary family, but the authors might have added that it is also not necessarily identical to the group of persons living under one roof or in a single compound. With this 'household' as unit, the authors then

proceed immediately to an elaborate statistical analysis of the distribution of land ownership between households. Some of the figures offer fine fuel for political rhetoric ; thus Table 2 (p. 2) contains the striking statistic that, out of 506 households examined, 335 owned no paddy land at all.

Now what are the relities of this matter ? Let us try to convert the figures back into facts. For a start, being anthropologically inclined, I have to take into account certain features of Sinhalese custom. I note for example that :—(1) Sinhalese village girls tend to get married very young, but that every married woman, however young, has a separate cooking pot. Thus every married couple constitutes a separate statistical household, whether living in a separate house or not. (2) Property may be transmitted to an individual's descendants either by inheritance at death or at any other time by gift *inter vivos*. In practice, except in the case of dowry to the daughters of the relatively wealthy, most property is handed on only when the original owner has become elderly. Thus, if a man of means is living in a single compound with three married sons, the sociological analysis might record this fact with the statistic that 'three out of four households are landless.'

Now it is true that, owing to the random selection of households, we should not ordinarily expect that the separate households of parents and their children would appear in the same sample. But that is not the point. It is merely that my anthropological appreciation of the total situation has led me to suspect that a proportion of the 335 landless households were landless simply because the householders were young, recently-married adults who were heirs to still living parents. I have arrived at this conclusion by making the typically anthropological assumption that a social field does not consist of units of population but of persons in relation to one another. Let us then proceed.

In my researches in the North Central Province a feature that greatly surprised me was that the term *anda*—sharecropping—might include the relation between fathers and sons. In this area, if a married son worked a share of his father's land, the villagers often considered that he held it on a sharecropping basis. Furthermore I found that in a very large proportion of all cases of sharecropping, the owner and the sharecropper were close relatives, the sharecropper being often a potential heir to the owner. Obviously the sharecropping relationship in such cases is sociologically of quite a different kind from that in which owner and sharecropper are otherwise unrelated.

Chapter 2 of *The Disintegrating Village* is concerned with the analysis of sharecropping in Pāta Dumbara. It is a long and complex analysis and I do not question the accuracy of the figures. I note however that there is, throughout, an implied assumption that the owners and the sharecroppers are entirely different people. For example, it is stated that 'under the present system of paddy cultivation by sharecroppers the landowners have no incentive to introduce any permanent improvements to the land because they do not get the full benefit of such improvement.' The authors nowhere consider the possibility that in a substantial proportion of cases owner and sharecropper may be closely related. My own enquiries, admittedly in another part of Ceylon, suggested that sharecropping was largely an age phenomenon. All young men are sharecroppers, most elderly men are owners. By and large, the sharecroppers are the heirs of the owners.

I am not insisting that this must also be the case in Pata Dumbara, but the figures presented seem to be quite consistent with this possibility, and if this were the case then nearly all the inferences which the authors of *The Disintegrating Village* draw from their figures would be erroneous. Again it is the factor of relationship which breaks down the statistical logic.

A rather different point of criticism is evoked by Chapter V where the authors make some complicated, though ingenious, deductions from the fact that, in their statistics, agricultural holdings fall into two clearly defined groups—a high yield group and a low yield group. The authors do not tell us how they measured either the acreages or the outputs in question, so specific criticism of the figures is impossible. I am however struck by the fact that my small scale data from a North Central Province village show a precisely similar dichotomy.

What impresses me here is that when the sociologists encounter an unexpected discrepancy of this sort they accept the validity of their questionnaire data and simply analyse the figures so as to discover their statistical significance. In contrast, the anthropologist suspects the validity of the original data as such and looks for a source of error. The sociologist postulates a statistical relation between the 'high yield' and the 'low yield' plots; the anthropologist postulates a sociological relation.

In the North Central Province case the source of the category split turned out to be quite clear; it traced back to an original difference between English and Sinhalese methods of reckoning field areas. This is an entirely different type of explanation to that which Sarkar and Tambiah have deduced with the aid of their mathematical computers. In the North

Central Province what has happened is this. Cultivated lands fall into two main categories ; 'traditional' (*purāna*) village lands which have existed from ancient times, and 'acre lands' (*sinakkara*) which have been developed in the last 60 years or so, after purchase from the Crown. The village in question was surveyed by cadastral survey in 1900 and the whole of the *purāna* field found to be slightly over 42 acres, but the 100 odd individual plots within the 42 acre field were not, and have never been, surveyed. In the annual paddy census, which has been drawn up in virtually the same form ever since about 1870, land areas are reckoned initially in terms of seed sown (*pāla* and *lāha*) and then converted into acres by a rule of thumb which seems to have been unchanged since 1900. Presumably because of some initial misunderstanding between the villagers and the surveyor the conversion factor is 'away off'. The acreage of each individual *purāna* plot is meticulously detailed, but the total adds up to 63 acres instead of 42 ! A number of other villages in the area show similar discrepancies and I suspect that errors of this type are general.

In contrast, all the *sinakkara* plots were individually surveyed at the time when they were first acquired from the Crown so that acreages for this latter class of holding are correct.

Now the consequence of overestimating by 50% the acreage of each *purāna* plot is to make it appear that the yield from *purāna* land is exceptionally low ; moreover since the *sinakkara* land is generally held by the wealthier members of the community, a further correlation appears to exist between large holdings and large yields. The parallel with the Pāta Dumbara evidence is exact.

In the North Central Province case there are further complications due to the fact that *purāna* land and *sinakkara* land has a differential utility in relation to the *Maha* and *Yala* harvests and I am far from suggesting that all land is used with equal efficiency. But the facts I have stated are bound to make me suspicious of Table 36 at p. 40 of Sarkar and Tambiah's book. Can we be certain, in view of the very small size of many of the holdings that all the acreage figures are of equal reliability ? And, for that matter, dare we trust the output figures at all ? From bitter experience I know how unreliable figures of this sort tend to be.

But let me stress again the nature of my scepticism. The anthropologist does not doubt the power of the statistical apparatus which is the sociologist's major tool ; what he tends to query is the quality of the original data which is fed into the statistical apparatus. The anthropologist has nothing but admiration for the things that the sociologist-statistician is

prepared to do with figures ; the doubts are concerned with how far the initial figures genuinely relate to social facts. Operating as he does at a very 'microscopic' level of social analysis, the anthropologist is constantly made aware of the difficulty of fitting items of human behaviour and experience into numerical categories. It is not that the numbers are necessarily false but that they draw the enquirer's attention away from what is of crucial significance.

Let me come to my final examples. In Chapter VII of *The Disintegrating Village* Dr. Tambiah discusses the contentious topic of the 'fragmentation of land through inheritance'. This section of the book is of a special interest to me since inheritance is a process which is of central importance for anthropological analysis.

There are two different features of Dr. Tambiah's account which I shall criticise ; both centre round the argument that an excess of mathematics can mask much more than it reveals. Here is my first point.

At pp. 58-60 Dr. Tambiah cites figures to show that "the inheritance of land is heavily weighted in favour of males", "the son's average shares of paddy land being 2.8 times as much as the shares of the (first) sister's". (p. 60).

Now my objection is not to the first part of this assertion ; but only to the second. I do not seriously doubt that in Pāta Dumbara, as elsewhere in Kandyan Ceylon, there is a bias of inheritance in favour of males, but I maintain that the effect of reducing this bias to a precise numerical figure is entirely misleading. It gives a false air of scientific precision to what is, at best, a highly variable 'general tendency', and this deters both author and reader from enquiring further into the cultural processes involved.

To reach his numerically precise conclusion, Dr. Tambiah has had to subject his original questionnaire data to what he describes as 'refined calculation'. He claims that these calculations show that the facts are in accord with what might have been expected from a consideration of the inheritance laws.

This is the crux. Dr. Tambiah makes the normal statistical sociologist's assumption that his questionnaire data can be treated as independent evidence. Individual questionnaires may be in error but, since the material has been collected on a 'random' basis, the errors will cancel out. If then mathematical analysis of the questionnaires produces results which are in accordance with 'legal expectation', this shows that practice and legal theory agree.

But can we really say anything of the sort? Might it not be that all the questionnaires have, from the first, been drawn up to accord more closely with legal principles than with empirical facts?

Anyone who has ever had first-hand anthropological field experience will know that *inheritance* is the very last topic on which one can expect an informant to offer candid and straightforward information. Moreover, in the Sinhalese situation, statements about inheritance of land are subject to two special types of bias, both of which are mentioned by Dr. Tambiah (p. 54). On the one hand there is the vigorously asserted cultural prejudice that *diga* (virilocal) residence is respectable and *binna* (uxorilocal) residence ignominious. This automatically makes it 'respectable' for a man to claim that he works land inherited from his father while denying or minimising similar claims on the part of his wife or his sister. The other bias, which operates in the opposite direction, derives from the common adult assertion that "we treat all our sons and daughters exactly alike." Again and again in my own preliminary questionnaire-style enquiries I found the same man maintaining the intrinsically contradictory propositions that, while he himself had inherited far more than any of his married sisters, he proposed to divide up his own property equally among all his sons and daughters.

The true facts in my North Central Province case were that there was a genuine, though moderate, bias of inheritance in favour of male heirs but that this bias came to be heightened by a tendency on the part of male heirs to 'buy out' the shares of their *diga*-married sisters.

As an aspect of this I found, just as did Dr. Tambiah (pp. 60-62), "that the ratio of land received by daughters when compared with sons was slightly smaller for daughters of poor parents than for daughters of rich parents". This bias I found was not due to any variation in application of the rules of inheritance; it was simply that when a *diga*-married daughter (or for that matter a *binna*-married son) inherited a very small share of a very small plot in a village remote from that in which she (or he) was living, she (or he) often neglected to assert a claim and consequently the land remained in effective control of some heir who had remained at home.

I doubt whether 'tendencies' such as these can ever usefully be converted into numerical statistics, but certainly precise quantification of the kind of preliminary information which can be obtained by means of a simple questionnaire and interview technique seems to me to have no meaning at all. To my mind it is inconceivable that the Ceylon University research

team, working under the conditions stated, could have obtained data which might merit the kind of mathematical analysis which Dr. Tambiah has applied. In effect, the decimal points and the percentages serve only as a smoke screen to mask from the author the important ambiguities inherent in his information.

This perhaps reads like a personal attack on Dr. Tambiah but that is not at all what is intended. I find Dr. Tambiah's discussion of Kandyan inheritance truly illuminating, indeed I repeat my patronizing comment that his sociological insights mark him out as a first class anthropologist ! Yet I claim that the mathematical form of his presentation is a serious defect, because it implies a degree of precision in the initial observations which is unwarranted. At one stage (p. 62) Dr. Tambiah himself recognises that his questionnaire information represents only a first approximation to the social facts. That being so, the application of the whole gamut of Chi-Squared Tests, Regression Coefficients and so on which fill out the pages of his book is any less approximate by being processed through a mathematical formula.

Here again we are back at the basic difference of attitude adopted by sociologists and anthropologists towards their raw material. The statistical sociologist takes it for granted that the truth which he is seeking is contained in his questionnaire answers and that mathematical technique is capable of revealing that truth ; in contrast the anthropologist is suspicious of questionnaire data as such. I maintain that it is in the very nature of questionnaire investigation that the 'results' tend to err in the direction of ideal stereotypes. Hence any attempt to investigate, by questionnaire research, the degree of fit between an ideal stereotype and actual practice is a waste of time. Dr. Tambiah's 2.8 'ratio of discrepancy in inheritance' seems to me to be just that. It is to the meticulous quantification that I object, not the broader statements concerned with sociological fact.

My second and final criticism of the analysis given in Chapter VII is more expressly concerned with the question of fragmentation. Because he is operating with a random sample of informants, Dr. Tambiah is able to assume that all the 'respondents' are of the 'present generation'—with the suggestion of course that they are coevals all of whom have acquired their land under precisely similar external circumstances.

In a comparable anthropological enquiry the 'respondents' would be localised in one place but spread over three or four generations in time, the older members of the 'sample' being the parents and grandparents, or even great grandparents of the youngest group. It would then immediately

strike the eye that the property status of any particular individual with respect to the rest of the sample depends primarily upon his position in the age cycle. A young man starts with nothing ; a young adult may possess some acquired property and some inherited property but he is probably still accumulating ; in contrast, an older adult has probably passed the peak and has begun to dissipate his property ; a very old man may once again be landless.

As soon as we consider the facts in this light the concept of fragmentation begins to lose shape. Clearly certain statistics remain relevant. If the total area of cultivable land is limited and the population increases, and there are no alternative avenues of employment, then the availability of land per unit of population must decrease, and this is an important economic fact. But this has no logical connection with 'fragmentation through inheritance'. Dr. Tambiah (p. 79) asserts explicitly that one of the *causes* of fragmentation in the Kandyan area has been 'the existence of laws and customs of succession which compel the division of land among heirs on a fair division basis'. But this is not the case, and if Dr. Tambiah had not been distracted by his figures he could never have supposed that it was ; for the effect of Kandyan inheritance rules is quite clear. It is not merely that in each generation there tends to be a division of property between sons and daughters ; there is also and simultaneously, a recombination of holdings in the children of husbands and wives. If the population is stable, then the rate of division is no greater than the rate of recombination, and the average size of holdings will remain constant throughout, even though some estates will decrease in size and some increase. This is not simply a theoretical proposition ; it is demonstrable. An anthropologist by concentrating his attentions on the population of a single small area over a limited period, and making full use of the excellent documentary records available to Ceylon research workers can show very precisely what really happens as a consequence of Kandyan inheritance rules. It is a complicated sequence of events that emerges from such enquiries, and the result is not easily described in words, let alone numbers ; but what is quite clear is that it is *not* a self-destructive system. Taken by itself the inheritance system tends to perpetuate a stable structure of 'moderate inequality' ; it inhibits extreme accumulation and also extreme poverty.

I set out to claim a place for social anthropology in contemporary Ceylon social studies, yet, so far, I seem to have done little beyond criticise one of the most enterprising pieces of sociological research so far carried out in Ceylon. Let me repeat, I am arguing by negation. My purpose is not to denounce all statistical types of sociological enquiry but rather to explain just why the social anthropologist claims to be able to reveal facts which escape the observation of the statistician.

Precisely because he uses statistics, the sociologist must operate with a random sample of population. This means that *by definition* the units of population must be assumed to be unrelated to one another. It follows that no characteristics of the population which emerge from the enquiry can possibly be attributed to the interrelationships existing between different units.

In contrast, the anthropologist explicitly concentrates on data which are *not* random. He purposely chooses a small field within which all the observable phenomena are closely interrelated and interdependent. As observations, the anthropological and sociological enquiries are alike 'synchronous'—all the observed events take place at the same, or nearly the same, time. But whereas the sociologist must treat his population as a homogeneous field—all units alike are regarded as 'members of the present generation'—the anthropologist must take account of generational relationship. He can thus take account of social process—for the fathers of today were the sons of yesterday; today's child is the adult of tomorrow.

And it is this fact that is fundamental. As is demonstrated so clearly in *The Disintegrating Village*, the field sociologist is concerned always with synchronous allocations. To him the word 'inheritance' means no more than the division of a body of assets among a number of individuals. Property, in passing from generation to generation, is 'fragmented'. In contrast, the anthropologist looks at the same facts the other way round. It is the body of assets—the 'estate'—of a society which forms the constant continuing entity; it is the individuals who 'flow through' society from childhood to old age and death. 'Inheritance'—that is the changing body of rights in the continuing estate—is the crucial fact which marks off the stages in the continuing process of transition by which individuals move through the system from status to status.

Perhaps that is the place to stop. My sociological colleagues, will recognise with some amusement that, having started off to set a distinction between sociology and social anthropology, I have ended by proclaiming Max Weber as my patron saint. And so it should be. At the theoretical level, sociology and social anthropology are one and the same; it is only in the application of theory to research that our differences and antagonisms begin.

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FINANCIAL PROCEDURE IN THE HOUSE OF REPRESENTATIVES*

N. M. PERERA

HISTORICALLY the rise and the growth of the parliamentary system can be traced to finance. The desire on the part of the tax-paying gentry of England to control the levying of taxes arbitrarily by the King is that which brought about the regular assembly of the representatives of the people. No taxation without representation is a principle which animated them from the earliest times. At this early stage there was no attempt to control the manner in which money was expended by the Sovereign. That was within his sole discretion ; the gentry's concern was to see that a reasonable limit was placed on the amount of money that they were asked to contribute, and that the manner in which this money was collected did not cause undue hardship.

In time it was a natural development that the representatives of the people should utilize the occasion of their assembling to place before the Sovereign the diverse grievances the people had. As was equally natural the Sovereign anxious to obtain money as smoothly and as amply as possible was not averse to being indulgent. He was ready to listen and humour them in order to gain his end and this practice gradually developed into another recognized principle—redress of grievances before granting of money.

On these two principles rest the whole financial procedure such as we know today. As the system of parliamentary government took shape, these two principles became the cornerstone of the whole elaborate structure of parliamentary procedure. Step by step practices and conventions grew round these principles with a clear cut distinction between the granting of money and the expenditure of the money that was granted and with the removal of the personal power of the Sovereign leading to the growth of the cabinet system of government, the supremacy of parliament was unmistakable. The power that Parliament wielded was consolidated into its absolute control over finance. Parliament thus laid down the manner and the extent to which taxes could be levied from the people. It also laid down the uses to which that money could be put.

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Today, strangely enough, it is not taxation that necessitates the annual meeting of Parliament but the appropriation of that money that necessitates its regular assembly.

Thus we find that finance has been the 'fons et origo' of Parliament. It is unthinkable that a Parliament could exist which has no control over the finances of the country. The manner in which Parliament discusses and debates taxation and revenue proposals and the expenditure of that money will determine how effective and adequate that Parliament is.

Quite rightly therefore, our earliest struggle in Ceylon centred around the financial control of an irresponsible bureaucracy. From the days of the Legislative Council, elected representatives have claimed the unfettered right to criticise, alter and reject both the taxation proposals and the expenditure items advocated by the British Governor and his officials. Not until the Donoughmore Constitution was granted did we enjoy a wide measure of control. Even then the Governor was clothed with extraordinary powers to override the wishes of the elected representatives. More than once he has used his powers of certification to nullify the decisions of the State Council.

The procedure that was adopted under the Donoughmore Constitution was a logical development from the Legislative Council days. The Vice-Chairman of the Board of Ministers presented in the State Council the annual Appropriation Bill. It embodied the expenditure proposals which came up to the Board of Ministers through the various Executive Committees. All that the Board of Ministers could do was to collate these expenditure proposals of the Executive Committees and the three Officers of State and string them together and the expenditure side of the Budget was complete. It could of course decide to drop any expenditure proposal of an Executive Committee on the ground of inadequate finances. The revenue required for this expenditure was suggested by the Board of Ministers with the advice of the Financial Secretary. The Vice-Chairman of the Board of Ministers presented the Appropriation Ordinance in the State Council and the Budget Speech was made on the First Reading of the Appropriation Ordinance. At the end of his speech the Motion was put to the House and the First Reading was complete. The discussion in the State Council began with the moving of the Second Reading by the Minister in charge of the Bill. There was no limit to the discussion on the Second Reading. When no more Members were available to speak the Mover replied and the Second Reading was concluded with a vote, if challenged to a decision. The State Council transformed itself into a

Committee of the whole House and discussed the estimates and revenue proposals head by head and under each head, the sub-heads were put to the vote separately if so required.

The tradition of the Legislative Council of making detailed criticisms of the expenditure sub-head by sub-head was carried over into the State Council. The various Departments under the Executive Committees were subjected to minute examination which was reminiscent of the badgering that Heads of Departments received in the Legislative Councils. At the end of the Committee stage the plenum of the State Council reassembled and the Third Reading was moved by the Minister in charge of the Appropriation Ordinance which had to come into force on the 1st of October.

With the introduction of the Soulbury Constitution it was of course necessary to provide a change of the procedure to suit a new Parliament which provided for a cabinet form of government such as obtains in the United Kingdom. Accordingly Mr. Fellows (now Sir) was brought down to Ceylon in order to fashion a new set of Standing Orders in keeping with the new status. As was to be expected the new Standing Orders followed closely the Standing Orders of the House of Commons. Financial procedure was approximated to that prevailing in the British Parliament, but for obvious reasons the whole procedure that obtains in England could not be transplanted here and a strange compromise seems to have been arrived at. The confusion that has arisen as a result of endeavouring to amalgamate the procedure in England and the procedure of the old traditions built up in Ceylon has led to certain procedural difficulties to which we shall advert presently.

The annual budget presented by the Minister of Finance in the House of Representatives somewhere towards the end of June or early July every year differs from the speech that the Chancellor of the Exchequer in England makes in that the latter bases his budget on the ways and means resolutions to be moved in the Committee of Ways and Means. In England there are 3 types of committees of the whole House. There is a Committee of Ways and Means in which originate all motions for the collection of revenue. Next there is a Committee of Supply in which the expenditure proposals of the Government are annually discussed. Then there is a Committee of the whole House on ordinary Bills which are committed by the House itself.

In Ceylon there is no Committee of Ways and Means. When the Finance Minister makes his budget speech he does so in moving the Second Reading of the Appropriation Bill in the House itself. This Appropriation Bill, as under the Donoughmore Constitution, comprises both the revenue proposals as well as the expenditure proposals.

The First Reading of the Appropriation Bill is merely the tabling of the Bill. The actual expenditure is set out in a schedule to this Bill. This is a formal reading and no discussion takes place at this stage.

The Second Reading is the important stage. It is at this stage that the Finance Minister explains the various Heads of Expenditure and then proceeds to disclose the new taxation if any, that he proposes to levy in order to find the revenue for the contemplated expenditure.

In England on the other hand Supply Debates precede the actual Budget Speech. It is the Opposition that controls the actual Supply Debates. The Opposition decides what particular Ministry it should discuss on any particular day. Each such Supply Debate is treated as an allotted day. The number of allotted days is fixed by Standing Order and applies only to the discussion of the Estimates of Expenditure. Once the Committee of Supply has been set up at the beginning of every Session after the Address Debate the Estimates will by order of the House stand automatically referred to this Committee. It is for the Opposition to pick upon any particular set of estimates and give notice to the Government that it proposes to discuss a particular Minister's estimates on any particular day. The Opposition might decide to spend all the allotted days on one Minister, though this would be unusual. The important point is that the Supply Debate is entirely at the discretion of the Opposition. Once the allotted days are exhausted, all those estimates which remain undiscussed are voted on and passed without any further debate.

This situation does not obtain in Ceylon. There is only one Committee of the whole House and it considers Bills including the Appropriation Bill that is committed to it. The Committee Stage of the Appropriation Bill is like the Committee Stage of any other Bill, only the concept of allotted days is brought in by restricting the number of days that the Appropriation Bill can be discussed in a Committee of the whole House.

After the Finance Minister has made his Budget Speech on the Second Reading of the Appropriation Bill there is generally a short interval in order to enable the Members to study his budgetary proposals and the Estimates of Expenditure. When the House resumes, the debate on the Second Reading commences. Standing Orders 74(4) provides that "not more than seven days shall be allotted to the Second Reading of the Bill and at 8 p.m. on the seventh allotted day Mr. Speaker shall, unless the proceedings on the Second Reading have terminated earlier, put forthwith any questions necessary

to dispose of the Second Reading and to commit the Bill and the House shall not be adjourned until all such questions have been disposed of."

It is understood and the general convention is that the Second Reading debate shall be confined to matters of policy and the broader issues of government. It is supposed to be an opportunity for Members to review the policy of Government as a whole, and the repercussions of the budgetary proposals on the financial structure of the country. But speeches of this nature have been few and far between. Ever since 1948 the vast majority of Members have been inclined to speak at length on the expenditure side and argue its adequacy or inadequacy in terms of their parochial needs. It is not unusual to see the Speaker pulling up Members and reminding them that these are speeches that could well be made at the Committee Stage of the Bill. Consequently there is little difference between the types of speeches in the Second Reading debate and the Committee Stage that follows. The distinction that is made in England between the Committees of Ways and Means and Supply get blurred in Ceylon and the larger issues of financial policy are ignored. This is a serious defect in the existing system and should be remedied if the real purpose of a Second Reading debate on the Budget is to be served. What is more, allotted days in England which are confined to Supply Debate, are in Ceylon used to cover discussions on taxation proposals. After the Second Reading of the Bill has been completed, the question is put to the House for acceptance of the Second Reading. On acceptance, the Bill is then committed to the whole House for a special specified date and Standing Order 74(5) provides that "not more than twelve of the days allotted shall be allotted to the committee stage of the Appropriation Bill, and on the last of such days at 8 p.m. the Chairman shall, unless the Bill has previously been reported, put forthwith the Question on any amendment then under discussion and then successively on any Government amendments to that Head and the Question necessary to dispose of that Head and shall then proceed successively to put forthwith the question with respect to each Ministry's Heads, that the total amounts of the Heads outstanding in that Ministry's Estimates be inserted in the Schedule for the services defined in those Estimates and then that the several Schedules respectively stand part of the Bill and the House shall not be adjourned until the Bill has been reported." The procedure in the Committee Stage of the Bill was neatly set out by Mr. Speaker Molamure at the discussion on the first Appropriation Bill (1947/48) in December, 1947; "Honourable Members will notice later on that the procedure in this House is quite different with the procedure we have been used to in the State Council" (1 H.R.D. 1455). He elucidated further "it will be observed that the schedule to the Appropriation Bill now consists of the various votes into which the proposed expenditure is divided. For the

“make-up” of the Votes reference has to be made to the Estimates, where the Votes are sub-divided into sub-heads and in the case of some sub-heads, into items. The standing Order (128) requires me to call the title of each Vote and debate on the sub-head will be in respect of Amendments to that Vote. Amendment to a Vote may be either in respect of a sub-head, or where a sub-head is further sub-divided into items, in respect of an item.” (ibid). The form in which amendments have to be set out was also set out by Standing Order 128 : “The only point to which I should like to draw the attention of the Hon. Members is that where an Amendment is proposed to a sub-head containing items such as the Personal Emoluments sub-head, the Amendment should relate not only to the sub-head but to the item which is proposed to be cut” (ibid 1456).

Although during the Committee Stage of the 1947/48 Appropriation Bill notice of amendments was not insisted on, as this was the first instance of the new procedure, Members were reminded that the relevant Standing Order required that due notice should be given. In all subsequent years notice of amendments has been insisted upon and the Speaker has always required notices to be sent in before a prescribed date so that they could be printed and circulated in time. The form in which the amendment has to be sent in is strictly adhered to. Where sub-heads exist under a head, an amendment must be moved for the reduction of the sub-head and not of the head. Of course the English practice is strictly observed and no amendments intended to increase the amount of a revenue proposal or of an estimate of expenditure are permitted. Amendments moved for the deletion or reduction of the salary of a particular officer or officers must be directly on the salary of the officer or officers concerned. A mere reduction of the sub-head in this case would not do. (vide Speaker's ruling 4 H.R.D. 3 FF). The Committee Stage of the discussion paradoxically enough is both satisfactory and unsatisfactory. It is satisfactory because following the traditions of the Donoughmore State Council there has been an attempt to go into a detailed criticism and a detailed examination of the expenditure figures which England has never had. Ministers have been at their wits' end to go carefully through their estimates studying all the details of their proposals and be ready to answer any question that might be put to them. It has made the Committee Stage alive, interesting and useful. Much wasteful expenditure has been avoided as a result of this detailed criticism. Ministers have found that they could not get away with vague generalisations, that they could be pinned down point by point. This can be a gruelling experience, stretched over hours and sometimes for more than one day.

It is unsatisfactory because the delegation of allotted days has sometimes meant that whole Ministries went through with little or no discussion.

Unlike in England the choice of discussing a particular Ministry or set of estimates was not with the Opposition. The schedule of the Appropriation Bill had to be taken in the order in which it appeared in the Bill unless for exceptional reasons the Speaker has not permitted the skipping over of one Ministry and the discussion of another. Consequently some of the more important Ministries have escaped with little discussion because they came lower down in the schedule like the Ministry of Transport and Works.

It is unsatisfactory also because the debate gets blurred. The administrative policy of a Department gets submerged in the minutiae of estimates. An attempt has been made to get over this difficulty by a policy discussion on an amendment to reduce the salary of the Minister in charge of a particular Department. On this amendment the various Departments under the Minister and the administrative policy that he follows would be the subject of debate. The Minister would then reply to this debate before the other amendments are taken up and a detailed discussion is engaged upon.

The Third Parliament has witnessed a practice which is both peculiar and unusual. The debate on the Appropriation Bill both in the Second Reading and more particularly in the Committee Stage has been characterised by the vigorous intervention of the back-benchers of the Government, not as defenders of the Government but as critics of the Government and for the purpose of pedalling the special needs of their electorates.

This has thrown out of gear the whole debate on the Appropriation Bill and the Standing Order relative to allotted days has had to be side-tracked by special resolutions passed from day to day. In the Committee Stage this new practice has robbed the traditional procedure of all its value and advantages. The tendency now is for a jumbled and rambling discussion on an amendment to the Minister's vote designed less for control than for cajoling for favours. The attendance at debates is pitiful and members of the Government Party stroll in only to recite their special wants and retire no sooner this job is done. What was once the most interesting discussion in the course of a session has now degenerated into a dull and listless series of prepared speeches which are too often both irrelevant and repetitive.

At the conclusion of the debate on the amendment to the Minister's vote, the other amendments are withdrawn. And it is not usual now for all the other heads under that Minister to be voted upon without any further amendments. Thus control of expenditure has been reduced to a minimum.

In the actual debate in the Committee there are various rules which restrict the nature of the discussions. It is not possible by way of amendment to a head or sub-head to discuss a matter which under the Standing Order would require a substantive motion. Thus it is not possible to move an amendment to the salary of the Governor-General or criticise him in the course of the debate. That is also true of Members of Parliament, judges of the Supreme Court and so on. Nor would the Speaker allow any Member to make a personal attack or heap personal abuse on officials of the various Departments by moving amendments to votes. The first Speaker of Parliament adhered to these rules much more strictly than his successors. In point of fact he was more technically rigid than he need have been. Some of his rulings contradicted each other. In some cases he forbade Members from speaking at all if they had no amendments on the Order Paper. On others he had permitted Members to participate in the debate once a question has been raised by way of amendment. The Speakers that followed him have taken a more generous attitude and have generally permitted debates once an amendment is moved, even to Members who have not moved amendments on that particular head or sub-head. Some times this generosity has been abused by Members and one has observed a considerable amount of repetition in the Committee Stage of the Debate. The rule relating to relevancy of debate has in recent times not been strictly followed as by Speaker Molamure. It certainly is a matter for consideration whether a little more tightening up of the rule with regard to relevancy and repetition should not be insisted upon in the interest of time during allotted days.

A much more difficult problem at the Committee Stage of the discussion has been the extent to which criticism should be permitted of Boards and Institutions set up by virtue of special laws. The Public Service Commission, for instance, is a body established in terms of the Constitution (Article 58). Although the Members of the Public Service Commission are paid salaries as determined by Parliament, it has been ruled that it is not possible to criticise the acts of omission or commission of the Commission by way of amendment to the estimates. These Commissioners are appointed by the Governor-General and are supposed to be responsible to him and, therefore, not accountable to Parliament. Undoubtedly this is an anomalous position in view of the fact that Parliament has a right to fix the amount of their salaries, although it is true that once fixed it cannot be changed during the term of office of that Commission. In the public interest, since the activities of this Commission infringe on all the work of the Ministries, it is doubtful whether so much sanctity should be attached to the Public Service Commission so as to deprive a sovereign Parliament of the right to offer general criticism of the fitness or otherwise of its actions. The same position appertains to the Judicial Service Commission which is set up by virtue of Article 53 of the Constitution.

An equally peculiar position has arisen with regard to the Gal Oya Board and the Ceylon University. These have been set up by virtue of special law by the appropriation of money for their activities and provided annually by Parliament. Ministers have tended to adopt the attitude that all they can do is to convey the criticisms of the Members to these institutions, but that they cannot hold themselves responsible for the conduct of these institutions. The position has not yet been fully clarified. It is desirable that a clear idea as to the extent to which these statutory bodies are responsible to Parliament be more precisely defined. It is all the more desirable because Parliament is daily establishing more and more corporations by virtue of special laws. It cannot be in the interest of Parliament nor in the interest of the country that these statutory bodies should be outside the purview of the sovereign legislative authority.

At the end of the discussions in the Committee or at 8 O'clock on the twelfth allotted day such other estimates as have not yet been discussed are put to the vote without further debate and the Chairman then also puts to the vote various sections of the Appropriation Bill included in the schedule. The Bill is then sent back to the whole House and it is usual for the report stage and the Third Reading to be taken up almost immediately although on occasions amendments have been moved that the Bill be read a third time this day six months hence. There has never been any prolonged debate at this stage. After the Bill has been accepted with power to the Clerk to make any verbal alterations and corrections, the Bill as approved goes to the Senate.

If the Minister of Finance in introducing the Budget has proposed additional duties or additional taxes it may be necessary for him to move special resolutions or bring forward amending Bills to give legislative sanction to these proposals. In view of the fact that the discussion on the Appropriation Bill has also included a discussion on these taxation proposals, these resolutions or Bills do not generally take much time.

The financial procedure of Parliament does not end there. Under the Constitution [Article 70(1)] an Auditor-General has been appointed by the Governor-General. He is an officer directly responsible to Parliament and not to the Government. Parliament expects him to follow up the decisions made by it. It is his duty to see that the various Departments faithfully carry out the provisions of the Appropriation Act, as decided by Parliament. By virtue of this his Department keeps a close check and scrutiny of all the expenses of Government Departments. An annual report is presented by him to Parliament setting out his observations on the accounts of the Island as audited by him. This report is tabled in the House and is then referred to a special committee of the House called the Public Accounts Committee.

The Public Accounts Committee consists of a number of Members appointed by the House and representative of both sections of the House, the Government as well as the Opposition. It functions entirely on a non-party basis and its duty is to examine the report of the Auditor-General, question the various Heads of Departments if any irregularity or unwarranted expenses have been incurred, find out their reason, and report back to the House. Strictly the financial procedure of the House terminates with the presentation of the report of the Public Accounts Committee to the House as a whole. Although the House is expected to take note of this report and if necessary initiate a special discussion thereon, this has never in fact happened.

This is partly because this report comes a few years late after all the interest in a particular year has vanished. It deals also with the accounts of expenditure that has already been made and the questions that arise are more of a financial, technical nature.

Nevertheless it must be admitted that the Public Accounts Committee and the Auditor-General perform a very essential task. They scrutinise all unauthorised expenditure by Government Departments. They have helped to highlight irregularities and control gross extravagance.

So much for financial procedure in the House of Representatives. How far is this procedure satisfactory? Are there any changes that can be suggested? I have already indicated that in the procedure of the House of Representatives we have neither the system that prevails in England completely nor the old system that we had since the Legislative Council days. The attempt to combine the two has led to certain difficulties which should be remedied. It is first of all desirable that the discussion on the estimates should not be confused with the discussion on revenue proposals. If the English procedure is insisted on, a separate Committee of Ways and Means should be set up for the introduction of the Budget and there should be unallotted discussion. The present allocation of 18 days for the estimates should suffice if restricted solely to the supply aspect, and if supply debates are regulated by the Opposition at its discretion.

It is also worth considering whether we should not get away from the detail criticism that has been customary when the estimates are considered. Debates in the House should be largely confined to matters of administrative policy and the detailed questions should be left to a committee on estimates such as obtains in England. In the estimates committee a closer scrutiny and an analysis of the items of expenditure Department by Department can be gone into. It should be left to Parliament to go into the general administrative policy of the Departments.

SOME CONSIDERATIONS ON HISTORICAL RESEARCH

GERALD S. GRAHAM*

It has been said of the classic German historians that one may find throughout their writings two elements, the scientific and the emotional, the reverence for the fact and the passion for the idea. Actually, it is ideas that save any historian from becoming or remaining a mere digger of documents—a drudge and a pedant; but the search for ideas or illuminating concepts should not take place under conditions too far removed from those under which we live and toil in archives and library. I was reminded some time ago (at the end of another historical discussion) of Gulliver's visit to the city of Lagado, where he (Gulliver) discovered a zealous architect whose optimistic principle of construction was to begin with the roof, and then find materials for the foundation. It is always tempting especially for the teacher to ease the task of rapid reconstruction with nice patterns of historical presuppositions and half-truths, which may quite possibly, one day, turn into popular mythologies.

Certainly such historical interpretations or systems have been fashionable, and have had a powerful, and sometimes enduring influence on human thought. The Ptolemaic cosmogony may have crumbled away, but it would be unwise to be patronizing and underestimate the potency of so fashionable a system when it existed.

This demand for a simple and superficially logical interpretation of the past exists partly because mankind, especially to-day, wants simple formulae to explain a hideously complex world. As Adlai Stevenson put it: Man lives not by bread alone, but principally by catchwords. Radio and T.V. have increased this appetite. Hence no doubt the temptation for learned men to make incursions into the field of historical philosophy; and readers who appreciate their learning sometimes fail to distinguish between their facts and their exuberant interpretations of them. Assertions of trend and tendency—causation history—often represent stream-lined scaffoldings erected on selected facts. Of course, the historian must generalize, but it is well to recognize that different sets of facts can support different kinds of generalizations.

*Being the substance of a paper read at a seminar in the University, Peradeniya, on Sept. 25th 1957.

In my college days in Canada, with the Beards and the Laskis lending their weight, the doctrine of economic causation—especially economic causation of imperialism (which chiefly interested me) was fashionable. After the First World War, it was the favourite doctrine in most North American history departments. To doubt the established system showed naïveté, lack of original thought ; e.g. before anyone had actually done scrupulous research on World War I, its economic causes were apt to be assumed. Actually, they counted in that war hardly at all. On the whole, it is fair to say that this outlook was based on an uncritical acceptance of distorted facts—or rather on a distortion of history. It was essentially “conjectural” history. I well remember at Cambridge being shown a printed essay by a young philosopher on the earlier Crusades, which proved conclusively that markets and raw materials counted entirely—religious passion only superficially. No careful research had been done ; the author had an axe to grind.

Every *a priori* interpretation must have its dress of facts ; and in the case of my own subject—Imperial History—there has always been substantial stock at hand, some of them rather effective half-truths, revealing for, example, the association of imperialism with capitalism. To some the simplicity is attractive, even seductive. Many of you who have been toiling doubtfully and cautiously must marvel that the complexities with which you deal can be reduced to a simple pattern.

One prize example of how simple the interpretation can be is provided in a paragraph by the late Professor Harold Laski, one of London’s most distinguished and influential teachers :

No one now denies that the British occupation of Egypt was undertaken in order to secure the investments of British bondholders ; and that the South African War was simply a sordid struggle for the domination of its gold mines. The French invasion of Mexico under Napoleon III was an effort to protect the interest of French investors in that ill-fated state. Nicaragua, Haiti, San Domingo, to take only the most notable cases, have all been reduced to the position of American provinces in the interest of American capitalists.

The Russo-Japanese war was, in the last analysis, the outcome of an endeavour by a corrupt Government to defend the immense timber concessions in Manchuria of a little band of dubious courtiers. The savage cruelties of the Congo ; the struggle between British and American financiers for the control of Mexican oil ; the fight between Germany and the Entente for the domination of pre-war Turkey ; the reduction of Tunis to the position of a dependency ; the Japanese strangulation of Korean nationalism ; all these are merely variations upon an identical theme.

Men have sought a specially profitable source of investment. They have been able to utilize their Government to protect their interest ; and, in the last analysis, the Government becomes so identified with the investor, that an attack on his profit is equated with a threat to the national honour. In those circumstances the armed forces of the state are, in fact, the weapon he employs to guarantee his privilege. (1)

Examine these arguments at leisure, and see how many would withstand honest historical inspection. Each case is a complicated one, although

(1) Laski, “The Economic Foundations of Peace”, in Leonard Woolf, *The Intelligent Man’s Way to Prevent War* (London, 1933) pp. 507—8.

one might, (in the words of Professor Jacob Viner,) reverse the Laski thesis (*re* capitalist *vis-a-vis* government) and come a good deal closer to the truth. In almost all these cases, the capitalist instead of pushing his government into an imperialistic enterprise in pursuit of his own gain, was himself pushed or shoved or lured into it by his government, which might then be able to point to a legitimate economic stake in the territory involved. (Admittedly, in some instances, large and perhaps unsavoury profits of investors were present—but that is a different matter). Laski's point was essentially that imperialist aggression originated in a desire to promote the financial interests of a few or groups of wealthy capitalists.

Some years ago, in the course of a discussion on the Enclosure Movement, Tawney remarked that what economic historians needed was fewer documents and tougher boots. In this age of hasty effort to establish historical syntheses, and when incipient Laskis contemplate thatching their mansions in advance of foundations, perhaps one may pray for fewer brilliant concepts and more factual bricks and mortar.

There is danger in tracing comprehensive patterns of interpretation for one may easily become a prisoner of one's own technique. The author must of course use what we now call scientific methods of research, but he must not ask for scientific solutions. The temptation to find logical answers is very great to-day, viz., the temptation to explain the present by the past. Ruthless honesty is the only safeguard against specious philosophies or easy casuistry.

On the other hand, aware of the possibility of our own extinction in this atomic age, we are probably less arrogant about the past than were some of our predecessors. There is no need to-day to warn young historians against patronizing the past; we know too well now that we are not the "top cream" of any long historical process; that we are not "the heirs of all the ages". There is a good deal less talk of *progress* than there was before 1939.

And yet it remains a formidable task to project oneself backwards into history—to absorb the ethos of the time, to properly estimate the apparent villain and the apparent saint. Can a twentieth century agnostic understand and properly interpret Gladstone? Can a very young person really do justice to diplomacy which involves the thrust and counter-thrust of tough men like Bismarck, Palmerston, Guizot, Rhodes or Chamberlain. It is necessary to have lived life fully—not necessarily sinfully—to deal intelligently with human beings who like any civil servant must subordinate not honour, but intellectual effort to action,—who like Machiavelli have

to compromise or be evasive. One must know something about life, (and even to enjoy life) to teach history—and perhaps to write it too. Some of my own students will, I think, deal differently with Chamberlain and even Rhodes when they have aged ; they need not become necessarily more tolerant of sin—there is still room for righteous indignation in historical writing—but they are likely to be more aware of the limitations which beset human beings in their national and international environments.

This is the age of scientific method as applied to historical research ; our grandfathers did not have the tools and techniques that we have developed in the twentieth century. But that is no reason for ignoring the old historians of the nineteenth and early twentieth centuries who could think and write with a breadth and generosity of spirit that sometimes eludes us to-day. Historical research is not a game or a mechanical efficiency test ; the object is to bring the past to life as accurately as possible, and that means more than “squeezing” a few documents, and adding the paraphernalia of references. It is possible for an immature student or one with a particular bent or bias to have correct documentary references and yet write completely unreliable history. The footnote reference is not necessarily the sign of the scholar ; and apart entirely from pretentious padding (*e.g.* in some Ph.D. theses) the reference simply indicates a source which may or may not have been explored and tested with scholarly care and acumen.

The key to scholarship is not then to be found in the accumulation of formidable references which denote breadth and depth of documentary toil ; it is not simply a question of methods or techniques. Indeed, the danger of strictly historical method courses is that they may encourage parochialism and pedantry.

In this connection I should like to quote from a lecture delivered by one of our great historians, Sir Charles Webster to the Historical Association in 1956.

I have a considerable distrust of lectures, books and articles which tell you how history should be written or taught. In both these fields action is far more stimulating than precept. We learn more about how historians write from their books than by anything which they tell us about themselves, and university teachers, at any rate, make their main contribution to the teaching of history by their effect on their pupils.

There are, of course, techniques of research and teaching that can be described and in this way handed on to others. The great changes of the last fifty years have been in part brought about by the sharing of such knowledge amongst us all. But it is difficult to know very much about what I may call the strategy and tactics of historians, the causes which determined their subjects of study and the manner in which they attained, however imperfectly, the ends which they had set before themselves. When I was a young man I was able to meet most of the historians whose works I regarded as a model for my own studies, and I tried to entice them to tell me the secrets of their craft. On occasions I got from such men as Fournier, Pribram or Schiemann a vivid phrase or an anecdote, which illuminated one's own experience like a lightning flash. But much more could be found out about their technique by reading their books and the materials from which their books had been made.

With all the photostats and microfilm and card catalogues and statistical machines, history is not a product of established routines. History is still essentially a handicraft ; mechanical devices and techniques of research are an aid, but they are no substitute for scholarly learning, disciplined imagination, judgment, instinct. As Webster says, the great historians do not surrender the secrets of their craft readily ; great scholars who write sometimes on dull themes and produce works of art like Maitland or Haskins or Gibbon or Ranke are probably unaware of any secrets beyond the generalizations that anyone like myself can make. But they *were* men of learning ; and we at least can read the works of learned men, try to absorb something of their ethos, and in the process gain a better sense of historical proportion.

In other words, if you wish to be strictly utilitarian in your approach to history, you may correctly regard the reading of historical 'classics' as essential to the progress of postgraduate research. The *classics* or great works of history should stir the imagination, pull the student out of the rut of his own researches by suggesting new ideas or approaches ; and also indirectly, I would hope, show him something of the art of expression and narrative, and how the mind of a first-class historian works. In short, you won't judge wisely, if you don't read widely. As G. M. Trevelyan once remarked to me : "If you have any originality in your make-up, you won't become imitative, but you are likely to be influenced." Therefore, study not only the architecture of a great prose work in English or any other language, but the author's method of weighing his evidence, arranging his thought and arriving at judicial conclusions. Only by so doing can you glimpse, if not grasp, the meaning of scholarship.

THE CO-OPERATIVES IN RELATION TO THE ECONOMIC NEEDS OF THE CEYLONESE PEASANT

S. J. TAMBIAH

THE Co-operative movement was initiated in Ceylon in 1912, over fifty years ago. Judged by number of societies, size of membership, and quantity of financial assets the movement appears to have taken root and is spreading at a remarkable pace.¹ Fifty years is a sufficiently long period for judging the performance of an institution. And in any case, that kind of apology which invokes time as a saving grace—a species of argument parallel to the “infant industry” in economics—is of little relevance.

Performance can be gauged from different angles, using different criteria. As remarked earlier, judged by number of societies and membership, success would be the verdict. But apparently, even in this respect, we are repeatedly told in various reports that the co-operative movement has still to throw out many more branches—the report of the I.B.R.D. Mission² tells us that the ratio of credit societies to villages should be reduced from 1:10 to 1:5; the Department of Co-operative Societies³ calculates on the basis of the number of persons with an income of under Rs. 400/- a month “who would have occasion to borrow some time or other” that the membership should be one million and not one lakh. Projections and calculations of this nature are no doubt useful, but must necessarily be subordinate to another line of inquiry that touches the core of the co-operative movement, *viz.* how well are the societies already instituted functioning ?

Concentration on how many more branches should the tree of co-operation throw out bypasses a more vital consideration regarding the adequacy of the present societies. To judge adequacy one must refer to the motives for starting the movement and the functions the movement was supposed to serve ; the terms of reference for an evaluation of adequacy

1. For example the number of credit co-operatives in 1939-40 was 1302 with 34,404 members, in 1950-51, 2149 societies with 70,000 members, and in 1954, 2,806 with 94,475 members.
2. *The Economic Development of Ceylon*. Report of a Mission organized by the International Board for Reconstruction and Development, Colombo 1952.
3. See *Administrative Report on the Working of Co-operative Societies for 1954*.

are succinctly put by the I.B.R.D. Mission⁴. "It was to furnish to the peasant some relief from the monopolistic lender, buyer and supplier that the co-operative movement in Ceylon came into being." This relief was to be provided by different types of co-operatives, the most important of which were : the Credit Society which would provide credit chiefly for productive purposes and thereby free the peasant from financial dependence on the money lender and boutiquekeeper ; the Agricultural Production and Sales Society (A.P. & S.S.) which would chiefly concern itself with marketing, and to a lesser extent with production loans, thereby releasing the peasant from exploitation by the trader, middleman and buyer and enabling him to gain larger profits ; and the Stores Society which would sell foodstuffs and consumer goods and successfully compete with the boutiquekeeper with his inflated prices and inaccurate weights and measures. How successful have the co-operatives been in extricating the peasant from these difficulties :

I shall, on the basis of the information provided by the Administration Report on the Working of Co-operative Societies for 1954, review and analyse the activities of the Co-operative Movement. The year 1954 has been chosen because for the kind of analysis attempted here, I shall have to make use of the Central Bank Consumer Survey⁵ which was conducted in the same year. It should be noted that the analysis presented here is only concerned with the peasant (non-estate) sector of our population ; thus its scope is limited to primary societies in rural areas, the activities of those catering to the estate and urban sectors⁶ as well as the activities of Secondary Societies such as Provincial and District Banks, Wholesale Unions being excluded. The three chief types of societies that closely affect the rural peasant are the Credit Societies, Marketing and Production Societies, and the Stores Societies ; therefore in reviewing their performance one should get a fair picture of the peasant's traffic with the co-operatives.

TABLE I. NET RESULTS OF PRIMARY SOCIETIES 1954.

	Net Profit		Net Loss	
	Number	Amount Rs.	Number	Amount Rs.
<i>All Societies</i>	6,212	4,382,856	2,541	2,580,703
Marketing and Prodn. Societies	989	1,846,687	478	1,431,546
Credit Societies (Limited and Unlimited)	2,234	307,923	599	27,543

4. op. cit. p. 46.

5. *Survey of Consumer Finances*. Central Bank of Ceylon, Colombo 1954.

6. The Credit Societies of the Limited Liability type and Thrift Societies operate virtually in urban areas.

TABLE II. CLASSIFICATION OF SOCIETIES ACCORDING TO PROVINCES AND GRADES OF EXCELLENCE 1954.

	<i>Very Good (A)</i>	<i>Good (B)</i>	<i>Ordinary (C)</i>	<i>Bad (D)</i>	<i>Unclassi- fied New Societies</i>	<i>Total</i>
Western Province	8	222	1,322	178	121	1,851
Northern Province	69	262	558	112	289	1,290
Central Province	19	142	676	149	189	1,175
North Central Province	—	44	301	42	37	424
Southern Province	—	87	913	285	151	1,436
North Western Province	19	198	708	49	74	1,048
Sabaragamuwa Province	6	90	723	19	101	939
Uva Province	4	51	385	5	86	531
Eastern Province	16	156	331	64	164	731
Total	141	1,252	5,917	903	1,212	9,425

Details of Classification.(See *Administration Report* for full details).*Credit Societies :*

- A — Financing total legitimate requirements of members, Members have ceased to borrow outside the society. Default not exceeding 10% of total outstanding. Over 3 full years' work, etc.
- B — Default not exceeding 15%. Over 2 full years' work, etc.
- C — Members still borrowing outside. Default exceeding 15%, etc.
- D — On verge of liquidation.

Stores Societies :

- A — Makes all possible purchases from Co-operative sources.
Prices not as a rule above those in local market.
Members purchase most of their requirements from Store, etc.
- B — Working towards A.
- C — In between B & D.
- D — An insolvent Society.

The Administration Report itself has attempted to evaluate the performance of co-operative societies. Tables 1 & 2 give us two types of evaluation : (1) in terms of monetary profit and loss (2) a crude classification of societies into grades using financial criteria such as extent of default in payments, amount of borrowing outside the society, etc. as well as organizational and social criteria such as efficiency of committees, observance of principles of co-operation, etc. We may for our purposes accept these as fairly adequate modes of appraisal.

According to profit and loss accounting (See Table I), it would appear that more than a quarter of the co-operative societies are financial failures, and that more of the marketing and production societies than the credit societies tend to be failures. In all financial losses amount to 50% of the profits.

Table 2 enables us to make a more revealing evaluation. A very small majority indeed fall into the 'A' category; over fifty per cent. fall into the

“ordinary” category, which means that members are still borrowing from outside, and that default is more than 15% of the total outstanding, that the committees are not very active and that mutual supervision is poor. It is not an unwarranted inference, therefore that the majority of the co-operatives are characterized by “ordinariness” which may be taken to mean mediocre success.

The question therefore is “Why this lack of success ?” Several explanations are possible :

(a) The first type, we may for want of a better word, label *sociological*. This refers to organizational obstacles that retard the establishment of successful co-operative societies, to problems of unsuitable temperament in the villager, etc. It is undoubtedly true that many a society has failed owing to a lack of vigorous leadership at the village level and inadequate knowledge of accounting and of the fundamentals of business organization ; it is also undoubtedly true that mass apathy in many cases has denied a broadbased support for a movement that by definition must spring from the people. These and various other social factors convincingly indicate the need for “education” that would not only make people aware of their problems but also instil in them the belief that they themselves can by rational conscious action solve these problems. In the wider sense, these are sociological problems related to the resistances in the traditional social system to the introduction of a new social machinery that is alien to it.

This sociological approach is not the concern of this paper.

(b) Another relevant explanation may be the *financial* limitations that have circumscribed the activities of the co-operatives. It is true that both the resources and volume of loans of individual societies are small, and that therefore problems of finance prevent a proper service to the peasant and the multiplication of societies. How serious is this limitation is difficult to gauge in the light of the I.B.R.D. Mission’s statement :⁷ “Apparently then the growth of co-operatives is not held back by lack of funds. Loans from Provincial Banks could provide additional amounts as required. If these institutions exhaust their immediately investible funds, they can borrow from the Central Co-operative Federal Bank in Colombo.” Whatever the merits of this explanation in terms of limited funds this essay does not use it for its analysis of the causes of “ordinariness” in our co-operatives. The major sources of malfunctioning of our co-operatives do not arise from the physical limitation of a lack of funds.

7. op. cit. p. 49.

It is the contention of this writer that an important explanation for the failure of many co-operatives is to be found in the *scope of the financial activities* of the co-operatives. If the scope is unrealistic and limited, then obviously the *policy* followed by the co-operative movement is faulty. If the policy is faulty, then the policy makers do not properly understand the implications of the *purpose* for which co-operatives were started. It is well to repeat the purpose: "It was to furnish to the peasant some relief from the monopolistic lender, buyer and supplier that the co-operative movement in Ceylon came into being."

This failure in scope, policy and conception of purpose will become clear if an answer is found for two inter-related problems (a) why do so many members default in the repayment of loans? and (b) why are so many members borrowing from sources outside the co-operatives?

The figures cited by the Administration Report with respect to the extent of default are symptomatic of a widespread organic disease. In 1954 Credit (Unlimited) Societies showed a default of 21.4% overdue loans on short term loans outstanding; in rupees this amounted to 1.5 million. The percentage of overdue loans on loans outstanding were of a large magnitude in the following provinces: Central Province—36%, North Central Province—29%, Western Province 21.8%, Eastern Province 24%, Sabaragamuva—24.4% and Northern Province—20.6%. Similarly we are told that 544 Marketing and Production Societies showed net profit while 208 suffered loss. Default as well as private marketing of produce account for these losses. Some would trace this widespread default to certain psychological traits in the Ceylon peasant—his laziness, his dishonesty and his improvidence. Even if the peasant possessed these temperamental characteristics it would be necessary to trace their origin to certain socio-historical circumstances and conditions. Could there not be certain structural conditions in our peasant economy that lead to default and borrowing from sources outside the co-operatives, especially when the credit policy of the Co-operative Movement is deficient?

To answer this one must first estimate a peasant's financial wants. We shall for purpose of convenience classify his expenses into two types: (a) *Production expenditure*. (b) *Consumption Costs*.

By *production expenditure* is meant agricultural expenses; these can be divided into various types according to the purposes for which expenditure is incurred. Each of these types can be further cross-classified in respect of whether it should be considered as requiring "short term finance,"

“medium term finance,” or “long term finance.” A short term capital outlay is expenditure that can be recovered in one growing season of 5-6 months to 18 months as the furthest limit ; a medium term outlay can be recovered in 2-5 years, a long term in a period of over 5 years. A Ceylon peasant would probably need capital for the following purposes :

1. Purchase of land, either as acquisition of new property or as addition to existing land. Such a purchase is a long term outlay, and if the peasant requires a loan for this purpose it should be considered a long term loan.

2. Land improvement. This category of expenditure may be of two types :

(a) Structural improvements such as building of field huts, fencing, construction of field embankments.

(b) Physical improvements such as soil amendments, clearing operations, etc. If a peasant engages in these types of improvements he needs medium term finance.

3. Purchase of implements and sources of power such as bulls, buffaloes, carts. This would involve a medium term or possibly a long term outlay.

4. Acquisition of directly productive capital such as cows, breeding animals, and poultry ; perennial plant material such as tea or rubber or coconut seedlings where the peasant grows these on highland plots as in Central Province or Sabaragamuwa for example. Such expenditure would fall into the medium term category.

5. Working Expenses: These expenses figure most prominently in the budget of a peasant. Wages for hired labour especially during harvesting and threshing are an important item of expense in the Eastern Province, the Northern Province and some regions in the low country. Where the institution of “*attan*” or mutual aid prevails as in the Central Provinces and Dry Zone villages, the peasant still incurs expenditure because he has to provide tea and rice meals for the men who help in ploughing, sowing, and harvesting, and bread and tea for the women who help in transplanting and weeding. In Pata Dumbara, Kandy District, on a *half-acre* paddy plot as much as 4 men may help for 1-2 days in ploughing, over 4 men in terracing, bunding and levelling the field for 2-3 days, 3-4 men in sowing for 1 day, 6-8 men in harvesting for 1 day, etc ; as much as over a dozen women may transplant or weed the plot for a day. Although the *attan* system is cheaper than hired labour, it still involves expenditure on food.

TABLE III. PADDY CULTIVATION WORKING EXPENSES INCURRED BY SELECTED FARMERS (IN BOTH MAHA AND YALA SEASONS) IN WERAPIPIYA, A VILLAGE IN KANDY DISTRICT.

Acreage of paddy plot cultivated	Non-Wage Labour (Altan)						Total
	Men days expended for 3 ploughings, sowing, harvesting, threshing etc.	Women days expended for weeding, transplanting, collecting etc.	Cost of meals for men Rs.	Cost of meals for women Rs.	Cost of hire of bulls Rs.	Manure expense Rs.	
A. $\frac{1}{2}$ acre plot (2 cases)							
1	55	26	33.00	10.40	12.00	—	58.40
2	40	8	24.00	3.20	9.00	—	40.20
							Av.— 49.30
B. $\frac{1}{2}$ acre plot (5 cases)							
1	66	24	39.60	9.60	24.00	14.00	97.20
2	76	22	45.60	8.80	18.00	—	78.40
3	68	78	40.80	31.20	—	32.00	126.50
4	55	40	33.00	16.00	24.00	—	81.80
5	44	32	26.40	12.80	12.00	—	59.70
							Av.— 88.72
C. 1.1—2.25 acre plots (4 cases)							
1 2.25 acres	89	67.5	53.40	27.00	20.00	10.00	146.40
2 1.5 acres	119	—	35.70	—	12.00	—	69.70
3 1.5 acres	120	48	72.00	19.20	36.00	—	151.20
4 1.12 acres	86	72	51.60	28.80	18.00	—	118.40
							Av.— 121.43

Another important item of expenditure for most peasants is the hire charge for buffaloes (about 5-6 rupees a day for a pair) engaged for 2-3 ploughings : seed paddy, fertilizers etc. may also have to be purchased. All these items of expenditure called Working Expenses fall into the category of short term finance.

Table III gives details of working expenses incurred on varying sizes of paddy plots by a few peasants in a Kandyan village. It is to be noted that wherever the peasant is cultivating as a tenant on a sharecropping basis the landlord usually loans the seed paddy (and collects $1\frac{1}{2}$ times as much at harvest) and lends usually a part of the working expenses. However, the major portion has to be borne by the peasant. The largest item on the budget is the expense on meals for those men and women of the village who help on a non-wage reciprocal basis ; the second largest is the hire on bulls, a rather expensive and necessary expense for most peasants who by and large do not possess the animals.

In the context of these production needs let us scrutinize the loans given out by the Credit (unlimited) Societies and the A.P. & S. Societies. It is necessary to bear in mind their two principles of lending : loans are nearly always given for *productive purposes* only and invariably all loans are considered *short term loans*. As the Administration Report says the medium term type loans are "woefully inadequate" and the long term type is "hardly operative."

Tables IV & V give a statement of types of loans given by Credit and A. P. & S. Societies. If we were to apply our criteria of short, medium, and long term finance relating to the nature of capital outlay we would find that a fair proportion of these loans should have been medium term and long term loans, although the lending co-operatives considered them as short term loans. In Table IV, obviously items 6 and 12 should have been medium term loans and 2, 4, 5, 7 and 11 long term loans (loans for trade are not taken into account here). Both these types of loans amount to 16.1% of the total number of loans and 16.6% of the total amount of loans. Similarly the same confusion and unrealistic lending policy is to be witnessed in Table V, where again item 3 should have been a medium term and items 4 and 5 long term loans. These two amount to approximately 20% of the total loans.

Here possibly we have one reason for the widespread prevalence of default referred to earlier, and the cause of which we set out to examine. It is unrealistic to expect the peasant to pay up certain loans on a short

term basis when they are outlays which can only be recovered over a much longer period. One explanation for default therefore is the unrealistic lending policy of the co-operatives.

TABLE IV. PURPOSES FOR WHICH LOANS BY CREDIT SOCIETIES (UNLIMITED) ARE GIVEN, 1954.

<i>Productive Loans</i>		Percentage on Total No.	Percentage on Total Amount
1. Cultivation	..	61.3	63.5
2. Buying cattle	..	2.7	2.9
3. Trade	..	14.5	13.6
4. Building Houses	..	3.1	3.4
5. Purchase of Land	..	1.2	1.3
6. Improvement and Lease of Land	..	6.5	6.0
7. Buying Carts	..	.8	.9
8. Buying Food	..	1.5	.7
9. Medical Aid	..	.8	.5
10. Others	..	5.1	4.5
<i>Unproductive Loans</i>			
11. Payment of old debts	..	1.6	2.0
12. Ceremonials	..	.2	.1
13. Others	..	.7	.6
Total in Cash		Rs. 7,257,000.	

TABLE V. CHIEF PURPOSES FOR WHICH LOANS GIVEN BY A.P. & S. SOCIETIES IN RANK ORDER 1954.

	(1953-54) Rs.
1. Marketing	5,312,600
2. Purchase of Manure	2,370,141
3. Value of Barbed Wire issued in kind	652,363
4. Purchase of Pumps	507,115
5. Construction of Stores & Buildings	498,358
6. Purchase of Paddy	485,044
7. Cultivation	378,000
8. Purchase of Seed Materials	162,785
Total including others* not stated.	10,730,469

*Others are loans for development work, purchase of buffaloes, purchase of transport and machinery etc. which are mostly long-term capital outlays.

But this obviously is not the whole truth. Default might also occur because the co-operatives do not finance certain very important non-production needs of the peasant, thereby forcing him to seek out credit elsewhere, and the commitments entailed in such borrowing might virtually incapacitate him from meeting his debts to the co-operatives. We have already found that one of the symptoms of borrowing from other agencies. An investigation of this phenomenon might throw light on the problem of default as well as the inadequacy of the policy followed by the Co-operative Movement.

The next step in this analysis would therefore be an estimation of the consumption expenditure of the peasant and his income. The estimates cited here are elicited from the *Survey of Ceylon's Consumer Finances* (1954) conducted by the Central Bank. Unfortunately the results of this survey cannot be directly used because the analysis of consumption expenditure is by income levels and not by occupation. However, by using certain assumptions and also cross-checking with an earlier study (Final Report on the Economic Survey of Rural Ceylon (1950-51) conducted by the Department of Census and Statistics), we can derive fairly reliable estimates.

According to the Consumer Survey results, the Arithmetic mean monthly income of Income Receivers in Agriculture (Non-Estate Sector) is Rs. 101.9 and the Median income Rs. 71.1. Let us therefore assume that the average income of a peasant household or spending unit⁸ falls in between these two figures.⁹

The survey report analyses consumption in terms of income groups, of which the Rs. 50-100 monthly income and the Rs. 100-200 income groups are the ones that are applicable to the peasant. Therefore, in scrutinizing the consumption patterns of these 2 income groups, we would have a fairly reliable picture of peasant expenditure.

I have taken the liberty of condensing and regrouping table 26 presented in the report. The following conclusions¹⁰ might be inferred from Table VI of this essay :

(1) For both the Rs. 50-100 and Rs. 100-200 income groups the largest percentage of expenditure is *food* (65.74% and 66.36% respectively). The

8. The Survey uses the concept "spending unit" in its analysis. A spending unit is composed of persons related by blood or adoption living in the same household or closely related group of households, whose members if income receivers contribute half or more of the incomes to the food and shelter expenses of spending unit. In actuality most peasant households will be spending units.
9. This estimate appears to be plausible, and certainly not an underestimation as judged by certain other studies such as *The Economic Survey of Rural Ceylon* (1950-51) Sessional Paper XI-1954 and *The Disintegrating Village: A Socio-Economic Survey conducted by the University of Ceylon*, Part I. The Ceylon University Press, 1957. According to the former the mean family income of the rural sample was Rs. 96.80, the median income Rs. 77.52 and the mode Rs. 62.67. The average income of strictly agricultural families was Rs. 97.73 (the average monthly incomes of families of landlords—Rs. 167.76, owner cultivators—Rs. 109.52, tenant cultivators—Rs. 94.59, agricultural labourers (excluding estate labour)—Rs. 58.46).
10. These conclusions are supported by the *Economic Survey of Rural Ceylon* (1950-51). My calculations based on the figures given in this survey report are as follows : The average monthly expenditure per family on food which it must purchase in the market amounts to 27.47% of total expenses ; expenses on non-food items such as clothing, medicine, luxuries, travelling, education of children, ceremonial etc. amount to 33.0% of total expenses. It should be noted that the average monthly expenditure per family reported by this survey refers to the entire rural sample which includes, besides agricultural families, those deriving their income from trade, handicraft and estate employment.

important thing to note about this category of expenditure is that the peasant may be expected to be self-sufficient with respect to only half this expenditure *i.e.*, what he produces on his own land—rice, other grains vegetables, coconuts, etc.—amount to only half the total expenditure on food. He *must purchase with cash* such items as wheat flour, bread, fish, condiments, sugar etc. which add up to about 50% of the expenditure on food, and about 32-34% of the total consumption expenditure.

(2) The non-food expenditure of the peasant spending unit amounts to about 34% of total expenses. This category includes expenses on clothing, durable consumer goods, tobacco, education, medical aid, housing etc. Virtually all of these expenses must be met with cash payments.

The peasant is far from being self-sufficient, even with respect to food. Altogether approximately 66% of the expenses of a peasant spending unit have to be met with money payments. These questions therefore arise : What is the financial position of a peasant spending unit and how do its members lay hands on the necessary amount of cash so vital for daily living? According to the Survey Report, expenditure per head in the Rs. 50-100 income group of spending unit is Rs. 22.19, and the income per head is Rs. 16.68. The average spending unit consists of 4.77 members ; therefore the expenditure of a spending unit would be Rs. 105.849 and the income Rs. 75.565, giving a deficit of Rs. 30.284 a month or about Rs. 360 for the year. Similar calculations for the Rs. 100-200 income group of spending unit give us Rs. 149.06 as expenditure and Rs. 134.18 as income for each unit, which again gives us a deficit of approximately Rs. 15. a month or Rs. 180. a year. The results are disturbing because it would seem that the peasant unit is spending more than it earns. However, certain qualifications have to be made :

(a) We have found from table V that a peasant unit is self-sufficient with respect to roughly 34% of its consumption needs ; therefore in cash the amount needed per month would be 66% of the expenditure.

(b) As the report points out, there might be certain inaccuracies regarding the data on income and expenditure. " Very few people keep full accounts or records of their income and expenditure. There is also for various reasons a general tendency to under-state income and over-state expenditure."¹¹

A more re-assuring and perhaps plausible picture is presented by the Economic Survey of Rural Ceylon (1950-51). After matching income

11. *Survey of Ceylon's Consumer Finances*. Central Bank of Ceylon, Colombo 1954, p. 9.

and expenditure, it is reported that 69·2% of the families deriving their income from agriculture have an excess of income over expenditure *i.e.* 30·8% of the families show deficit financing. It is also reported that 31·7% of the agricultural families are in debt, the average debt per indebted family being Rs. 225·46. About 50% of the debts were over Rs. 100, the majority not exceeding Rs. 500.

One would not be far wrong in asserting that at best the peasant economy is barely self-supporting, at worst it is a deficit economy. Secondly, as the analysis has made clear, a peasant spending unit must for most of its daily needs possess money for purchasing from shops certain indispensable items in the family budget.

TABLE VI. SPENDING UNITS—EXPENDITURE BY INCOME LEVELS—SELECTED ITEMS AS PERCENTAGE OF TOTAL EXPENDITURE

		Income Group of Spending Unit (Rs. per month)	
		Rs. 50—100	Rs. 100—200
FOOD			
A. <i>Self Sufficient</i>			
	Rice	19·24	20·40
	Other grains	1·12	·30
	Eggs	·20	·20
	Vegetables	7·62	7·44
	Coconuts	4·96	4·12
	Fruits	·39	·66
	Sweet cakes	·10	·29
	Total	33·63	33·41
B. <i>Not Self-Sufficient</i>			
	Wheatflour	4·34	4·75
	Bread, etc.	3·03	2·75
	Meat	·70	1·22
	Fish	4·96	5·55
	Condiments	6·31	6·22
	Cooking Oil	1·44	1·62
	Milk	1·29	1·76
	Milk Products	·24	·17
	Sugar	5·12	4·74
	Meals outside Spending Unit	1·96	1·52
	Others	2·72	2·55
	Total	32·11	32·85
Other Expenses			
(a)	Medical	1·50	1·52
(b)	Other		
	Education	1·12	1·06
	Betel	2·25	1·86
	Tobacco	1·89	2·01
	Total (including others not stated here)	17·86	19·40
(c)	Durable Consumer Goods	1·70	1·79
(d)	Clothing	7·99	7·56
(e)	Housing	4·60	2·67
	Total	33·65	32·94

A peasant unit requires cash for satisfying consumption wants but owing to certain structural features of peasant economy, a peasant does not readily and at all times possess cash. It is a characteristic of peasant economy that a commodity which is always in short supply in the village is money. How is this so?—As compared with most industries agriculture has a long production period and a slow turn-over. Paddy, the chief crop and therefore the main source of income for our peasantry, takes during Maha 4-6 months and Yala 3 months from sowing to harvest. This lack of continuous production results in long periods of time when no income is steadily derived, and the cultivator must await harvest for collecting his income in lump sum. True, the peasant grows highland crops such as vegetables, grains and in some areas cash crops, but the income derived from these is for many a dribble which is further slowed down by marketing delays. Further, although the peasant does get a lump sum at the end of the harvest a good part of this goes to certain other agents such as the boutiquekeepers and middlemen, as will be demonstrated later; and what remains is not carefully used according to a long range rational plan of expenditure but speedily used up in harvest celebrations. There is every indication that the consumption pattern shows a rise immediately after the harvest followed by a fall in the ensuing no-income months, which are on the other hand the hardest working months when the preparation of fields and ploughing and sowing take place.

If there is a lack of continuous flow of cash into the peasant's family coffer, how is he going to purchase his sugar, condiments, wheat flour, pay up medical bills, meet educational expenses of his children and ceremonial obligations etc? There is a great deal of truth in Tawney's statement that "...in all countries where farming is in the hands of small producers, the fundamental problem of rural society is not that of wages, but of credit."¹²

We have seen that the Credit Co-operatives are not helpful in solving this problem, because they finance chiefly production expenses and give out scarcely 5% of their loans for non-production purposes. The marketing and production societies function in the same manner.

It is in this context that one must view the activities of the *Consumers' Societies*, which are considered the third vital link in the chain of co-operative activities. These societies played a vital role in the war years because of the Ration Scheme, and the government by making them the chief distributing agents of vital foodstuffs and by lending them moral and

12. R. H. Tawney *Land and Labour in China*, London 1937, p. 58.

financial aid made them an indispensable organ of government and a beneficial institution for the people. But in peace time their position is precarious and their role not as vital, for private trade can once again enter into competition with them.

There is no doubt that the Consumer stores have gained a permanent footing in Ceylon and appear to function without the buttress provided by exceptional wartime conditions. There were 3,044 of them in 1954. But the question is how well are they functioning? The Administrative report says that in 1954 61% of the Consumer Stores worked at a profit; viewed from another angle over a third of the stores are running at a loss. Why this extent of failure when obviously the consumer store is, from the point of view of the consumer, patently a cheaper and more reliable source to buy from? The co-operative consumer store is looked upon by many as a solution to the boutiquekeeper with his high prices, false weights and poor quality goods. Then why should so many persons buy from private shops and traders?

The answer is obvious: The boutiquekeeper sells on credit whereas the co-operative stores do not. Credit sale is to many a peasant a solution to his financial problem of meeting consumption needs. The immediate advantage of credit overshadows the more remote advantage of fair price, fair measure, and good quality. In the year 1934, Mr. Campbell, the then Registrar of Co-operative Societies, sceptical of the wisdom of founding consumer stores remarked "Consumers' Societies have achieved very little success in any oriental country. Cash sale is a very great deterrent and it is difficult to maintain sufficient business and at the same time adhere to this sound system. The very customers who are the most insistent on the grant of credit are the most obstinate in refusing to pay their bill" Mr. Campbell is right in pointing out the attractiveness to the peasant of credit sales, but his understanding of this preference is limited since he finds this an expression of oriental vice!

The involvement of the peasant with the boutiquekeeper, the moneylender and the middleman¹³ results in serious economic difficulties that

13. It is hardly necessary in this essay to describe in detail the operations and exploitative methods of the trader, moneylender and boutiquekeeper. An interested reader will find descriptive accounts in the Administrative Reports on the working of Co-operatives, and the various pre-war village economic surveys conducted by the government (e.g. *Report on the Economic Survey of Five Villages in Puttalam District*, etc.). The *All-India Rural Credit Survey* (Bombay 1954) gives an illuminating account of the operations of the moneylender. My own field experience in the Kandy District confirms the observations contained in the above-mentioned documents. It is alarming to note that the author's investigations in Gal Oya Valley, Ceylon's largest multi-purpose colonization scheme (where the peasant is more prosperous than the average peasant elsewhere and where the Development Board is putting so much effort into the multi-purpose co-operatives) reveal considerable traffic with the boutiquekeeper and itinerant trader from the East Coast and Southern Province, traffic large enough to undermine the marketing and consumer store activities.

constrict the very economic framework. It is apt and convenient to include the middlemen and moneylender in this discussion since, although their operations are different, their activities have similar consequences for the peasant economy.

Dealings with the boutique keeper take this pattern: he sells on credit, and he expects the peasant to square up after harvest. The peasant does not pay him in cash but at harvest sells him paddy. This is an unwritten contract, a harmless looking transaction which is indeed a superb mode of exploitation and cheating. The boutiquekeeper profits both ways: in his credit sales he makes a wide margin of profit by charging high prices and using inaccurate measures and weights. After the harvest, he buys paddy from the peasant at a price lower than the government guaranteed price. It is not unusual for the boutique keeper to receive paddy at Rs. 5-8 a bushel whereas the guaranteed price is Rs. 12. It is therefore the boutique keeper who profits by the Government paddy subsidy scheme. In effect, the profit made by the boutique keeper amounts to an interest paid by the peasant at an extra-ordinary rate. The middleman exploits in a similar fashion. He advances money for production, for consumption purposes, for ceremonials and any unexpected but urgent contingency. In return he asserts a monopolistic right over the produce of the peasant, or he may even buy the crop outright before the harvest, at prices less than the current market rate. In addition to those activities both boutique keeper and middleman may operate as money lenders charging exorbitant rates of interest. The Economic Survey of Rural Ceylon (1950-51) states that 30.8% of the cash loans bear an interest rate of 6% to 12%, 16.8% an interest rate of 12% to 18%, and 14.1% an interest rate of over 18%. It is not unusual for profits to be made at rate of 100% to 250% per annum. In the villages there are also to be found other types of money lenders. One type would be fellow cultivators who are rich or better off than the borrowers—if the loans given are unsecured then interest rates of a much bigger magnitude than commercial bank rates are charged; however loans are often given on mortgage, on security of land, with the ulterior motive of acquiring that land. It would appear from certain of our recent investigations in the Central Province,¹⁴ that a new type of moneylender on mortgage basis is entering the trade—the vernacular teacher and to a lesser extent other government-employed lesser white collar workers, who because of their steady cash income are in a position to dabble with their money savings. It would be no exaggeration to say that a new class of landgrabbers is growing in Ceylon, who because they are educated, vocal, socially mobile and ambitious are bound to play an important role in the politics of this country.

14. Sarkar, N. K. and Tambiah, S. J. *The Disintegrating Village: A socio-economic survey of Pata Dumbara* by the University of Ceylon. University of Ceylon Press 1957.

In the absence of either regional or island-wide studies it would be difficult to estimate precisely how much of the financial needs of the peasantry are financed by non-cooperative and non-government agencies. We may be sure, however, that it is considerable and that the transactions with co-operatives and the government are but a fraction of the total loan transactions. Since the Indian sub-continent has so many features in common with the island, it would be illustrative, in the absence of local data, to cite figures from that country. The extent of the role of private credit agencies can be gauged from the following table :¹⁵

CREDIT AGENCY	PROPORTION OF BORROWINGS FROM EACH AGENCY TO THE TOTAL BORROWING OF CULTIVATORS
	Per cent.
Government	3.3
Co-operatives	3.1
Relatives	14.2
Landlords	1.5
Agriculturist moneylenders	24.9
Professional moneylenders	44.8
Traders and commission agents	5.5
Commercial banks	.9
Others	1.8
	100

"The private moneylender thus dominates the scene ; the professional moneylender with about 45 per cent. and the agriculturist moneylender with nearly 25 per cent. of the total."¹⁶ It might be that the role of the private credit agencies is less important in Ceylon because the Ceylon Co-operative Movement is more vigorous and caters to a greater proportion of the peasantry than its Indian counterpart,¹⁷ but the magnitude cannot be much smaller. The lending policy of the Indian movement, on scrutiny appears to manifest the same weaknesses I have indicated with respect to Ceylon. The Co-operatives in India cater almost exclusively to short-term agricultural needs, and scarcely cater to consumption and non-agricultural needs. Therefore the reason for the strategic importance of the moneylenders, traders etc. there would also apply to Ceylon.

The dealings of the peasant with the boutiquekeeper, moneylender and middlemen directly affect the roots of the co-operative movement. As long as the peasant is borrowing from these sources he has obligations to settle his debts with them, obligations which are more insistent and therefore take a priority over the obligations to co-operatives. A boutiquekeeper can withhold credit sales, a moneylender can raise the effective bogey of

15. *All-India Rural Credit Survey*. Vol. II, General Report. Bombay 1954, p. 167 passim.

16. *Ibid.*

17. See *Co-operation in Ceylon* (Reserve Bank of India Publication, Bombay 1948) for comparisons between the two movements.

accumulating interest rates and final dispossession or continue to enjoy indefinitely the fruits of the land mortgaged by the peasant, the middleman or itinerant trader can withdraw patronage.¹⁸ All of them could resort to physical force or litigation. What weapon has a credit co-operative got in its armoury except arbitration, or dismissal or lukewarm court proceedings. If therefore the peasant has two types of creditors the co-operative society and the others enumerated above, he is forced to meet his obligations to the latter first. His involvement with them results in a state of exploitation where he suffers losses through interest rates and high rates of discount. Is it therefore unexpected that he is unable to pay up his loans to the co-operative? Surely, the wide prevalence of defaults on loans outstanding that we enumerated earlier in the essay and set out to examine is to a large extent due to his actual disability? Thus, a large number of credit societies and other societies giving loans must inevitably show losses and "ordinariness" in their working.

Correspondingly, the second organization in the trinity, the marketing and production societies suffer. If the peasant has bound himself to sell to boutiquekeeper and middleman, how can he sell his produce to the marketing societies? This explains why the Guaranteed Price Scheme is no insurance against the trader; in fact it is the trader who profits by this scheme because he acquires paddy from the peasant cheap and sells to the Government at the guaranteed price and collects the difference.

Lastly, the Consumer Stores must also because of their cash sales policy lose to the boutiquekeeper. If the peasant must buy with money two thirds of his consumption items, and if due to blockages in the structure of peasant economy he needs credit finance, and as long as the boutiquekeeper can compete with the co-operative store by offering easy credit sales, then the consumer stores must suffer unless they are prepared to make a better adaptation to the villager's needs and the pressures from competing rival agencies.

Analysis has arrived at the final point of solutions to the problems stated and examined hitherto. We set out to examine why many of the co-

18. There are two common types of mortgage on the basis of which the peasant borrows money from the moneylender: (1) land is mortgaged as security for a loan and the borrower pays an interest rate. If ten years lapse after the last payment of interest the land passes into the hands of the creditor. (2) *usufructuary mortgage* by which the creditor has use of the land mortgaged and the produce accruing until the loan is repaid. It is reported by the *Economic Survey of Rural Ceylon* (op. cit.) that in 36.7% of the debts the security offered is mortgage with interest and that 17.3% of the debts represent usufructuary mortgages.

Conditional transfer (by which land is transferred by the borrower to the creditor with a conditional clause that within a specified period of time the former may buy his land back if he so wishes) is becoming increasingly popular in the villages. This transaction does away with the mortgage deed.

operatives already established are not working satisfactorily. More specifically, we posed the problem in the form of two questions : Why is there so much default on payments by members, and why are members in most of the societies still borrowing outside ?

* An examination of the lending practices of the Credit and Marketing and Production Co-operatives showed that they finance primarily production needs on a short term basis. The lending policy precludes lending on a medium term or short term basis. But in actuality we discovered the anomaly that a fair proportion of loans were being given out on a short term basis but for purposes which by sound economic criteria should be considered long-term or medium-term outlays. That is to say, there is no conformity between the period of the loan and the purpose for which it is being used. Default may in part be due to this insistence on a quick return of loans which cannot in fact be returned within a short term period.

A corollary question in the discussion of the proper period of loans is the one relating to the policy of not granting medium-term and long-term loans practised by the great majority of the co-operatives. How seriously does this policy affect the adequacy of our co-operatives ?

The I.B.R.D. Mission writes¹⁹ : "It is, indeed, exactly in the field of long-term credit that co-operatives have so far made no contribution. The need for loans of long duration comes from several sources. Some cultivators have become heavily in debt to traders, either because of bad harvests, illness or other causes ; it would be a great boon to them if they could fund such debt for a term of several years at reasonable rates of interest, retiring it gradually. Theoretically, such individuals can borrow from the State Mortgage Bank ; but in practice the claims to title are so confused, especially with respect to small holdings, that mortgages are ruled out." There is considerable force in this argument. Our analysis has showed that, at present, credit co-operatives and marketing and production societies are giving out approximately 15-20% of their loans on a short-term basis for purposes which are necessarily medium-term and long-term outlays. It would be necessary for the co-operatives to realise the unrealistic nature of their lending policy and achieve a conformity between period of loan and its purpose.²⁰

But is long-term finance the most urgent and immediate activity that should be engaged in by the co-operatives ? To answer this, one must

19. op. cit. 9 p. 49.

20. There appear to be other necessary steps in the field of long-term finance such as the institution of land mortgage banks serving the peasant. As the Reserve Bank of India's report *Co-operation in Ceylon* points out the Ceylon State Mortgage Bank and the Agricultural and Industrial Credit Corporation virtually serve only large landowners and estate interests.

find out how important will be the demand for long term finance on the part of the peasant. The quotation from the I.B.R.D. report cited above rightly points out that long-term finance is necessary for wiping out the debts to the moneylender, trader and boutiquekeeper. Since this is a pressing problem an extension of lending activity is indicated. But is there a heavy demand for other types of medium and long-term loans. From our knowledge of the peasant economy as it functions now, it is unrealistic to think that there is great demand on the part of the peasant to acquire land—land is scarce and also he cannot afford to buy it even on a loan basis ; his economic position, the terms of sharecropping and land tenure, the level of his technology and the nature of economic values are such that he is not in a position nor is willing to, *under the present dispensation*, to undertake land development or make structural and physical improvements on his land, or invest in more efficient machinery. If we take the present system as given, then long-term finance is not likely to be a major need.

Finance for *working expenses* and meeting *consumption needs* are his most urgent wants and we have seen that it is in respect to the latter that the co-operatives have failed to find a solution. If we are seeking to extricate the peasant from dependence on the moneylender and trader we must make available to him subsistence loans. The remedy would appear to be to link the consumers' stores with the credit societies. There is no other way to face the competition from the private dealer. Thus consumer finance on a short term basis is even more a priority than productive long-term finance. To compete with the private dealer the terms of financing should be more attractive. At present the Co-operatives give loans (for certain purposes only) at low interest rates but impose difficult conditions of borrowing. The boutique-keeper charges higher interest rates but lends on easier terms, thereby attracting a larger clientele. The Co-operatives themselves should therefore investigate possibilities of granting loans more liberally, taking heavier risks and perhaps even charging higher interest rates to cover risks.

If there is to be an extension of credit to cover consumption, clearly the co-operatives will need more funds. Since the share capital of the members will not amount to much, the government would have to provide the major share of the funds. The question, then becomes one also of the quantity of funds available. In India it has been estimated that if the co-operatives and the government of India were to supply all the borrowings of cultivators it would amount to Rs. 750 crores, which is eight times the combined accommodation now given. The estimate for Ceylon would be nearly as

many times the present grant. The proportion would of course be less if not all the borrowings but the *necessary* borrowings are financed.

It is often said that "before credit can become freely available to the farmer he must be credit-worthy." If by a credit-worthy farmer is meant a person who is industrious and may reasonably be considered capable of returning the loan, then the phrase is useful for sound loan-financing. But if the phrase also means providence, economy and austerity in personal expenditure, the label becomes difficult to apply. Is a peasant who spends on ceremonial in a manner beyond his means improvident? As a long term goal it is no doubt necessary to educate him to indulge in more judicious expenditure; but those who say it is "useless" expenditure should bear in mind that he is (as we all are) a social being and not an "economic man," and that within his framework of social relations ceremonial observances are obligatory, and lack of observance of them in the proper manner may be detrimental to his family's social standing and its conception of family honour. Those who decry such "waste" should not view it as a morally reprehensible fault, not as a vice that can be eradicated by simple preaching. A peasant has a certain pattern of kinship relationships, family values etc; the social fabric cannot be tampered with except by an understanding and painstaking social programme. In the meantime we must accept his needs and motivations as given.

The objection may be raised that catering to a peasant's financial needs, especially consumption wants, on a loan basis might very well turn out to be an economic waste and a bad investment. If the peasant economy is a "deficit economy" then loans granted may never be recovered; if so, then, the co-operative movement will not succeed and the government might as well call it relief expenditure. Sir Ivor Jennings²¹ has written "It is of little advantage making finance available where finance cannot be put to productive use, and under existing conditions it is difficult to resist the conclusion that in many parts of the country, especially in the Sinhalese districts, rural agriculture is very nearly what is termed a "deficit economy." Our own analysis of consumption expenditure and income, on the basis of the Central Bank Consumer Survey, showed how precariously near deficit economy the peasant is.

The "peasant" considered in this calculation was the "average" peasant whose income was a statistical average. The word "peasant" is a blanket term: there are many categories of peasants whose economic positions are different, in respect to the nature of land ownership, cultivation rights

21. W. Ivor Jennings: *The Economy of Ceylon*. Oxford University Press (Indian Branch), 1948. p. 15.

and income. If we exclude the landlords and rentier landed interests as not belonging to the category of peasants, then there are owners who cultivate part of their land and rent out the rest ; there are cultivators who are owners, or part owners and part tenants ; and there are landless peasants who are tenants, many of whom may also follow a subsidiary employment as wage labour.²² (The exclusively agricultural labourer as an economic category does not figure in this essay). The order in which the different types have been stated also usually represents for Ceylon the decreasing scale of land ownership and the amount of income received.

Unfortunately, except for the Economic Survey of Rural Ceylon (1950-51), there are no island-wide statistics on peasant incomes collected recently. (The figures contained in the pre-war economic surveys of villages are not applicable today, although the extent of poverty and indebtedness then prevailing cannot have changed markedly for the better). If we are willing to be guided by the above-mentioned survey of 1950-51, the following figures would give some indication of the economic position of different classes of peasants :²³

	Average monthly :	
	Income	Expenditure
	Rs. Cts.	Rs. Cts.
Owner cultivator	109·52	92·83
Tenant cultivator	94·59	86·05
Agricultural labourer	58·46	57·37

We have already mentioned earlier that this survey reported that 30·8% of the agricultural families in the sample showed an excess of expenditure over income, and that 31·7% were indebted, the average debt being Rs. 225·46. The above table indicates that the tenant cultivators and the agricultural labourers are most likely to cross the line of solvency.

A more dramatic picture of the economic position of landless tenants (and agricultural labourers) in a particularly distressed Kandyan district is painted by the study conducted by the University of Ceylon.²⁴

22. It is interesting to note that in Modern China during land reform distinctions such as landlords, rich peasant, middle peasant, poor peasant and landless peasant were adopted according to criteria of extent of land owned and the degree of active or passive participation in agriculture, employment of non-family wage labour etc.
23. In the discussion of land tenure, such concepts as "ownership" and "tenancy" may be treacherous because the legal is not always identical with the economic connotation. The custom of the locality may modify the legal norm : agreements between landlord and tenant may show considerable differences in relation to tenancy right, security of tenure, proportion of rent, the landlord's contribution to production expenses etc. These agreements may be in favour of the tenant or to his detriment. In Ceylon the commonest form of tenancy in paddy cultivation is *andē* or sharecropping : in such an arrangement the half-share of the produce is the constant ; the landlord usually advances the seed paddy which he recovers with interest at the harvest ; he may pay buffalo hire and recover the payment at harvest ; he may or may not insist on taking a portion of the straw ; and in a situation where he can exploit the situation he may ask for an initial cash payment for the right to cultivate.
24. *The Disintegrating Village*. op. cit.

The following figures represent the incomes of households in Pāta Dumbara categorised by their interest in paddy cultivation. The income figures include income from subsidiary or secondary employments and occupations in which these same persons are engaged.

TOTAL INCOME PER YEAR OF GROUPS OF HOUSEHOLDS IN PATA DUMBARA BY INTEREST IN PADDY CULTIVATION AND OTHER EMPLOYMENT

	Non-cultivating owners	Partly cultivating partly non-cultivating owners.	Owner cultivators	Part owner cultivators part share-croppers	Landless share-croppers (andē)	Non-paddy cultivators (wage labour etc.)
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Average income per year	3,441.12	1,222.20	1,180.66	1,160.34	778.36	1,057.82

There is no doubt that, with respect to the area surveyed, the landless tenant cannot in most cases make both ends meet, for the *andē* (half-share) tenancy or the system of lease yields him an inadequate return. The owner cultivators and the part-owners part-share croppers are barely solvent or marginal types.

The question may be raised whether in Pāta Dumbara the position of the landless tenant and the part-owner part-sharecropper is a temporary or a relatively permanent one. If, for instance, the sharecroppers were tenants to kinsmen and were prospective heirs, then their tenant status would be a temporary one. However, the significant economic fact in Pāta Dumbara (and many parts of the Kandyan provinces) is the commercialisation of economic relations as a result of many developments such as a growing population in an area of limited land resources, the intrusion of non-cultivating financial interests which invest in land etc. In these areas there are two noteworthy features: the presence of a class of non-cultivating owners comprised mainly of small estate owners, businessmen and white-collar workers (*e.g.* teachers) whose children themselves will belong to the rentier group, and of a large mass of landless share-croppers whose parents themselves owned no land and are therefore not prospective heirs. It is not likely that this latter group will gain enough land through marriage to change its status. Moreover, many who have inherited small fractions of land in joint-ownership have foregone their rights to cultivate or to enjoy the produce in favour of other relatives.

Although Pāta Dumbara is a particularly depressed area, still the economic position of tenant cultivators in other areas of Ceylon is not better to the degree that it lifts them out of the perils of a deficit economy.

PERCENTAGE OF HOLDINGS IN CEYLON CULTIVATED BY

<i>Total No. of holdings</i>	<i>Owner</i>	<i>Lessee</i>	<i>Andē Tenant</i>	<i>Tattumaru (joint- ownership)</i>	<i>Others</i>
771,908	60.8	3.6	25.8	6.8	2.9

Source : Census of Ceylon, 1946 Vol. i, pt. 2

As in many parts of the Kandyan Provinces, it is likely that in the Southern and Eastern Provinces, for instance, the landlords and sharecropping tenants are in the main separate economic and social categories. On the other hand regions not greatly affected by the economic pressures mentioned above may show a different pattern.

Even if we assume that the owner cultivators are solvent or nearly so, still there is a large proportion of the peasantry—the landless tenants and the joint-owners—who probably cannot balance their budget. There are certain areas in Ceylon where tenancy is more widespread than is represented by the average for Ceylon : in Kandy, Matale, Ratnapura, Matara districts (to choose a few) the percentages of holdings cultivated by andē tenants are 42.8, 42.3, 48.7, 44.2 respectively ; in Batticaloa and Trincomalee districts the system of leasing out paddy land is widespread : 21.2% and 25.2% of the holdings are cultivated by lessees ; the province of Sabaragamuwa is afflicted with tattumāru²⁵ ownership of small fragments of land.

The figures show that a large section of our peasantry are economically depressed and that their economic resources are low, and that the cooperatives would go out of business if they finance their consumption needs. The best the co-operatives can do is to cater to the budget-balancing group and the marginal peasants who are just failing to balance because of a lack of funds and exploitation by private credit agencies. What about the depressed landless tenants ? The remedy for their poverty is not one of credit and finance alone *i.e.* not something that can be solved by the co-operatives by themselves. Their problem is one of economic reconstruction and rehabilitation in the form of land allotment, colonization or alternative employment. What is needed therefore is an integrated programme of land reform (touching tenure and absentee-landlordism and fragmentation etc.), sound credit financing, dissemination of better techniques, combined economic development and a host of other policies. The need for an integrated and co-ordinated programme may be best illustrated by the following illustration.

25. Tattumāru owner : a cultivator who is the co-owner of an undivided land and cultivates the land in rotation with other co-owners.

An agricultural officer demonstrates the usefulness of the Japanese rice culture methods, the use of fertilizer and better seeds—his work ends there. He is not concerned with working out the financial implications of how the peasant is going to get the extra money to try out these “risky” (from his point of view) methods. Supposing the credit society gives him a loan, what use is there in his trying them when half the profits will go to the landlord if the peasant is a sharecropper? And why must he produce more to increase the profits of the moneylender and boutiquekeeper from whom he must get his consumption loans and sometimes his working expenses, since he cannot get his money elsewhere?

What point of view does this essay offer in its analysis of the co-operatives? Relief from the boutiquekeeper and moneylender cannot be obtained unless their lending policy and scope of activities are broadened to include consumption loans. It is unrealistic and of little advantage to supply cheap money for one purpose if for other purposes the peasant must borrow at exorbitant rates. Furthermore, “It is indeed frequently impossible after the event to determine the true reason for which a loan was taken. A loan actually applied to agricultural produce may have been made necessary by unusual expenditure for other purposes and *vice versa*.”²⁶

The boutiquekeeper, trader and moneylender may be “exploiters of the poor” but we should not forget that they thrive because they are serving a purpose in the absence of better institutional arrangements. We have seen that a fundamental problem of peasant rural society is that of credit, and that these “exploiters” are in many ways more realistic bankers than the co-operative societies. “Whether it (money lending) is to be described, in the medieval phrase, as a *vorago iniquitatis*, or as a part of the sensitive and delicate mechanism of credit, is a matter of taste.....”²⁷ The peasant might wail against the “unconscionable extortions of this damnable sect of usurers” but he will continue to borrow from them until adequate alternate facilities for borrowing have been established by the government and private voluntary agencies. Furthermore it is noteworthy that the trader and boutiquekeeper have been and are performing an extensive, necessary carrying trade. In so far as the peasant is producing for the market that which he offers for sale bit by bit must be *collected*, sometimes from many remote places in the interior; in so far as he is a consumer of imported goods, they must be *distributed* in diminutive quantities over an extended area. Hence arises the middleman who figures so prominently in the peasant’s destiny, for the prosperity of the peasant depends on the margin between costs and price, and the margin on the character of the marketing system.

26. *Agricultural Credit for Small Farmers*. F. A. O. Development Paper No. 16. p. 7.

27. R. H. Tawney. *op. cit.* p. 60.

The co-operatives in order to function adequately and successfully, must have a total picture of the peasant's wants—both in respect to production and consumption. It is only then that the peasant's need for cheap consumption credit will be appreciated, the lending policy of the co-operatives be realistically conceived and the marketing and store activities of the co-operatives hope to achieve success.

There are large sections of Ceylon peasantry for whom more understanding co-operative financing cannot provide relief from their distress. Nothing but a broadbased total agricultural plan can save them. Indeed, such a plan is necessary for a country-wide economic progress in agriculture.

ASPECTS OF THE KOHOMBA KANKĀRIYA : THE CEREMONY OF A DANCER'S INITIATION

A. H. E. MOLAMURE

IN certain districts of the Kandyan Provinces the *kohomba kankāriya*, an elaborate ritual for propitiating and invoking the favour of *Kohomba Deviyo* and several other deities is performed periodically with the object of ensuring the well-being of a household, the prosperity of the family, cattle, fruit trees and crops. A few ears of grain from a harvest of paddy, before it is put to use, along with saffron, *goraka*, chillies, onions and salt are folded in the sheath of an areca-frond (*kolapata*) and set apart in the paddy barn (*bissa* or *ātuva*). Known as the *agak sakyāla* it represents a votive pledge of the proposed undertaking and its ingredients are later utilised in the ritual food cooked for the ceremony.

The season for *kohomba kankāri* is usually the Sinhalese month of *Mādin* (February-March) after the reaping of the principal harvest (*maha*). All the year round, however, recourse is had to it by or on behalf of individuals in discharge of vows made in times of sickness or distress. The dancers who officiate in it—*yakdessas*—are peasants largely dependent on the land for their livelihood, for the background of the *kankāriya* is the village. The ceremony, enacted in a specially built, decorated shed (*kankāri maḍuva*) is impressive for its complexity, richness and beauty far removed from the crudity generally thought of as typical in regard to 'primitive' rites. It consists of a series of connected episodes organically interwoven with chanted verses and dance sequences (*pada*) executed to the rhythm of drums (*gāṭa bera*). The former are intended primarily for incantatory effect, although, for the most part, descriptive and narrative in content. A *kankāriya* in its widest scope lasts seven days ; a condensed version reduced to three days and nights is nevertheless deemed adequate, and is far more commonly resorted to.

As with similar transactions of a magical or ritual nature, exactitude in carrying out the details of the prescribed procedure is meticulously observed in order to bring about the desired end ; any deviation from or mistake in the strict form is believed to nullify its purpose, or, what is more dangerous, produce baneful consequences for all concerned. The process of

becoming a *yakdessa* is therefore long and arduous, requiring of the aspirant not only remarkable physical energy but also a keenly retentive memory. Ten years, at least, of intensive training and practice are necessary for average competence; the experience presupposed in an adept is seldom acquired until late in life. Knowledge of the ceremonial belongs mainly to an oral tradition transmitted by father to son or master (*guru*) to pupil (*sissya*). Some of it—for instance the verses embodied in the chants—is written down in palm-leaf manuscripts. The modern tendency towards secularisation, adapting suitable portions of the *kohomba kankāriya* to the *ves* dance as a form of entertainment or diversion has resulted in the gradual wearing down of the convention confining its theory and practice to the *nākati* and allied castes, although *olī* and *dura yakdessa*s were not unknown.

Performers at a *kohomba kankāriya* are exclusively males. A boy is taken up for training early, at about the age of eight, by his parents entrusting him, with the customary courtesies—gifts of betel leaves and food—to the tutelage of an expert teacher, often a kinsman. The first lesson is given at an auspicious time (*subha nākata*), worked out by an astrologer; and is preceded by the lighting of a lamp (*pāna*) in a temporary altar (*mal pāla*) and by an invocation of the gods uttered by the *guru*. The preliminary steps are danced with the aid of a bar (*dandīyamē haramba*). At the end of the lesson the pupil makes a gesture of salutation both to the bar and the *guru*, placing his palms together. Instruction begins daily at night-fall and continues till late. The sound of drums tuning up, heard across the distances, shortly after the time lamps are lit is a characteristic feature of the Kandyan countryside.

During the first five years of apprenticeship the pupil accompanies his *guru* to *kankāri* ceremonies carrying his master's *ves peṭṭiya*, attending to his personal needs and helping in any odd jobs that may arise. Not till his sixth year is he permitted in the actual rites, beginning with the simpler motifs and going on to more complicated sequences according to the measure of his proficiency. His attire for dancing, throughout this period, is the *tanikacciya*, a modification of the full ceremonial dress of a *yakdessa*, with a turban (*uramāle*) for the head. He may on no account wear the *ves-tattuva*, an ornamental head-dress to which attaches a high degree of sanctity and veneration and which is carefully preserved from exposure to ritual pollution (*killā*). For greater safety it is frequently stored away in a *dēvāle*—the shrine of a god—until required for use.

The *ves-tattuva*, a handsome product of skilled craftsmanship, is composed of the *jaṭāva* of lacquered wood in the form of a hollow *stūpa*, fastened over the hair worn long and gathered into a knot on top of the head;

from its summit is suspended the *ĕkāvāla* or *jaṭārāla*, a long coloured strip of linen descending to the back of the knees ; the *pāimpōta* of fluted shafts is adjusted obliquely against the body of the *jaṭāva* down to the forehead from which the *sikhā bhandanaya*, kept in position by the *netti māle*, projects outwards in a semi-circle terminating in small loosely-hanging bo-leaves. The ears are covered by large, mango-shaped *tōḍupat*. Except for the *jaṭāva* and the *jaṭārāla*, all these are made of thin sheet-silver beaten into exquisite *repoussé* designs and fitted over a wooden matrix.

Besides the *ves-tattuva* and *tōḍupat*, a *yakdessa* in correct ceremonial dress drapes a dhoti (*ul uḍaya*) about his loins over a pair of narrow, close-fitting trousers, the latter being a comparatively recent innovation. The thighs are further enclosed in flounces of pleated white cotton (*devalla*) falling below a tightly-wound cummerbund of red cloth (*pot poṭa*) into which are inserted three strips of pleated cotton, one behind and two at the sides (*naru poṭa*). Covering the *pot poṭa*, a silver-studded belt encircles the waist (*bubulu paṭiya*) and, in addition, a broad girdle tapering down in front like a tongue, decked with silver bosses. Around the torso is a bead harness (*avul hāra*) raying out from a central rosette, while rows of beads form a throat collar (*kara māle*). Twelve metal bracelets (*bāndi valalu*) and a pair of shoulder pieces (*ura bāhu*) adorn the arms ; at the wrists and backs of the palms are butterfly and bo-leaf shaped ornaments respectively (*hastakaḍa* and *kayimetta*). On the feet are sounding metal anklets (*silambu*). Cloths used in the dress are collectively referred to as *haṅgala*. The costume unquestionably derives from a remote antiquity and manifests a pleasing combination of magnificence, dignity and good taste.

When the *guru* considers his pupil sufficiently versed in every phase of the *kohomba kankāriya* he further ascertains the views of a panel of elderly colleagues. If they pronounce him qualified the parents are told of their son's fitness for responsibility and an auspicious date and time decided upon in consultation with an astrologer for the *ves tābimē mangalaya*, when for the first time the dancer is invested with the *ves tattuva*. Since this is celebrated in a Buddhist temple the co-operation of the incumbent of the village shrine is sought by the *guru* and parents with the customary offering of betel leaves. For seven days previous to the event the candidate prepares himself by leading an austere life, taking precautions to avoid the contamination associated with birth, puberty, menstruation, death, and even certain kinds of food, both meat and vegetable. Because auspicious times appropriate for the investiture do not occur frequently—sometimes at intervals of months or even years—the candidate must not engage in activities involving the risk of physical injury and consequent inability

to take part in the ceremony. He should not, at any rate, climb trees or work with axes, sickles, and other instruments for cutting.

On the appointed day the candidate bathes and his head, cleansed with the juice of limes, is anointed with freshly extracted coconut oil. Wearing clothes washed by a washerman (*piruvaṭa*) he sets out to the temple accompanied by his *guru*, parents and near relatives. There, dressed by his *guru* in the traditional costume of a *yakdessa* but bare above the neck he enters the *vihāragē* in which a sculptured image of the Buddha is housed and after the Five Precepts (*pansil*) have been administered by a *bhikku*, makes an offering of flowers, lights lamps and burns incense. This done, he seats himself on the floor, cross-legged, facing the Buddha image with his hands joined in the attitude of worship. Immediately behind him sits the *guru*. In front of him on an overturned *at-pettiya*, is kept a *mal bulat taṭuva*, a green banana leaf on which are arranged specified objects comprising five kinds of flowers including areca, twelve betel leaves, sandalwood paste, mirror and comb, a wisp of hair signifying a wig, *paṇḍuru* (silver coins) and a lighted lamp. In the centre of the *mal bulat taṭuva* is placed the *jaṭāva*, previously purified (*pēkarala*) by an application of coconut milk mixed with sandalwood paste (*haṇḍun kiripān*) and further with the smoke of *dummala* incense. Round the *jaṭāva* are disposed the various parts of the headdress.

An hour or half ahead of the auspicious time (*nākat velāva*) the assembled *bhikkus* chant *sūtras* from the discourses of the Buddha (*pirit*). *Maḡul bera* by drummers follows. All others now quit the room, leaving the *guru* and pupil to themselves behind closed doors. Should there be a few minutes still left, the *guru* recites auspicious stanzas (*aṣṭaka*) which cease just before the *nākat velāva*. Complete silence ensues because at the climax of the ceremony the sound of human voices is considered inauspicious.¹ The *guru* takes up the *jaṭāva* in his hand and at the precise moment places it from behind on the pupil's head tying it down with dark linen straps. One by one the component parts of the headdress are secured in position. Both worship the Buddha image and then the *guru* veils the pupil from head to foot in a clean white cloth newly purchased (the *vahantarāva*, also called the *moṭṭakkiliya*), and leads him out. As they descend from the shrine room two men on either side of the steps acting in unison cleave each a husked coconut surmounted by a lighted lamp-wick, with a single stroke of a heavy cutting implement—*gana deviyan keṭima*—symbolising auspiciousness.

1. Cp. *favete linguis* (observe a reverent silence) of the old Roman religion. Horace Carmina. Lib. 3, Ode 1.

Below the steps, in the courtyard of the *vihāragē*, kept clear of people careful not to show themselves to the oncoming pair, have been set up five temporary altars (*malpāl*) with flowers and lighted lamps dedicated to *hatara varan deviyo*, the Regents of the Four Quarters,² and to the *palāt adhipati deviyo*, the deity having special authority in that particular region of the Island. Near by are two *dākun vatti* with *kāvum*, *kiribat*, bananas, betel leaves, arecanut, and silver coins; (also an unused clay bowl (*nāvum diyakoraha*) containing pure water and a few silver coins.) The candidate is guided to the bowl in which, having looked at his reflection in the water, he washes his face, whereupon the *guru* takes the coins for himself. Next they make for the nearest lactiferous tree (*kirigaha*) where the *guru* from behind takes off the *vahantarāva* so that the candidate may direct his gaze first at the tree, to which he makes obeisance. Returning to the altars he worships at them while the *guru* recites auspicious stanzas and invocations to the gods. Afterwards the initiate greets his *guru*, parents and uncles on his knees receiving from the latter congratulatory gifts, immediately handed over to the *guru*. Joined by his fellow-pupils and other *yakdessas* dressed and ready he dances to the accompaniment of drums either *deviyan dakina pada* or the first movements of the *āvāndumē nula vattama*, both in homage to the gods. The investiture ceremony is now ended and the young dancer greets the drummers, elderly relatives and friends. Resuming the garb he arrived in at the temple, he and the *guru* are escorted to his house. *Kāvum*, *kiribat*, food and drink are served there and the parents, as an expression of honour and gratitude, foment the limbs of both *guru* and pupil with warm *kāvum*. For three days thereafter the initiate observes all precautions against ritual impurity, living secluded in a room in which a temporary ceiling of cloth (*viyan*) has been put up.

Custom demands, however, that the initiate should not yet participate in a *kohomba kankāriya* until the *magul yak kankāriya*, popularly called the *kala eli nāṭima*, has been specially performed for him either on the same day or within a month, where possible. When the preparations for this are completed the pupil is dressed by his *guru* in a room apart from the others and brought out covered with a *vahantarāva* and carrying two lighted lamp-wicks. Once again he looks at his reflection in a bowl of water (*diyakoraha*) and plunges the wicks into the water. Unveiled by his *guru* to the sound of drums (*māgul bera*), he worships at the *ayilē* and goes through the customary round of greetings, receiving presents from his parents, relatives and village notables. The *magul yak kankāriya* is proceeded with

2. Indra (East), Yama (South), Varuna (West) and Kuvera (North).

and the pupil is accorded the honour of dancing at his *guru's* side. Here, too, the *guru* formally grants his pupil the right (*varan denavā*) to take on pupils of his own. It should be noted that all gifts received by the pupil, including the silver coins and *vahantarāvas* used in both ceremonies are the perquisite of the *guru*.

The belief is widely current that during these ceremonies the initiate is particularly vulnerable and, indeed, attracts to himself evil emanations and influences (*vas dos*). Accordingly, these psychic forces are neutralised by the performance, on the day after the *magul yak kankāriya*, of an appropriate *baliya*. The *guru* himself may not be immune; not uncommonly he too requires a *baliya* to restore psychic equilibrium. When all is over, it is the custom for the pupil and his parents to pay a formal visit to the *guru* taking with them *pingos* (*kat*) of rice, vegetables both cooked and uncooked, sweetmeats (*kāvili*), presents of cloth, money and cattle and anything else that may have been agreed upon.

The eminence of the *guru's* position in the community, the close bond between him and his pupils is implicit in the *ves tābimē mangalaya* and all that precedes and follows it. There is a saying among the Sinhalese that just as parents may be likened to lotus flowers, so the *guru* is the golden finial on a temple roof. The semi-paternal relationship of *guru* and pupil was evolved in traditional societies as the most satisfactory mechanism by which knowledge and skill could be handed down from generation to generation maintaining a continuity of tradition as well as a consistently high quality of accomplishment. The pupil becomes, as it were, the foster child of the *guru*, in many cases living with him and looking after his wants till the period of apprenticeship is finished. Affection and solicitude on the part of the *guru* are reciprocated and enhanced by the utmost devotion and reverence from the pupil.

The master's human deficiencies are not supposed to detract from the authority of his teaching for the disciple or diminish the latter's obedience and respect for the master. Constant association under varying conditions enables the *guru* to assess the ability and temperament of a pupil and it often happens that the final secrets are withheld from all but the most worthy pupil. The status of the *guru*, the pupil's profound sense of duty and obligation are exemplified at their highest level in the anecdote of Ekalavya related in the Mahabhārata. The fame of Dhrōṇa renowned as the foremost teacher in the science of war, fired the imagination of Ekalavya. Refused as a pupil, he resolved to take Dhrōṇa as his model from afar, worshipping an image of the master made of clay. By unremitting toil and the practice of severe austerities he achieved mastery in the

use of the bow. When at length they met accidentally in circumstances which revealed Ekalavya's matchless dexterity in his chosen weapon Dhrōṇa grew apprehensive lest his best-loved pupil Arjuna should be surpassed. He therefore demanded Ekalavya's thumb as his teacher's fee by right. Ekalavya complied unhesitatingly by cutting it off, thereby impairing forever his marvellous skill as an archer.

It might appear paradoxical that although the *kohomba kankāriya* has no connection with Buddhism, yet the most important event in a *yakdessa's* career, the *ves tābime mangalaya*, should take place in a Buddhist temple. The explanation may be discerned in the predominant position attained by Buddhism after its arrival in Ceylon in the middle years of the third century after Christ, pervading the consciousness of the people and influencing every aspect of life and thought. The gods of Hinduism no less than the indigenous cult divinities are conceived as Beings on a plane of existence loftier than mortals, powerful and capable, if so disposed, of affording succour to human beings in purely temporal affairs but utterly impotent to assist them on the path to *Nirvāṇa*, the ultimate goal in Buddhism. This can be realised only by the individual's own unaided efforts guided by the Dhamma as expounded by the Buddha. The gods are themselves subject to the laws of *karma* and impermanence—some are seekers after Buddhahood—and thus inferior to the Buddha who found liberation from the round of Becoming.

The account of the *ves tābime mangalaya* adumbrated above is an attempt to record the essentials of the ceremony as accepted in the main, and is sifted from sources of information which differ extensively in points of detail. The *kohomba kankāriya* deserves and will amply repay the scrutiny of systematic scholarship. But no time should be lost, for its practice is fast dying out in the areas in which it used to be a frequent occurrence. Very few *yakdessas* today can justly claim possession of authentic or comprehensive knowledge. The decline is due to a variety of causes, chiefly the disintegration of traditional village life and economy. In terms of the cash nexus prevalent everywhere in place of the former basis of co-operative human relationships it is increasingly difficult for the villager to afford the expenses of *kankāriya*. There is also, perhaps, a greater sophistication under the impact of industrial materialism. Another reason is the divorce of the *ves* dance from the ritual context of the *kankāri maduva*, a phenomenon not in itself reprehensible except, unfortunately, for the concomitant taint of vulgarisation. In any event, present day standards of performance indicate a rapid downward trend and the point of extinction is perilously near. It is common to find men and boys with the barest training and less knowledge masquerading as *yakdessas*. Nor is it surpri-

sing in this state of disorientation that the most perfunctory attention is paid to the solemn *ves tābīme mangalaya* ; still less that even the hallowed relationship of *guru* and pupil should be in danger of atrophy and dissolution.

NOTE

It would appear from the sources consulted that the details of the *ves tābīme mangalaya* vary from place to place and even family to family. Constant factors seem to be the chanting of *pirit*, the investiture with the *ves taṭṭuva* inside the *vihāragē* and the veiling with *vahantarāva*. A few of the more important variants are briefly mentioned below.

The *jatāva* is purified at a seven-day *pirit* ceremony in the *guru*'s house prior to the investiture.

The ceremony should take place in a temple which contains an image of the God Vishnu and immediately after the initiate has been invested with the *ves taṭṭuva* he makes an offering of blue flowers in deference to that particular deity.

The *gana devīyan ketīma* is considered unnecessary.

The candidate before he looks into the *diyakoraha* turns to the *mal pāl* according to one version, and to the *kirigaha* according to another.

The tree selected to meet the eyes of the candidate is not any kind of lactiferous growth but the *bō*-tree (*ficus religiosa*) invariably found in the premises of a temple.

No *aṣṭaka* are recited outside the *vihāragē* and no *mal pāl* or at most two need be erected.

The *vahantarāva* is not removed till *guru* and pupil have re-entered the *vihāragē*.

No dance steps in honour of the gods are executed in the temple premises.

After the ceremony in the temple the candidate is dipped thrice in a stream by the *guru*.

He is dipped thrice in a stream, covered again with the *vahantarāva* and then observes the ceremony at the *kirigaha* or *bō*-tree.

At the *maḡul yak kankāriya* the *diyakoraha* ceremony is omitted ; nor does the initiate come out carrying lighted wicks.

One *yakdessa* took the view that the *baliya* should be performed on the same day as the investiture and before the *maḡul yak kankāriya*.

GLOSSARY

- agak sakyāla*, a votive pledge of a *kohomba kankāriya* set apart in a paddy barn. Made up of pieces of saffron, *goraka* (q.v.), chillies, salt and onions wrapped in the leathery base of an areca (q.v.) frond. Later used as a part of the food oblations during the *kankāriya*.
- areca*, (bot. *areca catechu*). A tall slender, erect palm cultivated throughout the Island for its nuts.
- at peṭṭiya*, receptacle made of woven stems of sedge, square-shaped, with rounded corners. Of various sizes, it has no lid.
- aṭuva*, barn for storing paddy. Either large baskets made with woven rattan or sedge ; or large rectangular wooden boxes.
- āvandume mula vattama*, a series of movements danced to drum rhythms by two rows of *yakdessās*, each row alternately, in the direction of the *yakage* (q.v.) and *ayilē* (q.v.). A token of honour and salutation to the gods. An episodic item in the *kohomba kankāriya*.
- ayilē*, a temporary structure situated in a corner of the *kankāri maḍuva* in line with the *yakge* (q.v.). Raised above the ground on sticks used as piles and decorated with strips of banana trunk and tender coconut leaves, the latter woven and also cut or bent into decorative motifs. The *ayilē* consists of two chambers : one containing the *kāti āvudē* or emblem of the gods and an offering of uncooked rice, vegetables and provisions (*hāl māluva*) for the god Irugalbandāra Deviyo ; the other, on the right, containing an offering of cooked rice (*bat taṭuva*) and a banana flowerhead suspended from the roof for *Kohomba Deviyo*.
- baliya*, a ceremony for neutralising evil influences and emanations. Mainly performed during harmful planetary conjunctions. Figures of gods and planets, conceived anthropomorphically, are modelled with clay and rice paste, painted with vegetable colours and set up on wooden frames. Great importance is attached to the magical efficacy of chanted verses (*yāge*).
- betel*, (bot. *piper betle*), a perennial evergreen creeper cultivated throughout tropical Asia for its leaves. They possess a sharp, pungent taste, and are chewed with arecanuts.
- bissa*, used for storing paddy. Shaped like a truncated oval with a detachable straw-thatched conical roof. The framework is split rattan plastered with clay and cowdung and finally whitened with daubs of lime.
- danḍiyama*, a bamboo pole secured horizontally at waist-height. Used like a bar in ballet dancing for limbering up young dancers and dispensed with once the legs have become pliable.
- dākum vaṭṭi*, shallow trays with turned up sides made of woven stems of sedge.
- deviyan dakina pada*, a specific series of dance steps or sequences in homage to the gods, executed to the accompaniment of drumming.
- diya koraha*, a shallow, wide-mouthed earthenware bowl fired in a rough kiln. Used to hold water.
- dummala*, a resinous exudation from various trees ground to a powder. Fragrant and highly inflammable. Indispensable as incense in all magical ceremonies.
- dura*, a caste ; bearers of burdens.
- goraka*, a tree (bot. *garcinia cambogia*). The lobes of the ripe fruit are dried in the sun and stored up for use in cookery and as a preservative.
- hatara varan deviyo*, the Regents of the Four Quarters of the Universe, namely *Dritarāshṭa*, *Virūda*, *Virūpāksha*, *Vaśravana*.
- kala eli nāṭima*, the first public performance of a dancer.
- kankāri maḍuva*, a large temporary shed, decorated in a prescribed manner, the venue of the *kohomba kankāriya*.
- kāvum*, flat, round cakes made of rice flour mixed with treacle obtained from the kitul palm and fried in coconut oil.
- killā*, pollution associated with certain events such as birth, puberty, menstruation, death, and certain kinds of food.

kiribat, rice boiled in the milky juice of the kernel of a coconut. When cooked it is flattened out and cut into lozenge-shaped pieces for serving.

kirigaha, a tree in which runs a milky sap. The jak tree (bot. *artocarpus integrifolia*) is the commonest example and the one generally resorted to in the *ves tābīme mangalaya* (q.v.).

kohomba deviyo, an ancient cult hero born in the village of Vālihela and later deified. The name *kohomba* probably derives from the forest of *kohomba* trees (bot. *azadirachta indica*) in which he is said to have slain the prince Palangu.

magul bera, a specific sequence of drum-beats considered auspicious and used to inaugurate ceremonial occasions.

magul yak kankāriya, a *kohomba kankāriya* performed for an initiate after his investiture. The custom that he should not wear his *ves taṭṭuva* (q.v.) till the *magul yak kankāriya* has been celebrated is strictly adhered to. There is a known case of a *yakdessa* whose *magul yak kankāriya* was not forthcoming for ten years during which period he did not wear the *ves taṭṭuva*.

maha, a season for cultivating paddy. Commences in August or September. The other season is *yala* in April, when a quick-growing variety of paddy is sown.

mal bulat taṭṭuva, an offering of five kinds of flowers, silver coins, mirror and comb, a wig of hair, sandalwood paste, betel leaves (q.v.), and a lighted lamp. *gāḷa*

mal pāla, small temporary altars raised on sticks. The sides are of woven tender coconut leaves (*gok-kola*). It contains offerings of flowers, betel leaves, lamps and, sometimes, cooked food.

nākata, a time calculated by an astrologer on the basis of planetary positions and with special emphasis on the transit of the moon in relation to the constellations.

nākati, a hereditary caste specialising in astrology. The knowledge was not, however, exclusively confined to it.

oli, a caste of dancers. *(oliya)*

palāt adhipati deviyo, the god having jurisdiction over a particular area of the Island. For example, Alutnuvara Dādimunḍa Devātā Baṇḍāra in the Hatara Kōralō or Kāgalla District; Aiyānyakā Deviyo in the Vanni, Saman Deviyo in the Ratnapura District.

pāna, the lamps referred to are small, shallow, and of unglazed earthenware lit with a wick floating in oil. Sometimes half a papaya fruit serves as a lamp.

piruvaṭa, cloths washed by a washerman (*hēnaya*). It is possible to obtain them on hire for a small fee.

tani kacciya, a general term describing the costume worn by a dancer before he has gone through the *ves tābīme mangalaya* (q.v.). It is loosely used to denote any convenient modification of the full dress short of wearing the *ves taṭṭuva* (q.v.).

ves peṭṭiya, a square box, with a lid, made of woven sedge, for carrying about the *yakdessa's* ornaments—all except the requisite cloths which are supplied by a washerman at the request of the people for whose benefit the *kankāriya* is being performed.

ves taṭṭuva, ornamental headdress of a *yakdessa*. Consists of the *jaṭāva*, *jaṭā rāla*, *pāimpota*, *sikhā bhandanē*, and *neiti māle*. The ear pieces are not worn unless along with the *ves taṭṭuva*.

ves tābīme mangalaya, the ceremony at which a dancer is invested with the *ves taṭṭuva* (q.v.).

vahantarāva, also called *moṭṭakkiliya*. The previously unworn cloth used to veil the dancer at the *ves tābīme mangalaya* (q.v.) and the *magul yak kankāriya*.

viyan, ceiling cloths put up as a mark of honour and respect on ceremonial occasions.

yakgē, situated at one end of the *kankāri maḍuva* (q.v.), and constructed and decorated like the *ayilē* (q.v.) but in two storeys. The upper one (*yahana*) contains the emblem (*āvuda*) and painted ikons (*avupat*) of Kohomba Deviyo and other deities; three offerings of cooked rice and vegetables (*aḍukku taṭu*) and lamps. The lower storey contains a *pāhidum peṭṭiya*—a woven receptacle in which are seven *nāli* of rice, a vegetable, and provisions such as onions, chillies, etc. The rice for the food offerings is pounded and winnowed by men under special ritual conditions. The food is likewise cooked by males. On the ground is a bowl (*koraha*) of water; on top of it a winnowing fan spread with a white cloth and a plantain leaf, surmounted by an offering of cooked rice and three vegetables, *kāvum* (q.v.) and bananas. Lighted tapers at all levels illuminate the *yakgē*. All ceremonial offerings have been purified with water from the *kaha diya kotale* and with *dummala* (q.v.) smoke.

MINORITY SAFEGUARDS IN THE CEYLON CONSTITUTION

A. J. WILSON

THE Board of Ministers in their Draft Scheme and the Soulbury Commissioners in their Report had made detailed provision for the protection of minority rights. This was their response to the fears expressed by the leaders of the minority communities that unrestricted power vested in the hands of a communal majority would result in grave danger to the minorities. These recommendations of the Board of Ministers and the Soulbury Commissioners were in most respects incorporated in the Ceylon Constitution. For convenience, they may be classified under four headings (i) legislative ; (ii) judicial ; (iii) executive and (iv) administrative. It will be the task of this essay to examine the adequacy of these safeguards.

In the legislative sphere, minority rights were to be protected in the following ways :

(a) A system of weightage was devised whereby the minority communities would be provided adequate representation in the House of Representatives.

(b) provision was made for the appointment by the Governor-General after a General Election of not more than six Members to the House of Representatives, if he was satisfied that any important interest in the Island had not been represented or was inadequately represented.

(c) the powers of the House of Representatives were to be restricted in that any bill for the purpose of altering the Constitution or any piece of legislation aimed at discriminating against a minority, racial or religious, had to cross the hurdle of at least a two-thirds majority of the entire membership of the House.

(d) a Second Chamber was instituted as a means of providing the minorities with their due share of representation and also of checking and revising any hasty and ill-considered legislation enacted by the popular house—which might include legislation of a discriminatory character.

It would be interesting to examine the effectiveness of these provisions in their actual working.

With regard to providing weightage in representation for the minority communities, it was decided that not merely population but also area should be taken into consideration in the delimitation of constituencies. This was due to the fact that the minority communities were mainly resident in the sparsely populated areas of the Island. Still another reason was that they were scattered far and wide in various parts of the country, like the Muslims, or were, like the Indians, concentrated in the estates situated on the hills while the valleys between were occupied by the Sinhalese population.

To provide for this weightage, the Board of Ministers in their Draft Scheme laid down the following principles for the allocation of seats :¹

- (i) the province to be the unit ;
- (ii) one seat to be allocated in respect of every 75,000 persons and an additional seat to be provided for every 1,000 square miles of area in the province ;
- (iii) in dividing a province into electoral districts, it should be provided that each electoral district in the province should have as nearly as may be an equal number of persons, but this principle may be modified according to the transport facilities, physical features and the community or diversity of interest of the inhabitants of the province ;
- (iv) the task of demarcating constituencies should be entrusted to a Delimitation Commission of three to be appointed by the Governor-General in his discretion. The Chairman of the Commission was to be the Chief Justice or a Judge of the Supreme Court. The other two members were not to be members of the State Council. Further, it was provided that a Delimitation Commission should be appointed within one year after the completion of every census for the purpose of re-demarcating constituencies in accordance with the principles mentioned above.

Under this scheme of the Board of Ministers, weightage according to area would have resulted in additional seats for the provinces as follows :—

Western Province	1
Central Province	2
Southern Province	2
Northern Province	4
Eastern Province	4
North-Western Province	3
North-Central Province	4
Province of Uva	3
Province of Sabaragamuwa	2

1. Vide Articles 12 and 13 of the Minister's Draft Scheme in S. P. XIV of 1944—(II).

The Northern and Eastern Provinces would under this scheme receive sixteen seats whereas on a strictly population basis they were entitled to only eight seats.

The advocates of the Ministers' Scheme urged before the Soulbury Commission that in a legislature composed of 101 seats, 58 would belong to the majority community, 15 to the Ceylon Tamils, 14 to the Indian Tamils, 8 to the Muslims in addition to the provision for 6 nominated seats.² In all therefore, in a legislature of 101 Members, there would be 43 Members representing the minority communities. Those who opposed the scheme, particularly the representatives of the All-Ceylon Tamil Congress, were of the view that at best the minority communities could secure only 29 seats making a total of 35 seats with the Six Appointed Members.³ As a counter to the proposals of the Board of Ministers, the All-Ceylon Tamil Congress put forward a scheme of balanced representation whereby fifty per cent of the seats in the legislature would be reserved for the minority communities. Though the representatives of the other minority communities did not give their wholehearted support to the demand of the All-Ceylon Tamil Congress, they were for a system of representation which would give them more weightage than that provided under the Ministers' Scheme.

The Soulbury Commission however rejected the claim for balanced representation. They pointed out that if such a claim were conceded, the country would have after each General Election a legislature of the same complexion as its predecessor. Such a legislature they added would also prove inimical to the development of a normal party system. What is more, the Commissioners were of the opinion that if the majority community were deprived of their fair share of representation, they would in all probability enter into an understanding with one or other of the minority communities in order to re-establish their legitimate predominance in the legislature. It may well be, the Commissioners argued, that the majority community would be less inclined to respect minority interests if they were statutorily deprived of the representation that was their legitimate due. Experience of the working of the Constitution has shown that even under a system of weighted representation for the minority communities, the majority community has, at different times, been able to deprive various sections of the minority communities of their rights with the assistance of other minority groups.

2. Vide Soulbury Report, paragraph 270.

3. Ibid.

Besides rejecting the demand for balanced representation for the reason mentioned, the Soulbury Commissioners also rejected any scheme which had in it provision for direct communal representation. It was their view that such a system "though superficially an attractive solution of racial differences and to some extent the line of least resistance, will be fatal to the emergence of that unquestioning sense of nationhood which is essential to the exercise of full self-government."⁴ The Commissioners therefore recommended the scheme propounded by the Board of Ministers with a few modifications and additions. The scheme was a combination of territorial and communal principles but the Commissioners felt that under existing conditions, it provided the best means of making available to the minority communities their fair share of representation. The changes and additions made to the Ministers' scheme by the Commissioners were as follows :—

(i) a Delimitation Commission consisting of three persons, one of whom shall be Chairman, to be appointed by the Governor-General in his discretion. In making these appointments, the Governor-General shall as far as possible avoid the selection of persons connected with politics. The Commissioners doubted the advisability of appointing a member of the Judiciary as Chairman of the Delimitation Commission as was recommended by the Board of Ministers on the ground that the findings of the Commission "would inevitably have far-reaching political consequences."

(ii) the Delimitation Commission could, wherever it appeared to them that there was a "substantial concentration in any area of a province of persons united by a community of interest, whether racial, religious or otherwise, but differing in one or more of these respects from the majority of the inhabitants of that area," modify "the factor of numerical equality of persons in that area and make such division of the Province into electoral districts as may be necessary to render possible the representation of that interest."

(iii) the Delimitation Commission might consider the creation of multi-member constituencies in appropriate areas.

The scheme of representation put forward by the Board of Ministers and the suggestions made by the Soulbury Commission were ultimately incorporated in Sections 40 and 41 of the Ceylon Constitution with very slight modifications.

There is reason to assume that the Soulbury Commission was attracted by the Ministers' scheme in view of the figures that were furnished to them

4. Ibid. paragraph 267.

by its advocates. Since the question of representation was the main ground of dispute between the majority community and minority communities in the Island, it was felt that the Ministers' scheme as liberalized by the Soulbury Commission would provide a satisfactory basis for the development of better relations between the different communities. The results of three General Elections have however belied the expectations of the Soulbury Commission and have been different from what was forecast by the supporters of the Ministers' scheme. The table below proves this contention:—

<i>Communities</i>	<i>Forecast under Ministers' scheme</i>	<i>Delimitation Commission's Forecast on an All Island basis</i>	<i>1947 General Election</i>	<i>1952 General Election</i>	<i>1956 General Election</i>
Sinhalese	.. 58	66	68	74	74
Ceylon Tamils	.. 15	12	13	12	12
Indian Tamils	.. 14	10	7	nil	nil
Muslims	.. 8	6	6	8	7

It will be seen that at the General Election of 1947, the minority communities collected only 26 seats whereas on the basis of population they should have obtained 28 seats while under the Ministers' scheme they should have received 37 seats. The position thereafter has been one of steady deterioration. At the General Election of 1952, the minority communities got only 20 seats and at the General Election of 1946 they collected 19 seats. The tendency throughout has been for the majority community to be over-represented and for the minority communities to be under-represented. Had the Soulbury Commissioners any premonition of these results, they may have made adequate provision to ensure that the minority communities received their due share of representation.

The windfall in seats for the majority community during the General Election of 1952 and 1956 was due to the disfranchisement of large numbers of the Indian population as a result of the enactment of the Citizenship Act of 1948, the Indian and Pakistani Residents (Citizenship) Act of 1949 and the Parliamentary Elections (Amendment) Act of 1949. On the justice of these measures, it might be worthwhile to quote the comments of Dr. I. D. S. Weerawardene of the University of Ceylon, in extenso. Writing in 1952 on the subject of "The Minorities and the Citizenship Act" in the Ceylon Historical Journal (Vol. 1, No. 3) he stated, *inter alia* :—

"Their (the Citizenship Acts) main significance is not merely their discriminatory nature against a minority community. They are pieces of legislation discriminating against a social class. They are in their effect, more against the working class than against the Indians as such. To that extent the present policy smacks of political discrimination in addition to communal discrimination.

“The Acts have taken away the vote from a group of people who already exercised it. In the result, the Ceylon Indians have virtually been denied the parliamentary seats they might have captured. In doing so, the balance of factors on the basis of which these constituencies were arranged has been disturbed In fact the whole basis of distributing seats on a provincial basis according to population and area will be misleading if a good portion of the population are denied the right to vote.”

Further on, Dr. Weerawardene wrote : “The Soulbury Constitution received minority support (without which it could not have been implemented) because it arranged to enable the minorities to win a certain number of seats. The Ceylon Indians were among these minorities. To deny them the vote is to deny them the seats. One moral undertaking has been done away with. To deny the vote to the Ceylon Indian is also to reduce the total number of seats available to all the minorities. That is a broken pledge to all the minorities.”

Very pertinently Dr. Weerawardene ended his essay with the ominous question : “Is the shadow of Malanism confined only to South Africa ?”

Thus it will be seen that the disfranchisement of large numbers of Ceylon Indians undermined the very basis of the system of representation that was devised by the Board of Ministers and endorsed in a general way by the Soulbury Commission, to meet the fears of the minority communities. Indeed, here was a clear instance of a breach of faith.

The Nehru-Kotelawala Agreement of January 1954 attempted to solve the Ceylon Indian problem and the question of representation for Ceylon Indians in the House of Representatives but the Agreement if implemented will only prove a temporary palliative. It was agreed that a separate Indian and Pakistani electoral district comprising the whole Island should be created to enable persons registered under the Indian and Pakistani (Citizenship) Act to elect a number of members to the House of Representatives. This arrangement was to last for only a limited period of time. It was also decided that if in any constituency, the number of persons registered under the Indian and Pakistani (Citizenship) Act was less than 250, then these persons were to be regarded as ordinary voters and not included in a special register.

Two Acts were passed by the Ceylon Parliament to give effect to these arrangements. These were the Indian and Pakistani (Parliamentary Representation) Act No. 36 of 1954 and the Ceylon Constitution (Special Provisions) Act No. 35 of the same year. Under these Acts it was decided

that the membership of the House of Representatives should be fixed at 105 and out of this number 4 were to be elected from a multi-member Indian and Pakistani constituency comprising the whole Island. This arrangement was to operate from a date to be decided by the Governor-General and to last till 1966. If however, there is no dissolution of Parliament in 1966, the arrangement will continue in force until the date at which Parliament is dissolved. Since the provision for a separate Indian and Pakistani electorate was repugnant to Section 29 of the Constitution, as it provided for the treatment of Indians and Pakistanis registered as citizens of Ceylon in a manner different from that accorded to other citizens, the Ceylon Constitution (Special Provisions) Act No. 35 of 1954, which provided for this, had to go through the special procedure required for amending the Constitution. This Act has however not yet been put into operation.

Apart from the fact that the Act providing for four Ceylon Indian representatives has still not been implemented, it will be noted that the representation fixed is far short of that agreed to be given to this community under the Ministers' scheme. Besides, since 1952, the Ceylon Indian population has been deprived of the opportunity of having their views represented in the popular house of the Ceylon Parliament except for the fact that there was a single Ceylon Indian representative appointed by the Governor-General during the life of the second Parliament to represent this interest. The present House of Representatives does not contain a single representative of the Ceylon Indian community. To this extent therefore, legislation enacted by Parliament has not been fully democratic, in that the views of a fair section of the population have not been given adequate consideration. Further, the arrangement itself providing for a separate Indian and Pakistani electorate goes against the entire spirit of the Constitution, even though its duration has been limited to a specific period. For, was not the whole scheme of representation devised by the Board of Ministers designed to avoid the evils of communal representation, and did not the Soulbury Commission give this scheme their benign sanction? In fact, if this was not so, provision might have been made to enable the Burghers and Europeans to return their representatives from separate electorates instead of entrusting the task of appointing such representatives to the Prime Minister. It was due to the fact that the political leaders of the majority community were vehemently opposed to any system which savoured of communalism that the Soulbury Commission decided to leave the whole question of the fair treatment of the minority communities to the good sense of the majority community with provision for some meagre safeguards which could at any time be circumvented.

To return to the question of provision for representation of minority interests in the legislature, there was the recommendation of the Soulbury Commission that consideration be given to the creation of multi-member constituencies. The purpose was to enable minority communities which were concentrated in fairly large numbers in particular areas to elect a candidate of their choice which they would not have been able to do if the electorate concerned was entitled to return only a single member. Such a device would enable minority interests to obtain representation while avoiding the necessity of creating separate communal electorates. The device would however only work to the advantage of the minority interest concerned if only one candidate came forward and if all the voters belonging to the interest gave their votes to that candidate regardless of his political affiliations. It is further based on the assumption that the majority community will be divided and not act as a cohesive group. The device would also not work successfully if a by-election was necessitated as a result of the death, resignation or unseating of a minority member elected from such a constituency. The constituency, in such an event, would revert to a single-member one, and then it would be difficult for a candidate from the minority community concerned to secure election. However, notwithstanding these considerations, the first Delimitation Commission gave effect to the Soulbury recommendation. Four two-member constituencies and one three-member constituency were created. The two-member constituencies of Badulla and Balangoda were carved out to enable a member of the Ceylon Indian Community to be returned from each of these electorates. The three-member constituency of Colombo Central was created to provide for the election of a Muslim and a Tamil. At the General Election of 1947, a Ceylon Indian was returned as first member for Badulla, but Balangoda failed to live up to the expectations of the Delimitation Commission. With the disfranchisement of the Ceylon Indians however, the two constituencies concerned returned candidates of the majority community at the General Elections of 1952 and 1956. The existence of both these constituencies is therefore meaningless today for they no longer serve the purpose for which they were created. But nevertheless the Ceylon Constitution (Special Provisions) Act No. 35 of 1954 has sanctioned this anachronism in that it provided for the freezing of the existing membership of the House of Representatives for a specific period of time. In the case of the three-member constituency of Colombo Central, a Muslim was returned at the General Election of 1947 but no Tamil succeeded at either that Election or any subsequent General Election. At a by-election in 1950 caused by the resignation of the Muslim Member, Mr. T. B. Jayah, the constituency reverted to a single-member one, but in spite of this, it returned a Muslim. The explanation is that the by-

election was fought largely on party lines, the main contestants being Dr. M. C. M. Kaleel of the United National Party and Dr. S. A. Wickremesinghe of the Communist Party. At the 1952 General Election, two Muslims were elected from this constituency and at the General Election of 1956, one Muslim secured election. Thus Colombo-Central more than fulfilled the hopes of the first Delimitation Commission as far as the Muslim minority was concerned.

A grave defect in multi-member constituencies however is that the voters belonging to the minority communities concerned will have to act as closed and united groups. They may have to support a candidate merely because he satisfies the communal qualification though they may not be in sympathy with his political opinions. Such a tendency will not be conducive to healthy political development. It would be better therefore to carve out a single electorate where a minority can be certain of securing the return of one of its community. In such an electorate the different political parties can put forward their candidates and the voters will thus be allowed a free choice in electing the candidate whose political views appeal to them most. The electorate need not be specially reserved as such for any particular community so that the stigma of communalism need not be attached to it.

Provision was also made for the representation of interests which failed to obtain adequate representation or any representation at a General Election. Section 11 subsection 2 of the Ceylon Constitution provided that after any General Election, the Governor-General may appoint not more than six members to the House of Representatives to be the spokesmen of such interests. Article 17(1) of the Ministers' Draft Scheme too contained a similar provision as did paragraph 314 of the Soulbury Report. This provision was primarily intended to enable European and Burgher interests to secure some form of representation. The Soulbury Commissioners also stated that if the Muslims failed to secure adequate representation in the House of Representatives in spite of the delimitation of electoral districts to their advantage, then nomination might have to be resorted to, to give them their due share. It is therefore difficult to agree with Sir Ivor Jennings that "the power of appointment need not be limited to Burghers and Europeans, (therefore) nor even to Muslims. It could, for instance, be used to appoint an Indian, a Ceylon Tamil or a Kandyan Sinhalese. Nor, indeed, is the power necessarily to be exercised on communal lines. An 'interest' may be a caste or a class or an industry, though the fact that occupations are to be represented in the Senate may dispose the Prime Minister not to appoint on the ground of occupation."⁵ It will

5. Vide The Constitution of Ceylon, 1st Edition, pp. 159 & 160.

be agreed that it will not be possible to use the power of appointment with any sense of fairness to enable a Ceylon Tamil or a Kandyan Sinhalese to obtain entrance into the House of Representatives, for these interests are provided with other ample opportunities of finding their way into the popular house. To all intents and purposes therefore, the power of appointment, as long as it lasts, will be used to secure the representation of European, Burgher and possibly Malay and Indian interests. In fact this has been the practice hitherto. In the first Parliament, four Europeans and two Burghers were appointed. In the second Parliament, three Europeans, two Burghers and a Ceylon Indian were appointed. In the present Parliament, three Europeans, two Burghers and a Malay have been appointed.

The method of appointment of Members to represent such interests however raises some important questions. Should the Governor-General act in his unfettered discretion? Should he act on the advice tendered to him by the Prime Minister? Or should he consult the interests from which he wishes to make the appointments? It is worthwhile to note that the interests most concerned in this matter, the Europeans and Burghers, stated before the Soulbury Commission that nomination in the past had led to the accusation that they were the "hirelings and darlings of Queen's House" and "the mouthpieces of the Governor who nominated them."⁶ They therefore requested that they be allowed to elect their representatives from special electorates designed for the purpose on an all-Island basis. The Soulbury Commissioners however rejected this proposal on the ground that it would result in a reversion to the communal principle which they desired to discourage as far as was possible. Instead, they recommended the principle of appointment by the Governor-General as perhaps the lesser evil. Presumably, the Soulbury Commissioners expected the Governor-General to act in his discretion when making such appointments, though no specific mention was made about this in their Report. The Ministers too, in Article 17(3) of their Draft Scheme, recommended that in the exercise of this function, the Governor-General should act in his discretion. Most probably the Ministers expected that the Governor-General would act in as impartial a manner as was possible when making such appointments. Advice from a Prime Minister, they probably thought, would of necessity be guided by political considerations.

Under the Constitution however, Section 4(2) provides that the Governor-General should, as far as may be, act on the advice of the Prime Minister. There is little doubt therefore that the Prime Minister, being an active

6. Soulbury Report, paragraph. 315

politician, would be guided by political considerations, when rendering such advice to the Governor-General. The question then arises as to whether the nominees of the Prime Minister could be regarded as representatives of the interests which they are called upon to represent. Under such circumstances, could they display any genuine sense of independence and stand up either for the rights of their interests or the rights of the minority communities when these are threatened? There is no evidence available to show that the Prime Minister consults the interests concerned when he tenders his advice to the Governor-General. In fact members so appointed might always be dogged by the fear that the power of appointment also carries with it the power to revoke such appointment and if they oppose the Government, either compulsory retirement might be the immediate consequence or they might not be re-appointed for a further term. A fate of a kinder sort befell an Appointed Member who was too independent in his ways and therefore proved a source of embarrassment to the Government. Mr. E. F. N. Gratiaen, one of the first batch of Appointed Members proved too much of a nuisance to the Party in power and he was conveniently got rid of, before he completed his term of office, by being appointed a Judge of the Supreme Court.⁷ A still more interesting case was that of Mr. S. P. Vythilingam who was appointed to the second Parliament to represent the Ceylon Indian interests. Mr. Vythilingam had some mistaken notion about his duties as an Appointed Member. He felt that if he voted against the Government to whom he owed his appointment, he should resign his seat. He was constrained to make a statement to this effect when a measure which ran counter to the interests of the community which he represented, the Indian and Pakistani Residents (Citizenship) Amendment Bill, came up for its second reading before the House of Representatives on 11th November 1952. On 13th November however, Mr. Vythilingam was prevailed upon by various members of the House to change his mind and he made an important statement to the following effect :—

“ Mr. Speaker, with your permission and the indulgence of the House, I desire to make a personal statement.

“ Last Tuesday, during the course of my speech in this Debate, I informed this House that I would be voting against this Bill. I further stated that, as an Appointed Member, a necessary consequence of my action would be that I would cease to be a Member of this House.

7. Vide an article entitled : “ Ave Atque Vale, Mr. Noel Gratiaen M.P.” in the U.N.P. Journal of March 26, 1948, p. 2. The article welcomed Mr. Gratiaen's elevation to the bench as news which will be greeted with a sense of relief by his friends both inside and outside the House of Representatives. It further went on to state : “ For an Appointed Member, presumably pledged to Support the Government at all times and on all occasions, Mr. Gratiaen adopted the queer role in the House when time and again he spoke and acted in a way calculated seriously to embarrass the Government.....”

“At that time I had been led to believe that as an Appointed Member it was my clear duty to resign my seat if in any matter I was in disagreement with the Government. I have since then been approached by numerous Members on both sides of the House who have asked me to reconsider my decision. It has been pointed out to me that there are precedents of Appointed Members voting against the Government and continuing to occupy their seats. It has also been pointed out to me that my appointment under Section 11(2) of the Order in Council is to represent an interest which is either unrepresented or inadequately represented in this House. Manifestly, therefore, when matters touching the community I represent are concerned, it would be constitutionally incorrect for me to consider myself fettered in any way in regard to the manner in which I am to vote.

“After giving the whole question my most careful consideration, I am now led to the belief that my resignation from this House would be contrary to my clear duty, and that I will be establishing an unhealthy tradition and a wrong convention, and in the circumstances, I take this earliest opportunity to inform this House that I do not propose to tender my resignation as I originally intended to do.”⁸

It will be seen from the above statement that Mr. Vythilingam himself was at first not quite clear as to what his duties should be even with regard to representing the interests of his own community. He was later led to believe that when matters touching his own community were considered, he was not in any way to regard himself as fettered in any decision he might make. But, would the same consideration apply when the interests of other minority communities are imperilled? Judging from Mr. Vythilingam's own reasoning, it would appear that he would not have a completely free hand. The attitude of one of the European Appointed Members, Mr. R. Singleton-Salmon adds weight to this conclusion. It was reported in the Ceylon Daily News that when the Government Parliamentary Group took up the Sinhala Only Bill for consideration, Mr. Singleton-Salmon made an impassioned plea to the members of the Group to be fair by the minority communities.⁹ No worthwhile change was however made in the Bill to assuage the fears of the minority communities. Yet, when the Bill was put to the vote in the House of Representatives, Mr. Singleton-Salmon was one of those who voted for it. Evidently, Appointed Members have been led to the conclusion that except in very rare cases when the interests of the groups which they represent are directly threatened, they must support the policy of the Government whatever

8. Official Report, Parliamentary Debates, House of Representatives, Vol. 13, columns 847 and 848.

9. Vide Ceylon Daily News, City Edition of May 23, 1956, p.1.

their personal views might be. The fact that they owe their appointment to the Prime Minister and not to a responsible electorate restricts their independence and makes them appear more as reinforcements intended to buttress the group in power than as accredited representatives. As such, it is not possible to regard this category of Members as capable of being the genuine and dependable guardians of the interests they are appointed to represent.

Tied up with the question of minority representation in the popular House is that of the process of amendment and the provisions for the protection of minority rights enshrined in Section 29 (2) and (3) of the Constitution. This section limits the sovereignty of Parliament but it is a self-imposed limitation which can at any time be removed by Parliament through the process of a constitutional amendment. The relevant subsection states that no law made by Parliament shall :

- “(a) prohibit or restrict the free exercise of any religion ; or
- (b) make persons of any community or 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 alterations shall be made except at the request of the governing authority of that body.”

Subsection 3 of Section 29 states that any law made in contravention of the subsection quoted above, will, to the extent of such contravention, be null and void. However subsection 3 is not an absolute veto on any discriminatory legislation that Parliament may choose to enact, for the subsection which follows provides for the process by which Parliament may lawfully transgress the limitations imposed in subsections 2 and 3. Broadly, it states that Parliament may amend or repeal any of these limitations, or any of the provisions of the Constitution, provided that a bill of this nature receives the votes of not less than two-thirds of the entire membership of the House of Representatives, including those not present. This would mean that amendments to the Constitution at present would

require the concurrence of at least 68 members of the House of Representatives provided there are no vacancies at the time such a bill is put to the vote.

The Soulbury Commission provided for a further safeguard, in addition to that contained in Section 29 (2) and (3), to the effect that : "any Bill any of the provisions of which have evoked serious opposition by any racial or religious community and which, in the opinion of the Governor-General, is likely to involve oppression or serious injustice to any such community, must be reserved by the Governor-General for His Majesty's assent."¹⁰ Article 38 (1) (d) of the Ministers' Draft Scheme too contained a similar provision but the difference between the Soulbury Commission's recommendation and the Ministers' was that the latter provided for the repeal or modification of this Article by the process of constitutional amendment while the former recommended that the Order in Council embodying the Constitution "shall provide that the Governor-General shall in every case reserve for the signification of His Majesty's pleasure any Bill by which any provision of the Constitution is repealed or amended, or which is in any way repugnant to or inconsistent with the provisions of the Constitution, unless he shall have been authorised by the Secretary of State to assent thereto."¹¹ It was evident that both the Soulbury Commissioners and the Board of Ministers were not insensitive to the fact that situations imperilling the rights and security of the minority communities may arise, but the former seemed determined not to take any chance by permitting the legislative authority to change or repeal the safeguards provided, while the latter were content to make any change difficult by stipulating that it should pass through the extraordinary process of a constitutional amendment. This provision was however not included in the Order in Council of May 1946. It would have been effective under the Constitution envisaged by His Majesty's Declaration of May 1943 but with the grant of complete independence such a provision would have detracted from full sovereignty and even if included, would have been ineffective, as bills of this character would have been reserved and His Majesty's assent only granted on the advice of the Prime Minister.

It will be realised therefore that Section 29 of our Constitution is in effect a Bill of Rights, an Ark of the Covenant of the minority communities, a pale imitation though it might be. The important factor however to note in all this tangle is the requirement that a two-thirds majority is a

10. Soulbury Report, paragraph 332 (V).

11. Ibid. paragraph 335.

sine qua non for any change or modification of Section 29 to be effected. In a House of Representatives of 101 members, a two-thirds majority would therefore mean that 68 members should assent to any change or modification of Section 29. There is reason to assume that the Soulbury Commissioners came to the decision that the requirement of a two-thirds majority would be an adequate safeguard because they had been led to believe that under the scheme of representation provided in the Ministers' Draft Scheme, the majority community would receive 58 seats as against 43 seats for the minority communities. Any change could not have therefore been effected without the support of 10 of the minority representatives, assuming that the majority representatives decided to act as a united group. That the Commissioners were inclined to this way of thinking is borne by the fact that they did not lay too much emphasis on the possibility of the Second Chamber acting as a powerful guardian of minority interests. In paragraph 297 of their Report, they made an important pronouncement to the effect that :

“as regards the minority communities, we have reason to hope that the element of communal representation will not figure largely in the composition of a Second Chamber, and we trust that in the First Chamber an increase in the number of seats, coupled with a fresh delimitation of constituencies will put the minorities into a better position to resist the domination of which they profess to be apprehensive.”

It is possible that had the Soulbury Commissioners been informed that between 66 to 68 seats in the House of Representatives would be captured by the majority community, then they might have either vested the Second Chamber with additional powers, or stipulated that a three-fourths majority should be necessary to amend Section 29 of the Constitution. His Majesty's Declaration of May 1943 laid down such a requirement as a condition for the acceptance of any Constitution that the Board of Ministers might formulate.

The Constitution provides for a Second Chamber also as a means of providing some form of protection to the minority communities. But care was taken to point out that this would only be one of its functions, for the Soulbury Commissioners felt that most of the safeguards necessary had been provided for in the constitution of the First Chamber. Besides they were of opinion that too much emphasis should not be laid on the need for communal representation in the Second Chamber. They felt that minority elements should find representation in the Second Chamber, but whatever its composition, they were of the view that “those who,

rightly or wrongly, feel themselves menaced by majority action, may regard a Second Chamber not merely as an instrument for impeding precipitate legislation, but as a means of handling inflammatory issues in a cooler atmosphere.”¹² Evidently men or women far removed from the vagaries of the hustings and selected on special grounds, professional and commercial, were expected to display greater sobriety in dealing with inflammatory issues. But by its very constitution, the Second Chamber can only interpose a certain amount of delay and it can therefore never hope to permanently obstruct a popular House which is determined on having its way. The purpose however in granting delaying powers to the Second Chamber was to enable a compromise to be worked out during the interim period. The scheme would have worked out satisfactorily had the Governor-General been permitted to make half the appointments to the Senate in his discretionary capacity. This was indeed the intention of the Soulbury Commissioners. But with the Independence Order of 1947, the Governor-General’s discretionary power ceased to exist and appointments to the Senate are now made on the advice of the Prime Minister. Under such circumstances, a Prime Minister can always be assured of a majority in the Second Chamber, at least during some stage of his period in office. It is however not incumbent on Appointed Senators to support the Prime Minister but the latter will generally advise the Governor-General to appoint men and women who are favourably disposed towards the party or group he leads. Besides, the hope of being re-appointed might not encourage Appointed Senators to adopt an attitude hostile to the Prime Minister’s point of view. As such, the Second Chamber in this country cannot be regarded as an adequate guardian of minority rights. Any Government will at some stage obtain a majority in it and if such a Government is determined to interfere with minority rights, no amount of minority representation in the Second Chamber can baulk it in its plan of action.

Legislation enacted by Parliament may give rise to doubts as to whether there is a violation of the spirit or letter of the Constitution. There may also be difficulties and doubts about various clauses in the Constitution. Judges in the ultimate analysis will have to act as arbiters whenever there are such differences of view and they will therefore be called upon to interpret the Constitution. A strong and independent judiciary is therefore indispensable for the safeguarding of minority rights. Both the Ministers and the Soulbury Commission made some provision for this when they recommended that the Chief Justice and Judges of the Supreme Court should be appointed by the Governor-General acting in his discretion.

12. Ibid. paragraph 298.

Since the Governor-General is not a participant in the political conflict, his selection would be less liable to criticism than if they were made on the recommendation of the Prime Minister. It can of course be argued that the Governor-General would be guided by his own prejudices or that he could be influenced by the Prime Minister with a promise that he will be re-appointed for a further term or given some other office on retirement if he adhered to the wishes of the Prime Minister. But none the less, the chances of political considerations influencing appointments would be less if these were made by the Governor-General in his discretion than by the Prime Minister. The Constitution however provides for the intervention of the Prime Minister. Section 52 (1) states that the Chief Justice, Puisne Judges of the Supreme Court and Commissioners of Assize shall be appointed by the Governor-General. In accordance with Section 4 (2) of the Constitution, the Governor-General will be bound by the advice of the Prime Minister. The Indian practice is however more salutary and is therefore worthy of emulation. Article 124 (2) of the Indian Constitution provides that every judge of the Union Supreme Court shall be appointed by the President after consultation with such of the judges of the Union Supreme Court and of the High Courts in the states as he may deem necessary for the purpose, with the provision that in the case of the appointment of a judge other than the Chief Justice, the Chief Justice of India shall be consulted. The President in India therefore, unlike the Governor-General in this country, need not be bound by any advice he might receive from the Prime Minister. In fact the Indian Constitution makes no such provision for the intervention of the Prime Minister.

It might well be argued that in this country, once a Judge is appointed to the Supreme Court, he is assured of independence, in that the Constitution provides that he will continue to hold office during good behaviour until he reaches his retiring age and that his salary cannot be diminished during his term of office. These provisions are without doubt essential for the continued existence of an independent judiciary but they do not exhaust the possibilities of non-interference. In fact there are provisions in the Constitution itself which can be utilized to undermine the independence of the Supreme Court. Besides, indirect methods too can be employed to influence the Court.

In the Constitution, the most objectionable provisions are to be found in Section 52 (3) and Section 53, and in particular, subsection 3 of the latter. Section 52 (3) fixes the age of retirement of Judges of the Supreme Court at 62 but provides that the Governor-General may permit a Judge who has reached his 62nd year to continue in office for a period not exceeding twelve months. Such an extension will in accordance with Section 4 (2)

be granted on the advice of the Prime Minister. A Judge who has displayed a sense of independence and embarrassed the Executive by his decisions might not therefore receive this extension. His extension might depend on how well he has been disposed towards the Government, in his judgments. A year's extension might be of vital importance to him. It may enable him to qualify for a pension if at his 62nd year he had only performed six years of service on the Bench. It may mean that this extra year will provide him with the opportunity of ascending to the summit of his profession, the Chief Justiceship, with perhaps the chance of acting as Governor-General. When such rosy prospects are placed in his path, a Judge might at times be inclined to falter in his duty—a well-nigh human failing. It is therefore in the interest of the Supreme Court that the age of retirement should be definitely fixed with no possibility whatsoever of any extension.

Section 53 of the Constitution is just as harmful to the independence of Judges of the Supreme Court. It provides for a Judicial Service Commission of three members, one of whom shall be the Chief Justice, the other a Judge of the Supreme Court and the third a Judge or retired Judge of the Supreme Court. The members of the Commission, other than the Chief Justice, are to be appointed by the Governor-General, which in effect means the Prime Minister. Since a position in the Judicial Service Commission carries with it some amount of prestige, there is likely to be competition among Judges for places in it. Judges whose decisions are not favourable to the Government might not therefore be considered for appointments. A more satisfactory method might have been to provide for the appointment of the Chief Justice and the two next Senior Judges to the Commission. But there is still further room for interference. Sub-section 3 of this section provides for the re-appointment of members of the Judicial Service Commission after they have completed their full term of five years. This provision too is not in the best interest of the Supreme Court. It might be alleged that Judges would give decisions which would not embarrass the Government in the hope of securing re-appointment. It is a trite observation that justice should not only be done but should appear to be done. When there are provisions of this nature in the Constitution, there will be a likelihood of public confidence in the Supreme Court being impaired.

The provision in Article 7 of the Letters Patent, constituting the office of Governor-General, for the Chief Justice to act for the Governor-General in the absence of any other suitable person being available, is also not conducive to judicial independence. A Prime Minister might wreak his vengeance on a Chief Justice who has proved an embarrassment to the

Government by not appointing him to the acting office when the permanent holder retires or is on leave. It might therefore be an inducement to the Head of the Judiciary to assist the Government in the hope that he will be considered for the coveted office during the interim period when the Governor-General is away.

There are indirect ways too of influencing Judges of the Supreme Court. The practice of appointing Judges as members or Chairmen of Commissions or to other high offices after retirement is by no means conducive towards maintaining the independence of the Supreme Court. It might mean that Judges who have not been sympathetic towards the Government might altogether be ignored when such appointments are made. There might therefore develop an unconscious or even conscious desire on the part of Judges of the Supreme Court not to antagonise the Government in the hope that they will be considered for other appointments after retirement. This would altogether be an unhealthy practice. Judges of the District Court or eminent lawyers from the Unofficial Bar or reputed teachers of law might be considered for these appointments instead of Judges of the Supreme Court. Apart from the fact that a strong and independent judiciary, free from any political bias and protected from the possibilities of political influence, is essential in the interests of good government, it is also necessary that in multi-communal societies, the highest Court of the land should not in any way appear to be favourably disposed towards the community enjoying the larger share of political power. If such a feeling enters the minds of members of the minority communities, then there might be an attempt to resort to extra-legal methods for the purpose of resolving conflicts. It is therefore essential that the defects in the Constitution as far as the judiciary is concerned should be remedied, even though, in the actual working so far, there has been no tangible evidence to prove that judicial independence has been impaired as a result of the existence of such defects. In moments of crisis an unscrupulous Executive might endeavour to make use of these provisions to have its own way and then it might be too late for anything to be done.

In the executive sphere, there is no statutory provision for the inclusion of members of the minority communities in the Cabinet. The presence of members of the minority community in the Cabinet is necessary in that when decisions affecting these communities are being made, there should be effective spokesmen in the Cabinet to express their views. Under the Executive Committee system, the minority communities had some share in the formulation of policy but under the Cabinet system, much would depend on the attitude of the Prime Minister and the availability of men from the minority communities who would be willing to work with him

and support the policy of his Government. The All-Ceylon Tamil Congress in their representations before the Soulbury Commission made a request for a composite executive in which provision for the inclusion of a certain number of ministers from the minority communities should be ordained by statute. The Soulbury Commission was not inclined to view this demand with favour, for it argued that under such a scheme a Prime Minister may be compelled to include in his Cabinet men who might not in any way be sympathetic with his policy. However the Commission made the following important statement :—

“We are, however, strongly of the opinion that, until parties develop in Ceylon on lines more akin to Western models, the leader of the majority group would be well advised, in forming a Government, to offer a proportion of the portfolios to representatives of the minorities and, in selecting those representatives, to consult the elected members of the group or groups to which they belong.”¹³

The history of Cabinet-making in this country has however been only an attempt to pay superficial regard to this request, as far as the Tamil community has been concerned, perhaps for the very good reason that for the greater part of the period in question, the Tamil community refused to cooperate with the group in power.

In the Cabinet of the Right Honourable D. S. Senanayake, there were two Tamil Ministers to begin with, namely Messrs. C. Suntheralingam and C. Sittampalam but neither of these gentlemen could have been regarded as truly representative of Tamil opinion. With Mr. G. G. Ponnambalam's entry into the Cabinet however it could have been said that the Cabinet had in it a politician who had considerable influence in the North. The other Minister belonging to a minority community was Mr. T. B. Jayah who could have been regarded as the accredited spokesman of the Muslim interest.

In the Cabinet of Mr. Dudley Senanayake, the Muslim Representative was Dr. M. C. M. Kaleel while the Tamil representatives were Messrs G. G. Ponnambalam and V. Nalliah. Mr. V. Nalliah was a representative of Tamil opinion in the Eastern Province. When Mr. Nalliah resigned on 11th July 1952, he was succeeded by Mr. S. Natesan. Mr. Natesan however could not be regarded as an acclaimed representative of Tamil opinion. His chief claim to office was that he was the only candidate put forward by the United National Party to contest a seat in the Northern Province at the General Election of 1952 and to have won it.

13. Ibid. paragraph 261.

In the Cabinet of the Right Honourable Sir John Kotelawala, the Muslim representative continued to be Dr. M. C. M. Kaleel while among the Tamil representatives, Mr. S. Natesan continued in office and Mr. G. G. Ponnambalam was dropped. His place was taken by Sir Kanthiah Vaithianathan. Sir Kanthiah Vaithianathan was however not an elected representative of Tamil opinion.

In Mr. Bandaranaike's Cabinet there is not a single representative of the Tamil community due to the unanimous opposition of the Tamil people to the language policy of the Government. The only member in the Cabinet belonging to a minority community is Mr. C. A. S. Marikar but he is not regarded as representative of any popular Muslim organisation or for that matter of the Muslim community.

It will therefore be seen that no genuine attempt has been made to enlist the full cooperation of the Tamil minority in the Government of the country. So long as there are communal differences to be settled, it is difficult to envisage a situation where there will be hundred per cent cooperation from the minority communities.

It was however with regard to appointments to the administration, civil and judicial, that there developed bitterness and tension between the majority community and the Tamil minority. It was feared that with the transfer of political power to the majority community, there would be attempts at discrimination against the Tamil community in the matter of appointments to the administration. Hence the demand for balanced representation and a composite executive.

To meet the fears of the Tamil minority it was decided both by the Board of Ministers and Soulbury Commissioners to vest the right of making new appointments to the public service, carrying an initial salary of not less than Rs. 3,600 a year, in the hands of a Public Service Commission of three persons. In addition, the Soulbury Commissioners recommended that the promotion, transfer, dismissal and disciplinary control of public servants should also be vested in the Public Service Commission. The appointment and transfer of the Attorney-General, the Auditor-General and the Permanent Secretaries was however vested in the hands of the Governor-General who would under the present circumstances act on the advice of the appropriate Minister. To safeguard the impartiality of the Commission to the maximum extent possible, both the Soulbury Commissioners and the Board of Ministers recommended that its members and Chairman should be appointed by the Governor-General in his

discretion. The Board of Ministers however recommended that the term of office of the Commissioners should be five years and that they should be eligible for re-appointment. The desire to secure re-appointment might have interfered with the independence of the Commission and it was perhaps for this reason that the Soulbury Commission did not make any reference either to the question of re-appointment or to the term of office.

Under the Constitution however, members of the Public Service Commission are appointed by the Governor-General on the advice of the Prime Minister for a term of five years. They can be re-appointed for a further term. As was mentioned above, eligibility for re-appointment might affect the impartiality and independence of the Commission. The practice has been for a member of the Tamil community to be always appointed to the Commission, as a means of allaying the fears of this community. But this in itself cannot be regarded as a sufficient guarantee that impartiality in the matter of appointments and promotions will be maintained. There have been instances where politicians and Ministers of State have interfered to the detriment of not only public servants belonging to the minority communities but also of those of the majority community whom they did not like for some reason or another.

From all that has been mentioned in this article, it will be seen that institutional safeguards in themselves are no adequate protection against a Government or a majority group which is bent on having its own way. At the most a temporary defence can be provided but no barriers can hope to permanently stand up against a group which is intoxicated with power. This does not however mean that even temporary barriers are of no use. The interim period can be of invaluable use to persuade the majority to have second thoughts as to the wisdom of its proposed course of action. But what in the ultimate analysis counts is the willingness of all communities to live in an atmosphere of goodwill and tolerance. A greater share of responsibility in this matter will lie with the majority community, for only by a sober exercise of the political power concentrated in its hands can it hope to win for itself the confidence of the other communities in the country. The Soulbury Commissioners expressed a vain hope that the majority community will display this sense of responsibility. In paragraph 178 of their Report, they wrote, *inter alia* :—

“It will behove the Sinhalese majority to take the utmost care to avoid giving cause for any suspicion of unfairness or partiality. In that regard some of the speeches of Sinhalese Members delivered inside and outside the State Council emphasising the solidarity of the Sinhalese and threatening the suppression of the Ceylon Tamils strike us as singularly ill-advised.

But we are satisfied that the Government of Ceylon is fully aware that the contentment of the minorities is essential, not only to their own well-being but to the well-being of the Island as a whole. If it were otherwise, no safeguards that we could devise would in the long run be of much avail. Nevertheless, until the minorities become reassured or are themselves in a position to assume the reins of office, certain safeguards will be necessary, as indeed is recognised by the authors of Sessional Paper XIV (which is the Draft Scheme of the Board of Ministers).....”

The hopes of the Soulbury Commission have not been realised, judging from the events of the past years.¹⁴ But lessons are learned from experience and recent events prove that it is becoming increasingly clear to the majority community that progress and prosperity depends on unity and unity cannot be achieved by the suppression of the legitimate aspirations of the minority communities. It is hoped that the lessons learned will not be in vain.

14. Note Mr. G. G. Ponnambalam's speech on the motion for the Revision of the Constitution where he stated *inter alia* :— “I would..... tell honourable Members of this House that Soulbury before he departed from this Island, regretted the gross betrayal of the minorities affected by his findings and his Constitution. He is alive, and I hope he will be alive to read what I have said.” Vide Official Report, (uncorrected) Parliamentary Debates, House of Representatives, Vol. 30, columns 1439 and 1440.

THE OPENING OF THE KANDY ROAD

W. IVOR JENNINGS

IN 1803 General Macdowal's army marched from Colombo to Kandy in three weeks ; but twelve years later Governor Brownrigg and his army took six weeks. We do not know how many men he required for his personal transport, but we do know that when Governor North went to Galle in 1800—the distance being the same but the route much easier—he required 160 palanquin bearers, 400 coolies to carry baggage, 2 elephants, 6 horses and 50 lascarins to take care of the tents. The fact is that there were no roads in Ceylon until the British came ; there were only cart-tracks. To Kandy there were not even cart-tracks. Until the Kandyan Kingdom was vested in George III in 1815, the British outpost was at Avissawella, on the Kelani-ganga. From there a jungle track, along most of which men had to walk in single file, led through Ruanwella to Attapitiya and so up what was then known as the Balana Pass to Gannoruwa, which is now the Farm School. We shall follow a different route, for we shall cross the Kelani-ganga in Colombo and travel a comparatively straight road to Ambepussa. Then we shall climb up what we call the Kadugannawa Pass, crossing the old " road " just below Balana, and then crossing the Mahaweli-ganga at Peradeniya instead of at Gannoruwa.

The credit for the making of this road goes to Governor Barnes, who assumed office in 1820 and who, as Tennent put it, " had the penetration to perceive that the sums annually wasted on hillposts and garrisons in the midst of wild forests might, with judicious expenditure, be made to open the whole country by military roads, contributing at once to its security and its enrichment." The first sod was cut in 1820 and the trail was complete in 1821, but it was not opened to traffic until 1825. Even then it had few culverts and bridges, which were not completed until 1833. The metalling was not begun until 1841. Meanwhile the character of the road was described by the Chief Justice, Sir Hardinge Giffard in verse :

*" Marshes and quagmires, puddles, pools and swamps,
Dark matted jungles and long plushing plains,
Exhaling foetid airs and mortal damps,
By Kandyan perfidy miscalled a Road,
Through which the luckless travellers must wade.
Uncheered by sight of man or man's abode."*

Evidently the road was as good as the poetry. That part of it which went through the low-country had to be built by contract labour, and it is said that one of the most famous Sinhalese families became rich by calling on the villagers to do two weeks' work on the road under *rājakāriya*, or service tenure, and charging their wages to the Government. The work was in charge of Captain Fraser, who was noted for his lurid language. Some of those who disliked his way of getting things done complained to Governor Barnes, who said that Frazer was just the man he needed. He wanted someone who was willing to "dam the streams and blast the rocks."

How the rest of the road was built we know from the memoirs of Major Skinner, who was given a commission at the age of 14, and promptly told to march a detachment from Trincomalee to Colombo via Kandy. After a few years' service but while still under age, he was appointed to build a portion of the Kandy Road from Ampitiya to Warakapola, or just above the half-way mark, at a gradient of "one in twenty." His superior officer left him without explaining what this meant, and Lieutenant Skinner did not ask.

I commenced my reconnaissance of the hill down which I was expected to trace and make this military road. The men I had to work with were totally unskilled labourers, who had never seen a yard of made road in the country—for the best of reasons, that such a thing did not exist. I struck in to the jungle from the narrow mountain path by which I had ascended it, but my progress was soon checked by enormous boulders and perpendicular precipices; it was an impossibility to advance fifty yards on a gradual descent owing to what seemed to me these awful impediments. I began to think I had shown more temerity than judgement in undertaking so responsible a work, of which I was so profoundly ignorant; however, I had accepted it, and it must be done.

Two hundred of the Kandyan villagers were ordered to join me in a few days, directly their tools arrived. In the meantime, the first thing which seemed expedient for me to do was to unravel the meaning of "one in twenty". A sharper fellow would, doubtless, have caught it much sooner than I did; or if I had the candour to acknowledge my ignorance to the officer who came to set me to work, a word of explanation from him would have spared me many hours puzzling over the difficulty. However, the satisfaction of working out a problem of this kind is often turned to good account in the end; it gives a youngster so much confidence and self-reliance on future occasions.

A supply of tools arrived, and also my 200 Kandyan villagers, and a more helpless set of mortals than they were at first, cannot be conceived. I had to commence my road-making, but I will not attempt to describe the waste of labour of those first few days, caused by my ignorance of the subject. However I possessed untiring zeal and an earnest desire to do my best in the service on which I was employed, and I soon acquired, as it were by instinct, various methods for my work.

These villagers were working under a system, inherited from the Sinhalese, known as *rājakāriya*, under which the tenant of property might be required to do two weeks' work on road making. A similar system prevailed in England in the Middle Ages. Since the labour was not paid, it was necessarily dilatory and inefficient. What is more, the whole labour force changed every two weeks and a new labour force had to be taught by a boy who knew only what he had picked up. This system, which was abolished in 1832, was going on all down the Kandy Road, though there was also a corps of pioneers recruited for the purpose. Lieutenant

Skinner's fellow officers were a cheerful, hard-working crowd, and it seems likely that more people were killed by drink than by road-building. An even more serious menace, though, was malaria, called "jungle fever" in those days, whose connection with the mosquito was, of course, quite unknown, though Forbes noted in 1840 that a mosquito-net gave protection against fever. Seeing that the embankments were broken down by wild elephants every night, it is surprising that the Kandy Road was ever completed. But completed it was.

The road is now so open and so easy that it is hard to realise what an effort was needed to build it. Forbes tells us how soon the change occurred. Describing his journey in 1834 he said :

When I first visited Kandy in 1828, this line was unfinished ; and the numerous obstacles which had been overcome, or were in progress of removal could not be overlooked : the rock which had been blasted, the embankments that had been raised, were then bare ; and the forests through which we passed showed how much energy and perseverance was (*sic*) required to trace the road which was then forming. Now these obstacles would hardly be credited by anyone who had not previously seen the country ; for the shattered rocks and huge embankments were overgrown with vegetation, and the dense forest had almost disappeared from the vicinity of the road. In place of the rumbling ford and ferry of the Maha-oya, we crossed an elegant bridge at Mawanella, the design of Captain, now Lieutenant-Colonel Brown, R.E., and instead of the clumsy ferry-boat at Peradeniya, a light and elegant arch of satinwood, two hundred and five feet in length, spanned the Mahaweli-ganga."

Not only did the Governor investigate the building of the Kandy Road but also he had much to do with the establishment of the Stage Coach service. A prospectus was issued in 1831 for the running of two four-wheeled carriages daily, leaving Colombo and Kandy respectively at 4 a.m. The journey from Colombo to Kandy was expected to take 14 hours, and that from Kandy to Colombo 12 hours. Mail and light parcels only were to be taken. The Governor himself took six shares of £50 each, and other officers of Government took shares. There were also Ceylonese subscribers, including Don Solomon Dias Mudaliyar, C de Saram Mudaliyar, C. Jayatilleke Mudaliyar and the three Adigars.

The daily coach was not at once started. On the 1st February, 1832, a light four-wheeled carriage started from Colombo to Mahahena (38 miles) whence it returned to Colombo. The *Colombo* Competition was provided in 1840 by the starting of a Bullock Mail, leaving Colombo at 5 p.m. and reaching Kandy at 1 p.m. the next day. Three passengers were carried, and the coach was followed by one bullock which was changed every four miles. This coach ran for six months only. Another rival started in 1843 but was bought out in 1846 for £670. There was not enough traffic for two coaches until 1862, when a night mail was added to the day mail. The establishment of the railway, however, brought the picturesque stage coach to an end in 1867, when the stock and goodwill were sold to the Galle Coach for £2,600.

The Kandy Road was a toll-road, and from 1852 to 1866 it produced a profit of nearly £ 150,000. That was due to King Coffee ; but Governor Barnes had helped him to reign, for one of the first coffee estates was planted by Governor Barnes himself at Gannoruwa, destined to be the Farm School.

Even a carriage road was not without its perils. Samuel Baker's story is of the Ramboda Pass—on the road from Peradeniya to Nuwara Eliya—in or about 1847. Baker decided to settle in Nuwara Eliya and so he imported all he needed, including a carriage and a pair of horses as well as a groom named Henry Perkes. Finding the carriage too heavy for the Pass he went on to Nuwara Eliya and left the carriage and horses. Later he sent down Mr. Perkes and an elephant—Mr. Perkes to bring up the horses and carriage and the elephant to bring the luggage. Next day he received the following letter :

“ Honor d Zur

I'am sorry to hinform you that the carriage and osses has met with a haccident and is tumbled down a preccippice and its' a mussy as I didn't go too. The preccipice isn't very deep been not above heighty feet or thereabouts—the hosses is got up but is very bad—the carriage lies on its back and we can't stir it nohow. Mr. ————— is very kind and has lent above hundred niggers, but they ain't no more use than cats at liftin. Please Zur come and see whats to be done.

Your Humbel Servt.

H. Perkes.”

Baker went down and found that Mr. Perkes, who was partial to the bottle, had tried to take a corner at full gallop and had overturned the carriage. One horse had to be shot and the other died after few days. In due course Baker sent Mr. Perkes, with an elephant, to get up the carriage. Mr. Perkes was not used to walking, so he rode on the elephant and insisted that it go at full trot. The next day the mahout arrived back at Nuwara Eliya without the elephant. Mr Perkes had kept up the trot for the 15 miles to Ramboda. Finding the elephant was not required, he refreshed himself with brandy and water and then “ tooled the old elephant along till he came to a standstill ”. In fact, the elephant managed to trot up the hill for seven miles and then fell down and died. As Baker said, Mr. Perkes “ had the satisfaction of knowing that he was one of the few men in the world who had ridden an elephant to death ”. Baker was the originator of the Nuwara Eliya Beer, but he does not explain whether he did it to keep Mr. Perkes off the local arrack.

The characteristics of the Kandy Road are due to Geography, and so the reader must forgive a lecture by an amateur geographer. The Island of Ceylon is just a big lump of granite, rather soft granite much subject to weathering and therefore producing much rugged country. How it arose out of the azure main we can leave to geographers, and fortunately they dispute about it. This lump of granite creates the "hill country" which rises to its peak at Pidura-talagala (8281 feet) more familiarly known as "Pedro." There are other peaks, of which the most famous is Adam's Peak, and generally it may be said that the whole Kandyan kingdom is "just one hill after another".

The city of Kandy, though technically in "the hills" because it is 1640 feet above sea level, is really in a valley between two ranges of hills. The one to the west is the great Hantane Ridge, a spur of the massive range which rises to its peak in "Pedro". That to the east is an isolated ridge of which the highest point is the Knuckles (6112 feet). The greatest of rivers of Ceylon, the Mahaweli-ganga, rises in the high hills, and flows along the west side of the Hantane Ridge (the side on which the University is being built). It then makes an inverted S-bend around Peradeniya Gardens and the Farm School at Gannoruwa so as to flow southwards between the Hantane Ridge and the Knuckles before it turns northward again towards Trincomalee.

Kandy is actually in a hollow, in the hills ; but on a slightly smaller scale it is in the valley of the Mahaweli-ganga ; and on a still smaller scale it is on a plateau. Roughly it may be said that the Kandy road rises from coconuts to tea, though there are coconuts in Kandy and tea at less than 1,000 feet.

Another characteristic of the Kandy Road arises from the monsoons. There is nothing very mysterious about the monsoons, though some of our visitors from the west seem to think that they are first cousins of the typhoons. The Kandy Road is roughly 6 degrees north of the equator. Early in April, no shadows are cast by the "mad dogs and Englishmen" who stand in the mid-day sun, for the sun is directly overhead. From our point of view it is moving northwards to the tropic of Cancer, and as it goes it heats the land mass of Asia. The air near the land being heated it rises, and cooler air rushes in from the South. Owing to the movement of the earth, it actually comes in from the south-west, and we call it the south-west monsoon. Though it may seem a cool breeze in India it is in fact a warm wind which, in crossing the Indian Ocean, has collected a good deal of moisture. When it gets to our warm and hilly Island it is pushed upwards and loses temperature, with the result that it forms clouds and drops rain on the south-west side of the hills.

Six months later the sun pays us a second visit on its way to the tropic of Capricorn. As it wends its way southwards the land mass of Asia gets cooler while the sea gets warmer, and so a northerly wind sets in, though the movement of the earth makes it go south-west. To us, therefore, it is the north-east monsoon. It comes over the Bay of Bengal, is pushed upwards by the hills, and drops rain on the north-eastern side of those hills.

Now, the characteristic of the Kandy Road is that no hills protect it from either monsoon. Further north, the southern tip of India keeps off the south-west monsoon, and further south the hills keep off the south-west or the north-east, as the case may be. The Kandy Road gets both monsoons. In fact it receives every year between 90 and 100 inches of rain. It is in what is called the "wet zone". This explains the luxuriant vegetation, and also the comparative wealth of the villagers, for they get two crops of paddy every year. What is more, we have over-simplified the meteorology. Ceylon is only just in the monsoon belt, and it is almost equally important that it is a small island surrounded by a warm, tropical sea. The Kandy Road is never very hot nor very cold. Normally the Colombo temperature varies between 75 and 90 degrees, while the Kandy temperature varies between 65 and 90 degrees. When the monsoons are not blowing strongly, the variations between the temperature of the land and of the sea cause local rains, and in fact the internal monsoonal rains are often heavier than those which come with the monsoons. Very rarely is there a drought for a month, and few weeks pass without some rain. There are weeks on end when "it always rains at sundown".

This geography has left its mark on history. The Sinhalese settled not on the west coast where the population is now densest, but in the "dry zone," to the north. Possibly the rainfall was heavier than it is now; but in any case the area of the Kandy Road was once dense and almost impenetrable jungle. It was easier to cultivate the wide open spaces to the north, and the rivers were impounded in "tanks" to supply regular irrigation for the paddy fields. Some population seeped in during the early years of the Christian era, but the serious movement of population began after 800 A.D., when wars with the Tamils, civil wars and malaria drove people to the south. Some moved into the hills and formed the kingdom of Kandy; some went into the wet jungle and spread down towards Colombo. When the Portuguese arrived in 1505 there were two Sinhalese kingdoms, the one based on Kandy and the other on Kotte, which is now a suburb of upstart Colombo.

What separated the kingdoms were the Kandyan hills and the jungle, which made communication extremely difficult—as has already been mentioned in 1815 it took six weeks to travel from Colombo to Kandy. The Portuguese and the Dutch found occupation of the low-country easy, and they could even send expeditions to Kandy ; but not one of them managed to stay there because they were so far from their base, and they succumbed to malaria and what we should now call guerilla warfare.

The Kandy Road destroyed the isolation of Kandy. What is more, it introduced a new king. He was not George III or George IV ; he was King Coffee. Coffee had been introduced to Ceylon by the Dutch, but it did not flourish in the low country. On the other hand, it would grow wild in the hills, and the Kandyans discovered that they could sell coffee to the Dutch. As soon as the Kandy Road was opened it was realised that a new source of profit, greater than cinnamon, offered itself. The first coffee estate was opened by Mr. George Bird, who was known as “Gampola George”. In 1825 Mr. Bird was the only unofficial “European” in the Kandy District ; but as soon as the Kandy Road was opened, Governor Barnes himself started a coffee estate at Gannoruwa. In the same year Britain reduced by one-half the import duty on coffee, and in the next three years the consumption doubled. During the same period the emancipation of slaves in the West Indies caused a heavy fall of production, and Ceylon stepped into the breach. People poured into the Kandyan hills. Usually they were British, for they alone had the money to invest and the initiative needed. They imported labourers from South India. Nevertheless, Sinhalese from the low-country also moved up to share in the profits. Carters, carpenters, dhobis, mechanics, shop-keepers, tavern-keepers, and others, shared in the boom.

In 1845 Britain removed the protective tariff, thus letting in competition from Java and Brazil. There was an immediate crash. Many of those who had climbed the Kandy Road so optimistically came down again, poorer but wiser. Gradually the position was stabilized : the efficient producer was able to compete with the foreigner, and King Coffee continued his reign. In 1858 Governor Ward cut the first sod for a railway to Kandy ; in 1865 the line was open to traffic as far as the “half-way house” at Ambepussa ; and at the end of 1867 the line had reached Peradeniya.

Even so, the reign of King Coffee was coming to an end. A little red fungus called the coffee blight was being found under the leaves. Only one person paid much attention to it. He was the famous Dr. Thwaites, Director of the Royal Botanic Gardens at Peradeniya, who said that the blight would kill the trees and that there was no known remedy for it.

Nobody paid any attention, for the coffee was blooming everywhere. Nevertheless, he was right. By 1880 King Coffee was as good as dead. Dr. Thwaites was not just a prophet of doom. He looked round for alternative crops and picked on cinchona, from which quinine is made. Cinchona was no real substitute for coffee because the demand for it was inelastic, and as soon as production began on a large scale the price came down with a run. Nevertheless it did bridge the gap until the real substitute was found in the cup that cheers but does not inebriate. Tea came to Kandy and now causes most of the traffic on the Kandy Road.

The opening of the Kandy Road thus broke down the isolation of the Kandyan Kingdom. Until his attention is drawn to the fact, the visitor will not notice that near Ambepussa he passes into a new realm, the Kandyan province of the Four Korales. Unless he is particularly observant and notices that the women wear their sarces differently, he will not discover any difference between the Kandyan Sinhalese and the low-country Sinhalese. Even Kandy, which kept its independence and its traditions for three hundred years after the Portuguese landed in Colombo, is a very western city. Some of the Kandyans, especially those whose ancestors had been adigars and disavas and lesser chiefs, profess to mourn the snows of yester year and complain that King Coffee was not mentioned in the Kandyan Convention of 1815 but, if they can afford it, they purchase tea estates and send their sons to Colombo schools.

DUTCH SOVEREIGNTY IN CEYLON : A HISTORICAL SURVEY OF ITS PROBLEMS

S. ARASARATNAM

THE coming of European trading powers to the East and their attempt to establish their trade on firm foundations brought in its train several connected issues involving disputed jurisdiction both among themselves and as between them and indigenous states. With increasing competition among the Europeans arose the necessity to base their rights to forts, harbours and territories on a legal or pseudo-legal foundation. Towards this end, private trading corporations such as the Dutch and the English Companies had been granted, by their respective home governments the right to enter into treaty relationships with non-Christian powers. It was necessary to build up a recognised legal title to what one held, in order to uphold it both against the intrusions of other European rivals, and the claims of the indigenous authorities. The construction of such titles, however, was attended by several difficulties, which were increased by the fact that international law and practice had not as yet been clarified even in Europe.

The control of the maritime districts of Ceylon by the Dutch East India Company for over a century and a half illustrates the confused state of the concept of legal sovereignty as operated by European powers in Asia. The confusion here is a result of the peculiar nature of the problem itself, involving three different powers. There was, firstly, the Kandyan King, wielding sovereignty over the interior of the island, and claiming overlordship over the whole of it. Then there were the Portuguese ruling over practically the entire maritime area as part of the Portuguese Empire in the name of the King of Portugal. The Dutch Company which had come out East in the first years of the 17th Century was in the Indo-Ceylon seas with the declared aim of expelling the Portuguese out of the preserves of trade they had enjoyed for over a century.

The Portuguese had acquired sovereign rights in the island with the grant of the Kingdom of Kotte to them by Don Juan Dharmapala in 1597¹.

1. Deed of Gift of the island of Ceylon to the Portuguese by the King of Ceylon in 1580. See *The Orientalist* III, pp. 28-31.

Subsequently, in a series of wars they reduced the Kingdom of Jaffna and became direct rulers over the north. Further success in wars brought them more territories in the south-western portion of the island, and the Kingdom of Kandy, now the sole surviving indigenous state, was increasingly being pushed into the interior. A state of constant war existed between the powers. In these circumstances, the King of Kandy, realising that he could not make an impression on the Portuguese without the assistance of a strong sea power, decided to call in the Dutch to his aid. Negotiations were begun between the two powers and after a few abortive attempts an alliance was struck, as expressed in the contract of 1638, entered into between Rajasinha II of Kandy and Admiral Westerwold 'on behalf of the States General of the Netherlands and the Prince of Orange'².

In this contract, Rajasinha was described as the King of Ceylon and Kandy, and the Dutch were to assist him to defend and win back his lands from the unjust occupation of the Portuguese. Thus at the outset, the Dutch accepted the King's claim that he was the sole legitimate authority over the entire island and, by implication, rejected Portuguese claims to sovereignty over any part of it. The effect of this recognition of the King's claims over the whole island were, however, reversed, to some extent, by his acceptance of the Dutch as his sole protectors against the Portuguese. This protected status emerges both implicitly and explicitly from the contract and forms the first limitation on the King's sovereignty. The very fact of assistance by Dutch naval and military forces in attacks against Portuguese strongholds had similar results. The obligation to allow the Dutch to build storehouses for military supplies and articles of trade and to consult their military officers in the attacks on the Portuguese further emphasised this dependent status.

There was, further, the controversial third article of the treaty which stipulated that the forts that were conquered from the Portuguese would be suitably garrisoned and armed by the Dutch if the King was not in a position to do so. The vital clause, 'if the King so desired', which would have been a safeguard for him, was omitted from the Dutch version of the treaty³. Here then was yet another provision which left room for future ascendancy of Dutch power, though not so intended by the King. Even more serious than these were articles 9 and 10 by which the King promised that neither he nor any of his subjects would trade or have any dealings with other powers European or Oriental. The European powers named were the English, French, Danes, Germans and, of course, the Portuguese.

2. Treaty between Adam Westerwold and Rajasinha, 1638. See *Memoir of Joan Maatsuyker*, transl. E. Reimers. Appendix A. pp. 43-46.

3. Pieris, *Ceylon The Portuguese Era II*. pp. 267-268.

One solitary exception was made : permission could be granted to the people of Tanjore district on the South Indian coast to carry on their traditional trade in Ceylon. It was further stipulated that valuable articles of trade found in Ceylon such as cinnamon, pepper, wax and elephant tusks could be sold only to the Dutch Company. These provisions amounted to a voluntary restriction by the King of his own sovereign rights. Though negotiations were entered into between the King of Kandy and the Dutch as between two equal powers, the terms of the treaty that resulted were not such as would conduce to the maintenance of this equitable relationship between the contracting parties. Viewed in the light of general Dutch policy in the East, this kind of treaty seems to have been the usual stock-in-trade to acquire economic and later political hold over the allied power. The treaties with the princes of the Malabar coast—the Rajah of Cochin (1663), the Rajah of Calcoilan (1664), the Rajah of Vadakumkur (1664), the Rajah of Thekkumkur (1665)⁴—all had similar conditions, but these were made under duress and not with the willing consent of the Indian state. It is surprising then that Rajasinha should have given so much away. The only explanation possible is that the overriding consideration was the need to expel the Portuguese which made him blind to other possible subsequent dangers. It is obvious, therefore, that the treaty, by virtue of its provisions, was more a point of departure for relations between the two powers, than a definite statement of their respective status. By the voluntary alienation of such sovereign rights as that of political and economic dealings with any nation of his choice and by accepting the Dutch into a status of permanent protectors, there seemed no doubt as to the direction in which the relationship between the two powers was going to move. By the contract of 1638, the freedom of action of the Kandyan was seriously circumscribed. It might be argued that such restrictions had in fact been virtually operative in the previous years. While this was to some extent true, to sign away these rights by written enactment was a more serious matter.

In the years immediately following on the contract, there was some fruitful co-operation between the allies which resulted in successful attacks on Batticaloa and Trincomalee, the two Portuguese strongholds on the East coast. No sooner the scene of activity shifted to the West coast, than the real intentions of the Dutch came to light and differences arose between the allies. With the conquest of Galle and Negombo, in both of which districts there grew the invaluable cinnamon, serious disputes arose as to who was to be the controlling power. The King demanded that the places be returned to him to be administered by his officers as they had

4. Pieter van Dam, *Beschryvinge van de Oostindische Compagnie*, Ed. F. W. Stapel, Bk. II, Part II, pp. 307, 291-293.

been conquered by the Dutch on his behalf. Realising the immense value of the two ports, if they were to control the cinnamon, the Dutch had decided on sticking willy-willy to these places. It was necessary to give a legal justification to their claims. This begins the tortuous attempts to discover an acceptable basis for the permanence of their power on the island. From the point of view of territorial sovereignty, however, the contract did not give them anything to hang on to ; that is, the version of it agreed to by Rajasinha. It was this that made them pull off the trick of deliberately omitting from the treaty that clause which gave Rajasinha the option of making the Dutch to fortify the places that were taken from the Portuguese or of maintaining them himself⁵. If this position that the Dutch had a right to fortify the places they took from the Portuguese was to be accepted, the sovereignty of the Kandyan Kingdom would have been under-mined. When the error was detected and pointed out, the Dutch shifted their ground and searched for other points in the contract on which to base their claims.

The Negombo and Galle districts were thus retained by the Dutch and administered by their officials. In the meanwhile, a truce was declared in the Hague between the Dutch and the Portuguese in 1641 which temporarily upset the plans of the Dutch against their enemies. Rather belatedly, a truce was proclaimed on the island in 1644 on the basis of each power retaining what it had conquered. It is significant that Rajasinha's consent was not secured for this step which was tantamount to violating Article 16 of the treaty of 1638 where the Portuguese were declared their enemies 'for ever' and the King and his people were enjoined not to have any dealings with them. What was of even greater importance was the fact that, in the territorial agreement following on the truce, the Dutch were mentioned as the owners of the lands they had captured from the Portuguese⁶. Some feeble excuse was given by the Governor Maatsuyker but it left no doubt as to Dutch intentions⁷. As the ten-year period of truce was drawing to and end, the Dutch restarted negotiations with the King with a view to healing the breach that had come about between the allies and renewing the alliance against the Portuguese. This was successfully accomplished in 1649 and, though there were several thorny problems that had to be settled, a peace was patched up. This new treaty, signed in August 1649, revised and confirmed the original one of 1638. It once again reaffirmed the position of the Dutch as protectors of the Kandyan Kingdom against the Portuguese. The only change of any importance made by this revised treaty was to affirm in stronger terms the King's obligation to reimburse

5. Van Geer, *De opkomst Van het Nederlandsch Gezag over Ceilon*, p. 42 fn. 1.

6. Pieris, P. E., *The Portuguese Era II*, pp. 345.

7. Pieris, P. E., *Some Documents relating to the rise of Dutch Power in Ceylon*, p. 127.

the Dutch the entire costs of the expedition and garrisons in Ceylon. This emphasis was a pointer to future Dutch policy.

The first major attempt by a Dutch administrator to draw up a systematic statement of Dutch rights of occupation in the island was made in 1650 by Governor Maatsuyker. After a four-year term of office (1646-50) as Governor of Galle, while laying down office he handed over to his successor Kittenstyn a memoir for his general guidance. Here he clearly avowed that Dutch power had come to stay in Ceylon and under no circumstances would they give up what they held. All that was now left to do was to furnish some legal justification for this power. The line of argument pursued by Maatsuyker was that the King owed a large sum of money to the Company in lieu of the expenditure incurred in the war against the Portuguese and the maintenance of garrisons in the places wrested from them. Until this sum was paid they were not to give up the lands they held⁸. Thus the innocuous articles 4 and 11 of the contract which obliged the King to defray all expenses of the war were used to provide a justification for the occupation of the lands that the Dutch had taken from the Portuguese. Maatsuyker recognised that according to the contract the captured forts and lands ought to be handed over to the King, as some had been already. But as the King had on his side failed to fulfil his obligation of paying the costs incurred, the Dutch had the right which flowed from the contract of sticking to the lands till payment was made⁹. The right of possession was not explicitly stated in the contract but flowed from an interpretation given to it by the Dutch.

Interest in the next few years shifts once more to the military campaign against the Portuguese and disputes of jurisdiction are in abeyance. No doubt there was considerable bickering between the two allies and often the alliance was strained almost to breaking point. The fact that it was maintained was largely due to the intense desire of Rajasinha to drive the Portuguese out of Ceylon and of the Dutch to enjoy the monopoly of cinnamon. The Dutch-Portuguese truce ended in 1650 and preparations were begun to renew the attack on the remaining Portuguese possessions in Ceylon. Both the King's forces and the Dutch closed in on the Portuguese and in 1656 Colombo fell to the Dutch after a prolonged siege, leaving only Jaffna and Mannar in their hands. Repeated requests by the King for the restoration of Colombo were ignored or side-tracked by the Dutch who finally left no doubt as to their intentions when, by a sudden attack on Rajasinha's forces encamped outside Colombo, they drove him

8. *Memoir of Joan Maatsuyker*, transl. by E. Reimers, pp. 1-5.

9. *Ibid.*

back into his Kingdom¹⁰. In 1658 a Dutch expedition under Rijkloff van Goens left for Mannar and Jaffna and, by June, Ceylon saw the last of the Portuguese power. This left the Dutch *de facto* rulers over an undefined extent of land from Jaffna up to the Vanni and on the Western coast from Maha Oya to the Walawe Ganga.

The task of establishment of their power over, the Dutch now addressed themselves to the problem of giving their power a semblance of legality so that their possession may be recognised by other European powers and, if it could be managed, by Rajasinha himself. In fact this task proved to be a prolonged and laborious one and occupied a good part of the duration of Dutch rule in Ceylon. Dutch power found it difficult to shake off the stigma of usurped authority over the lowlands. In view of the presence of a lawful and recognised sovereign in the land, a parallel administration in the hands of an alien power would find it difficult to attract the loyalty of people under its authority if it did not have the stamp of recognition by their indigenous sovereign. Thus both internal and external factors underlined the need for legalisation of authority.

There was a keen desire on the part of Dutch officials in Ceylon to open negotiations with Rajasinha with a view to arriving at a new settlement which would recognise Dutch title to the lands they held. It was obvious that the original treaty of 1638 was no longer relevant to the new situation. In 1658 and the following few years Dutch policy was directed towards achieving this recognition by the alternate means of force and persuasion. Rajasinha, however, dismissed these approaches with contempt for he had nothing to lose and everything to gain by refusing to recognise the Dutch power. For his part, he demanded the restoration to him not merely of Colombo but even Jaffna and Mannar and the lands attached to them¹¹. This latter claim was rejected outright by the Dutch who separated the districts of Jaffna, Mannar and the Vanni from the rest of their possessions and built up a legal title to these areas on the basis of the right of direct conquest from the Portuguese who in turn had conquered them from the Kings of Jaffna¹². A statement of the rights of the Kings of Jaffna was drawn up by the Mudaliyars of Jaffna on the instructions of the Dutch and was deposited among their records. They were prepared to discuss with Rajasinha only the lands on the south and south-west of the island, but there seemed no likelihood of any such settlement.

10. Pieris, P. E. *Ceylon, The Portuguese Era II*, pp. 449-457.

11. Rajasinha to Van Goens, 3 September, 1658, *Koloniale Archief* 1121, fo. 254.

12. Van Goens to G. G. & C, 6 July, 1658. *Kol Arch.* 1117 fo. 278.

Under these circumstances, the Dutch were forced to make do with whatever was available. The treaty of 1638, the only document of relation between Kandy and the Dutch, had to be squeezed dry, to see whether there was anything in it that would provide a way out. The only solution was to retrace the path already marked out tentatively by Maatsuyker and broaden his principles to include the new situation. The question of the King's debts was thus made to occupy the centre of the stage. An account of the expenditure incurred in the whole war had been kept in Batavia as also the value of merchandise and other revenue derived from Ceylon. The prices had, of course, been unilaterally fixed. A letter of credit, based on these accounts, was sent to the King, as follows¹³:

	Guilders	St.	P.
General Expenses up to February 1657	9,398,651	15	4
Amount paid in cinnamon, elephants, arecanuts, land revenues, etc. ..	2,133,191	4	3
Amount outstanding from Rajasinha	7,265,460	11	1

Until this sum was paid, the lands had to be retained in possession as a security for payment and from which at least a part of the money could be recovered. In the meanwhile, the King's liability went on increasing with every additional day that Dutch forces were stationed in Ceylon. Thus a flimsy right was established on the basis of the treaty of 1638. With the failure of the early attempts to reopen negotiations with Rajasinha, the opinion gained ground that it was more advisable not to rake up embarrassing issues regarding legal titles for this would only lead to new conflicts with the King. The political structure was evenly balanced and each power seemed to have decided to let the other alone. The Dutch did not wish to do anything to upset this balance or disturb the peace.

Though this above solution had the merit of letting sleeping dogs lie, it had other disadvantages. The idea that the lands were held as security till payment of debts or the idea of mortgage did not give the Dutch a title to sovereignty over these lands. It made them more trustees or administrators on behalf of the King than possessors. This impression was further underlined by the King who, realising that the outright cession of these lands to him was now an impossibility, clung on to the myth that the Dutch had been entrusted by him with the task of guarding the coast and administering the coastal lands. Thus he addressed the Dutch Governor as 'my Governor in Colombo'¹⁴. The official Kandyan chronicler of the 18th century observes that the King 'charged the inhabitants of Olanda with the protection of Lanka in the places situated on the sea'¹⁵. The Dutch found

13. G. G. & C. to Directors, 14 December, 1658, *Kol. Arch.* 1115 fo. 172 ; Maatsuyker to Rajasinha, 30 September, 1658, *Kol. Arch.* 785 fo. 521.

14. J. R. A. S. (Ceylon) XVII. p. 246.

15. *Culavamsa, Part II*, trans. W. Geiger, p. 237.

it politic to play up to this legend by sending him presents, honouring him with embassies and showing every deference to his authority. The shortcomings of this approach were soon evident. In the first place, the people living in the territories under Dutch rule were not likely to pay so much respect to a power that was making its submissions to the neighbouring monarch. The uncertainty of the position led to a conflict of loyalties on the part of the people, hindering the likelihood of the Dutch power basing itself firmly on any section of the population. The wealthier ruling castes, being connected by ties of blood, religion and culture to their counterparts in the Kandyan districts, looked across the frontiers for inspiration and guidance. The King thus had tremendous influence in the lowlands, an influence which he could use to further his ends and embarrass the Dutch if he chose to. Secondly, such a legal position would not have given the Dutch the right to keep other European powers out of Ceylon if the King chose to have any dealings with them. Unless the right of complete possession was proved in a manner acceptable to these other competitors, they would always be attracted by a share in the cinnamon trade to attempt some dealings with Rajasinha. This problem was becoming more acute in the second half of the 17th century when European competition in Eastern trade was increasing. The English and the French were active in these waters and resented the concept of monopoly that the Dutch had introduced wherever they went. It was this external challenge that asserted itself first.

These factors forced a shift in the simple and naive interpretation that had so far been built up. The English were the first European power to attempt to break through Dutch monopoly in Ceylon and reach an agreement with Rajasinha above their heads. In the course of 1659 and 1660 two English vessels had been wrecked off the coast of Ceylon. The English crew on these vessels had been imprisoned in Kandy, and among them was the well-known Robert Knox. Taking advantage of this fact, the English officials at Madras attempted to negotiate with the King of Kandy not only for the release of the captives, but also for contracting a treaty securing for them trade concessions on the East coast¹⁶. The King showed himself not averse to these overtures and the Dutch were greatly alarmed. These attempts were nipped in the bud by a high-handed seizure by the Dutch of the English vessel on the seas near Jaffna in 1664¹⁷. The practical effect of this incident was to attract the attention of the Dutch to the vast coastline on the East that was in the hands of Rajasinha and his potential freedom to have dealings with any other power through any of these ports. From

16. William Foster, *English Factories in India, 1661-1664*, p. 45, 374.

17. Hustaard to Directors, 10 June 1664, *Kol. Arch.* 1136, fo. 323.

the legal angle, it led them to do some further thinking on the subject of their rights in Ceylon and the inadequacy of their current legal position in relation to the aims of their policy. It was realised that neither their physical possessions, nor their rights as stated by them were a sufficient safeguard to their policy of monopolising the entire trade of Ceylon. If this was to be achieved the existing interpretation of occupation of lands as security for payment of debts had to be revised. In fact the whole concept of equality that was implicit in the relationship so far between the two powers had to be revised.

The period after 1664 saw a shift in the balance of power in Ceylon which also corresponds to a change in the legal pretension of the Dutch. The political framework is provided by the wide expansion of Dutch territories in Ceylon in the years 1664—70 which now embraced almost the entire coastline and all provinces in the interior which the Portuguese had previously held. This expansion was largely the work of Van Goens who was one of the pioneers of the policy of backing European commerce in the East with wide territorial acquisitions. Taking advantage of temporary weakness in the Kandyan Kingdom caused by a rebellion against Rajasinha in 1664—5, he extended Dutch frontiers into the interior by a process of peaceful penetration. Van Goens also innovated a fresh interpretation of Dutch power in Ceylon that fitted in with his imperialist policy. He broke away from the tendency to justify Dutch rule in terms of the treaty of 1638 and introduced the concept of direct sovereign authority by virtue of conquest from the Portuguese. It was now sought to prove that sovereignty over these lands succeeded directly from the indigenous Kingdoms of Jaffna, Kotte and Sitawake, via the Portuguese. Jaffna had been reduced by the Portuguese by conquest and the Kingdom of Kotte had been written over to them by Don Juan Dharmapala. By right of conquest all those rights enjoyed by the Portuguese had accrued to the Dutch¹⁸. In the event of Rajasinha dying without an heir, it was even asserted that the Dutch would succeed to the Kandyan kingdom also, thus establishing their authority over the whole island. This would give them sovereign rights over the whole island partly by conquest and partly by succession¹⁹.

This attempt to broaden the basis of Dutch rights was not unconnected with the first major European challenge to their position in Ceylon in 1672. After a few unsuccessful attempts, the English had concentrated their attention on the development of their trade on the Indian sub-continent. The French, new comers to European trade, were now on the lookout for suitable stations from which they could carry on their trade and the

18. *Memoirs of Rijkloff van Goens*, transl. E. Reimers, pp. 34-35.

19. *Ibid.*

Bay of Kottiyar on the East coast of Ceylon appeared an attractive site. The Persian Squadron under Admiral de La Haye, sent out from France by Colbert in 1670 with the blessing of Louis XIV, sailed into Kottiyar Bay in March 1672 and anchored off the small harbour of Kottiyar, within a short distance of the Dutch fort of Trincomalee²⁰. This placed the Dutch in a difficult position as they were at peace with France and their rights on the East coast were, to say the least, indefinite. Kottiyar was the King's harbour where vessels from India had come and gone freely. Besides, they were not aware of the nature of relations that had gone on between Rajasinha and the French. The immediate task was to get rid of the French and obstruct their attempt to set up a station there, for it would have been a breach in their monopoly in Ceylon. The way in which they set about to challenge the French reveals the confused nature of Dutch rights in Ceylon.

At first they addressed communications to the French requesting them to leave the Bay because it had been ceded to them by the King. This claim was a deliberate falsehood. It struck the French as being very strange because they had opened negotiations with Rajasinha who had conceded to them the right to establish a trading station at Kottiyar and had even gone so far as to present them the Bay of Kottiyar as an inducement to win their support against the Dutch²¹. This upset the basis behind the claims of the Dutch who now shifted their ground. They argued that they had conquered Trincomalee and its dependencies from the Portuguese and possessed them by right of conquest. Rajasinha had no authority here and could not grant these lands to the French²². In the event force was the final arbiter and by preventing the arrival of much needed food supplies by means of a blockade of the sea by the Dutch, the French were forced to leave Ceylon for the Eastern coast of India. This French interlude, brief and insignificant though it was, served to expose many flaws in the Dutch armoury of rights and contributed further to the gradual assumption of a kind of paramount right over the entire coastline. The position seemed to have been that, though not in actual possession of the whole sea coast, the Dutch had assumed, though not declared, exclusive rights to the Ceylon littoral. No doubt the King still held some parts of the coast; the right of entry and exit in these places was, however, bound by the needs of the Dutch. To this extent, the freedom of the King of Kandy in the conduct of his external relations was curtailed and his sovereignty impaired.

20. *Memoires de Francois Martin*, Ed. A. Martineau I, pp. 327-29

21. *Memoires de Francois Martin I*, p. 349. *Travels of the Abbe Carre in India and the Near East 1672 to 1674 II*, p. 421.

22. Roosterman to La Haye, 3 May 1672, *Kol. Arch.* 1175 fos. 101-4

Van Goens thus looked upon the Kandyan Kingdom as dependent on the Dutch. It was no coincidence that the period of intensive European rivalry in the East was also the period when Dutch rights in Ceylon were interpreted with extravagance. The departure of Van Goens from Ceylon in 1675 was followed by a thaw in the relations between Kandy and the Dutch. The general hostility of the period 1665—1675 and the consequent increase in Dutch expenditure in Ceylon produced a desire for peace which was only possible with a greater accommodation of Kandyan rights. The feeling grew among some of the top officials in Batavia and Colombo that Rajasinha's rights had been totally disregarded and that this should be repaired and a close friendship entered into. There was renewed talk of a new peace treaty. It was now sought to reopen negotiations with Rajasinha, with a view to arriving at a settlement which would give the Dutch authority in the lowlands the long-awaited recognition. The price to be paid for this was the return of all the lands that had been conquered from Rajasinha since 1664 and the concession to him of the right of free trade²³. External forms of respect to the King's name are seen once again in the letters written, and the return of old titles such as 'the King's Governor of Colombo' and 'Your Majesty's trusted servants' show that the assumption of direct sovereignty was being toned down²⁴. The attempts to come to a new treaty with Rajasinha in the last years of his reign did not, however, achieve their end because the King refused to the end to do anything that would legalise Dutch power in Ceylon. He desired to hold on, at least, to the legal fiction of sovereignty. As the King was now well advanced in years and reaching the end of his long reign, the Dutch zeal for an agreement cooled off and they thought it better to wait till the King's death and negotiate with his successor.

With the accession of Vimala Dharma Suriya II in 1687, intensive efforts were made to come to a settlement with Kandy which would replace the now defunct treaty of 1638. The thaw in the relationship between the Dutch and Kandy towards the end of Rajasinha's reign and the initial signs of friendship between them and the new King appeared a good portent to the future. The Political Council at Colombo discussed the terms of a draft treaty and sent Koopman Alebos, one of their officers, to Kandy, with authority to discuss it with the King's advisers. Most of the proposed articles regarding commerce, in this draft, were a repetition of what had occurred in former treaties and were meant to ensure the Dutch monopoly. The really new provision and one which revealed Dutch aims was Article

23. Resolutions of Governor General and Council, Batavia, 1681, *Kol. Arch.* 596, pp. 476-540.

24. Van Goens the younger to Rajasinha, 22 October, 1677, *Kol. Arch.* 1212 fo. 690 ; G. G. & C. to Rajasinha, 27 August, 1683 *Kol. Arch.* 812 fos. 1453-8.

3 which stated that the Company would keep the lands it then held until the debts incurred by Rajasinha were paid off or proposed that the lands be given over to them in absolute possession to wipe off these debts. The lands were defined as extending from the Walawe Ganga to the Maha Oya along with the island of Puliyantivu and the Bay of Trincomalee²⁵. Instructions were given to Alebos to try his best to get this provisional treaty through without giving anything away. In the negotiations that ensued in Kandy, the King denied liability for the debt and averred that it was the Dutch who had first violated the original treaty. He refused to write over the lands asked for under any circumstances. He also objected to Article 5 of the proposed terms which forbade the King from having commercial and other dealings with foreign powers. Probably, if the Dutch had been prepared to pay the price of freedom of trade in some of the ports of Ceylon, they might have been able to buy legal recognition of their authority over the lowlands. But the ambassador had been specifically instructed not to promise this. Consequently, he was put off by the King with various objections and arguments and had to return without agreeing on a treaty²⁶. The position was not changed in any manner.

These events served to cool off the enthusiasm for a new treaty that had been released at the accession of the new King. Once again the theory of direct rights by conquest from the Portuguese and disregard of the treaty of 1638 gained ground. Fresh evidence and more light was brought to bear in an attempt to strengthen this theory. One of the Company's top ranking policy-makers of the last part of the 17th Century, Adrian Van Rheede, having gone into all relevant papers on this question, put forward the view that the treaty of 1638 was not valid any more and that Dutch rights depended solely on physical possession. It was now uncovered that in 1580 when Don Juan Dharmapala made out his will in favour of the Portuguese he was called the King of Ceylon. The Kings of Kandy had no right to this title and in an agreement with the Portuguese of 1633 were referred to by the limited title and no more²⁷. Succeeding Dutch Governors in the 18th Century now adopted this line and attempted to justify Dutch power in these terms. Governor Simons (1702—7), arguing in 1707 that Dutch possessions could not be justified on the basis of the treaty of 1638, said: "The safest plan would, therefore, be to base our claims on the conquests made in open warfare on our public enemies." He admitted the difficulty of proving that all lands then held were acquired in this manner. As such he concluded: "Our best title, therefore, is

25. Minutes of the Political Council, 12 July, 1688, Government Arch. (Nuwara Eliya), Dutch Records 30. fos. 107-112.

26. *Beknopte Historie, J. R. A. S. (Ceylon)* XI, pp. 98-103.

27. Minutes of the Political Council, 1 November, 1699, Dutch Records 37, fos. 362-3.

our long possession of the chief harbours of this island.”²⁸ Foreign powers are thus to be kept out on the grounds of an exclusive sphere of interest having been enjoyed for a long period of time. The next Governor to address himself to this question was Baron Van Imhoff (1736-40). Drawing a distinction between the physical occupation by the Dutch of a part of the island and the exclusive right of abode there as against other European nations, he was of opinion that the latter was more important than the former. He was frank enough to admit that this right, which implied the denial of the King’s freedom to admit other powers into the island, was of doubtful origin and therefore did not bother himself trying to justify it. The conclusion thus becomes similar to that of Governor Simons: “The great number of years during which we have been in exclusive possession gives us the right to maintain our right, if necessary even by force. Our rights have been legalised by the undisputed exercise of them by the Company’s possession of West and East, and this will serve also as proof of proprietorship, of other parts, so far as it concerns a third party, although the King is and remains the sovereign.”²⁹ The last of the important memoirs on this subject is that of Governor Schreuder (1757-62). Writing at a time when relations between the powers had considerably declined and had even led to occasional outbreaks of violence, Schreuder was very keen on erecting an agreeable legal facade. Having outlined the history of Portuguese occupation of the island and the Dutch alliance with the Kandyans to expel them, he too relied on the familiar argument of the right of conquest. But he went further and asserted that the King of Kandy had acknowledged the Dutch as lawful possessors by implied acts of recognition. He concluded that actual possession and force to back this possession are the chief guarantees of Dutch power in Ceylon.³⁰ The tendency during the 18th Century is thus to assume the right of direct succession from the Portuguese but underline the right of prescription.

Vis-a-vis the Kandyan King, however, this statement of rights was of no consequence. There was no question of this position being accepted by him. The King continued to treat the Dutch as protectors of the sea coast and administrators of the coastline provinces on his behalf. The Dutch did not think it prudent to revolt openly against this assumption. It would appear then that the Dutch power in Ceylon was presenting one face to the Kandyans and another to foreigners. While the fact was that the Dutch were the predominant power in Ceylon and exclusively controlled its trade, the legal fiction was the opposite. There were times, however, when the legal sovereignty of the King was stretched almost

28. *Memoir of Cornelis Joan Simons*, 1707, Transl. Sophia Anthoniez, pp. 15-16.

29. *Memoir left by Baron van Imhoff*, 1740., Transl. Sophia Pieters pp. 7-9.

30. *Memoir of Jan Schreuder*, Transl. E. Reimers, pp. 7-9.

to breaking point when he attempted to make it a fact. The Dutch continued the practice of sending annual presents to Kandy to seek permission to peel cinnamon. The King would not correspond direct with the Governor. Letters and messages were exchanged between the Governor and the court chiefs to emphasise that these two parties were equal and were subordinate to the King. Now and then Dutch officials complained against this attitude of subordination. When the King sometimes overstepped the bounds of this legal fiction and interfered in matters of internal administration in Dutch territories, the latter repudiated these attempts very strongly and with promptness. King Vimala Dharma Suriya II tried to grant the village of Weligama to a chief, but this was summarily repudiated by the Dutch.³¹ In 1689, the chiefs of the court tried to send a vessel from Puttalam in the King's name laden with arecanuts to the Coromandel coast, but this was stopped by the Dutch in accordance with their regulation that no vessel could leave the coast of Ceylon without a special licence from the Company.³² Later Kings of Kandy, when they desired to fetch princesses from Indian courts, as was now becoming common, this had to be done in Dutch vessels and with Dutch permission. It is thus seen that though they maintained an attitude of deference in the externals of their relation with the Kings, they were far more zealous in the defence of their '*de facto*' authority over their lands.

A difficult aspect of the problem was the way in which this position affected the loyalty of the people under their control. From the time of the decisive split between Rajasinha and the Dutch over the future of Colombo in 1656, the people of the lowlands had been confronted with this problem of a conflict of loyalties. This conflict could to some extent have been assuaged if the Dutch had from the outset come out boldly against the King and asserted legal as well as factual sovereignty over the lowlands. Under the circumstances, the hedging and halting manner with which they faced up to this issue detracted from the authority they were able to exert. If in the last analysis their power depended on the sanction of force and the security they could afford to their people, this was a weapon that cut both ways. In the frontier lands, it was very difficult for the Dutch, with their small military force, to make their power really effective. It was not surprising that the people there turned to the King and his officials for instructions. The Sinhalese officials, drawn from the low country nobility, holding high offices under the Dutch always advocated a policy of repudiating the King's claims and even of open hostility towards him. They saw this as the only means of setting up a rival sovereign power which

31. Beknopte Historie, See J. R. A. S. (Ceylon), XI, pp. 84-86.

32. Minutes of the Political Council, 17 February, 1690, Dutch Records, 31 fo. 50.

the people could respect and hence turn their eyes away from the King. When the highest of the Dutch officials were humouring the King, the people tended to look on him as a personage higher than the Dutch under whose administration they were. Even when the Dutch expanded into the interior at the expense of the King, paradoxically, this expansion was carried on in the King's name. Whenever a new King was consecrated in Kandy, large numbers of people from the Dutch lands went over in person to salute him. The nobility in the lowlands were always happy to receive titles from the King. Whenever there was armed conflict between the two powers, the sympathies of many of the Dutch subjects were with the King. This sympathy very often took the form of active assistance or subtle subversion. As long as there was tension between the two powers, Dutch control was not found to be effective over large parts of the country. Both in the time of Rajasinha and subsequently of Kirti Sri, the Kandians utilised the King's influence to cause havoc in Dutch lands. The chalias or cinnamon peelers whose services were invaluable to the Dutch, defected to the King whenever they found a chance. It is indeed a sad commentary on the consolidation of Dutch power in Ceylon that over a century after the expulsion of the Portuguese from the island, Governor Schreuder was forced to admit in 1762: "Our inhabitants have long since been brought to that frame of mind by our indulgence as well as by the intrigues of the court, and imagine that they are not the Company's but the King's subjects, and that they can serve the Honourable Company only by permission, so that the mere mention of the King's name is sufficient to reduce them from their allegiance to their lawful masters without the least reason whatsoever, and as it were in spite of themselves."³³ These were defects which were immanent to the position taken up by the Dutch.

The Dutch-Kandyan War of 1762 and the successes scored by the Dutch gave them a wonderful opportunity to remedy many of these errors. The treaty of 1766³⁴ that was entered into between the two parties forms a distinct landmark in the search of the Dutch power for legal title in Ceylon. From this date their power was established lawfully and recognised as such. Not only did the treaty make the Dutch power sovereign, in its own right, over a large part of the island, it even went further and left no doubt as to the paramountcy of her interests in Ceylon. It set the seal on developments that had been going on since the expulsion of the Portuguese from the island. In the first place the King was recognised as the 'Emperor and King of Kandy'—a definite depreciation from the extravagant title in the

33. *Memoir of Jan Schreuder* p. 11.

34. See *The Orientalist* III, pp. 115-118

preceding treaty of 1638 where he was called 'Emperor and King of Ceylon and Kandy.' The second article defined Dutch jurisdiction in Ceylon beyond dispute. The King acknowledged the States General of the Netherlands and the Dutch East India Company as supreme and lawful sovereigns of all the lands they possessed before the war of 1762 and renounced all rights and title he may have had to the same. There was some discussion between the negotiating parties on the word 'sovereign.' The Dutch, desiring to get their meaning across beyond any dispute, explained the term and all its implications. The Kandians tried to side-step any reference to this point by arguing that the Dutch had been in actual possession of these lands for over a century and there was no need to reiterate it. But the Dutch insisted on this provision and felt it was absolutely necessary. The next article conceded to the Dutch the sovereignty over all the sea-coast round the island. In those parts where they did not already possess the coast, land up to a mile in width was ceded to them. From 1660 onwards the Dutch had worked on the assumption that the seas round Ceylon were exclusively theirs and that no foreign power could approach the coast. But as this prohibition was not accepted by others, force was the only sanction. In the 18th Century, they had lost their naval superiority in these waters to the English and the French. The English had managed to get through to Kandy and in 1762 Pybus had entered into serious, though unsuccessful negotiations with the King. Now the above provision, reinforced by Article 21 which forbade the King from carrying on correspondence with any other European power gave them some legal basis for keeping out foreigners from the island.³⁵

The above treaty made a great difference to the legal position. It was not of equal importance from a practical standpoint. The rights which were given by the King to the Dutch round the sea-coast were those that had already been assumed and exercised by them for almost a century. Nor did this mean that henceforth a relaxation of military power and consequent reduction of expenditure was possible. For the rights had to be continuously defended, as previously, by force. Furthermore, disputes soon arose between the two parties on questions of interpretation. The King could not be blamed if he directed his energies towards removing the sting off a treaty that was very adverse to him and was signed after a heavy defeat suffered by him at the hands of the Dutch. Considerable differences arose over the measurement of the part of the coastline ceded to the Dutch by the Treaty.

It would thus appear that for a greater part of their rule in Ceylon Dutch sovereignty was, to say the least, ill-defined. There seemed to be a wide

35. *Ibid* ; E. Reimers, Treaty of 1766 between the King of Kandy and the Dutch, *Ceylon Historical Journal* Vol. II, No. 145-155.

divergence between theory and practice, between the *de facto* and the *de jure* status. The legal pretensions themselves changed with the changing nature of Dutch power. This shift in its legal basis was itself a reflection of the legally unsatisfactory nature of its origins in Ceylon. Not till the middle of the 18th Century was the Dutch power able to erase the unpleasant memory of the way it acquired power in Ceylon. An anomalous situation resulted. The indigenous state claimed total *de jure* sovereignty and this claim was not challenged. But it was not allowed the full exercise of all attributes of sovereignty in view of the superior power of the Dutch. In actual practice, the Kandyan Kingdom though exercising all aspects of internal sovereignty within its own dominions, was externally dependent on the Dutch. It could not carry on freely its trade, its foreign relations or its foreign contacts without the tacit consent of the Dutch power. As far as powers outside Ceylon were concerned, they could only have dealings with the Dutch. They had not declared themselves the paramount power in Ceylon, as the English were to do later in India, but they assumed many of the privileges and responsibilities of paramountcy. A similar policy was attempted in Malabar but there circumstances were against its success. The existence of several native powers along a long coastline, the opportunities for other European powers to settle down in any one of the several ports there told against the success of such a policy.³⁶ But even here there was no doubting the unequal nature of the relationship between the Dutch power and the indigenous state. This inequality was both the cause and the result of the kind of treaty relationship entered into between the two parties. What Dodwell says of the treaties between the English and the Indian states in the 19th Century is applicable here too : "While European treaties have normally constituted a settlement of past questions, the Indian treaties much more often have formed a point of departure ; the first have generally recognized and defined existing conditions, while the second have by their very signature created a new situation."³⁷ The treaty of 1638 between the Dutch and Raja Sinha was, to all intents and purposes, one voluntarily contracted between free and equal powers but the nature of some of its provisions led inevitably to the subordination of one party to the other.

36. Pannikar, K. M. *Malabar and the Dutch*, pp. 117-121.

37. *Cambridge History of India VI*, p. 490.

BOOK REVIEWS

MORRIS-JONES, W. H. *Parliament in India*. (Longmans, 1956, 30s.)

"The peculiarity of the English constitutional lawyer", wrote Sir Ivor Jennings, "is his emphasis upon institutions rather than on legal principles". This has in fact been the characteristic of most students of British politics who have, in general, sought to understand democratic government in terms of the franchise, constituencies, election law, qualifications for membership of Parliament, Cabinet conventions, Parliamentary practice and so on. In the case of most students of Indian political affairs, the tendency has been the opposite: constitutional law has overshadowed constitutional practice. In the pre-Independence period, this was to be expected when "freedom" was rightly defined as freedom from foreign control. Thus the histories of constitutional development in India have emphasised the struggles, defeats and successes of the Indian peoples in obtaining power over their affairs from the Imperial authorities almost to the exclusion of the development of institutions and their practices. This habit dies hard and even today studies of Indian political institutions are few and far between, although the need for such studies is even more necessary.

Professor Morris-Jones' "Parliament in India" satisfies a part at least of this need. It is a valuable and scholarly examination of the working of Parliamentary institutions in India today. Professor Morris-Jones begins his book with a chapter on "The Nature of Indian Politics" which examines with sympathy and understanding the forces of diversity and unity of the new political entity that is modern India. And this is as it should be. He proceeds then to a detailed examination of the House of the People, its procedure, officers, and committees, the attitudes and behaviour of Members of Parliament, the major parties and their parliamentary organisation and concludes with an assessment of the role of Parliament in Indian politics.

His study has been in a way a vindication of the success with which parliamentary institutions can be transplanted from one social milieu to another. This is indeed significant for Asia. Many Asian leaders, while being willing and sometimes even fanatical believers in political ideas originating in the West, are yet vaguely troubled by a desire to develop their political institutions according to the "genius of the soil". There is no doubt that political institutions are conditioned by the social milieu in which they develop, but Professor Morris-Jones' study is evidence that institutions of parliamentary democracy can be naturalised in Asia without too much change from the original.

This is nowhere better illustrated than in the use of the Question Hour in the Indian Parliament. The Question Hour is fully utilised in the Indian House of the people. It is used most often to ventilate grievances of a specific nature. Members of Parliament have succeeded in testing the skill and judgement of Ministers and showing up their weaknesses. In other respects, the procedure has been slightly modified or modernized, but the institutions of Indian Parliamentary government have remained and, Professor Morris-Jones seems to think, will remain essentially like those which have been tested and proved in Britain.

It must be mentioned, however, that throughout his book, Professor Morris-Jones has emphasised the procedural aspect of institutions and has not given the same attention to the significance of these institutions in the general meaning of democracy as a government by the people. It is a pity, for instance, that the quality and nature of speeches in the Indian Parliament have not been analysed. It would have been helpful, for example, if the reader was told whether the Indian opposition parties understand "criticism" to mean objecting to governmental policies or extend it to mean the expounding of alternative policies. This indeed is not to belittle the great value of this book. The author has shown a clear eye for detail without missing the pattern as a whole. He has read all the documents available and talked to most people who mattered. "Parliament in India" is eminently a work of scholarship, and is a valuable contribution to the understanding of modern Indian politics.

I. D. S. WEERAWARDANA,

TAYLOR, A. J. P. *The Trouble Makers: Dissent over Foreign Policy 1792—1939*. (Hamish Hamilton, 1957, 18s.)

Political Dissent and A. J. P. Taylor—a felicitous combination indeed! Rarely could the theme and the writer have combined so well. Mr. Taylor is brilliant, witty, charming and cynical—but still this is certainly his worst performance. And we have judged him only by his own standards. We must however not be too harsh in our judgement for after all who else could have delivered the Ford Lectures "with no writer's aid except the quotations" and repeat the performance on the BBC's Third Programme.

Mr. Taylor is no respecter of persons and institutions. He delights in showing the clay feet of the idol. And in this book he puts the Foreign Office in its place by virtually ignoring its existence and very nearly denying its necessity: and he characteristically puts the Dissenters in their place by reserving for them his lacerating tongue. But he writes with an obvious love for these dissenters and their opinions, "the Englishmen whom I most revere, I hope that, if I had been their contemporary, I should have shared their outlook. I should not have been ashamed to have made their mistakes". In Mr. Taylor's definition a Dissenter is not a man who disagrees with a particular aspect of Foreign Policy while accepting its fundamental principles—but one who totally and utterly rejects its aims, and its principles, and opposes to it, a higher cause. To most of Mr. Taylor's Dissenters, Foreign Policy was a huge aristocratic racket. England and Englishmen should mind their own business. The rest speak mainly of International Anarchy and the need for some measure of international organisation if mankind were to live in peace. From Charles James Fox to the Dissenters of the 1930's—they were all alike, in their enthusiasms, in their moral superiority and sometimes in their inability to see the realities of a situation. And the Dissenters have their uses, even for Re Establishment. "If Dissent did not exist the Foreign Office would have to invent it". The Dissenters have more than once provided harassed Foreign secretaries with excuses for abandoning a bankrupt policy: When a Foreign Secretary wants a Red Herring, who serves the purpose better than a Dissenter. Mr. Taylor's other contention is that sooner or later Dissent is effective. "If you want to know what the foreign policy of this country will be in twenty or thirty years' time, find out what the dissenting minority are saying now".

But Mr. Taylor has not given of his best. Compare his Ford Lectures with those of Pares a few years ago and the difference is very revealing. Where the latter has taken his chosen theme, and in language much less striking and much more subdued than Mr. Taylor's delivered a series of brilliant and authoritative lectures, Mr. Taylor seems to sketch a picture rather than relate serious history. He makes massive generalisations on the flimsiest evidence. Who is the unnamed Archbishop who blessed the Hydrogen Bomb? And is it always true that the opposition of the Times is a certain sign of the success of a policy? And Mr. Taylor, like some other intellectuals, reserves his most biting sarcasm for Gladstone. Was not Gladstone, judging him by Mr. Taylor's standards of Dissent, the one Dissenter who did not forget his "Dissent" in office, who did not lose his "Dissent" with age.

Nor are his facts always correct. He stresses too much, the importance of the Union of Democratic Control, too much the personality of E. D. Morel. What Mr. Taylor seeks to show is nothing less than that the founding of the Union of Democratic Control was as momentous an event as the German defeat on the Marne in 1914. What he means is that the Dissenters were responsible for a Pro-German policy and led to the Second World War. Men like E. D. Morel, Norman Angel, Ramsay MacDonald, Hobson, Russel, Dickinson, Brailsford—along with a non-member J. M. Keynes, persuaded the public that the Treaty of Versailles was in very fact a Carthaginian Peace. When Hitler sang the same song a few years later, he had not only a familiar tune, but also a receptive audience. But in fact it was not the opinions of the U.D.C. that helped the resurgence of Germany but the fact that Germany was a powerful nation with immense powers of recovery—powers which were strengthened by the sympathetic attitude of the Right in England and the Left in Russia. For German industrialism got its start by manufacturing arms in factories in Russia after the Treaty of Rapallo.

Nor does Mr. Taylor pay adequate attention to the pervading influence of pacificism in Britain after 1919. Pacificism was the watchword of the Right and the Left. And this pacificism played into the hands of Hitler. Not till after Franco began his attacks on Spanish democracy did the Left in England open their eyes—and the Right, not even then. The one man who was right all along did not belong to the Establishment (at least, not at the particular time) nor was he a Dissenter. He was Winston Churchill.

Mr. Taylor seems to suggest the possibility that Dissent died in August 1939. And only at the beginning of his lectures he said that the Dissent of today becomes the foreign policy of tomorrow! It would be interesting to know what Mr. Bevan has to say about all this. What Mr. Taylor had set out to do was nothing less than to prove that far from there being any agreement on fundamentals in British Foreign Policy, there was never-ending disagreement not only on details but also on fundamentals. He is himself a Dissenter up in arms against the Establishment in Historical Research. We close his book with the feeling that English "Dissent" in Foreign Policy is still looking for its historian. And how much happier Mr. Taylor would have been in dealing with the technicalities of German History, how much happier in Austria-Hungary, and paradoxically enough in the company of Bismark.

K. M. DE SILVA

SURIYAKUMARAN, C. *The Economies of Full Employment in Agricultural Countries with special reference to India and Ceylon.* (Colombo, K. V. G. de Silva & Sons, 1957. Rs. 12.50.)

In considering the question of full employment in agricultural countries, the author attempts, "an adjustment of the theoretical foundations and an examination of the practical set-up ..." (p. 287) with particular reference to India and Ceylon. Of these declared objectives, however, the first is hardly realised at all—there is no "adjustment" of basic theory, but rather a marked absence of it, and what the author really attempts is a discussion of the practical problems involved in the development of economically backward countries. The policy for development advocated in the book, though hardly novel, is however worth restating. It is a pity however that the author has not succeeded in arguing his case as clearly as he could have.

The traditional Keynesian analysis of economic equilibrium is rightly rejected as being inapplicable in the context of the type of economy considered. The lack of attention paid to post-Keynesian developments in the theory of economic growth and economic dynamics (except for a brief reference to the Harrod-Domar theory) is however less easily justified. This insufficient attention paid to the theoretical aspects of the subject, in a book professing to deal with them, partly explains the confusion which is sometimes present in the discussion.

The term "Agricultural Countries" is not used in the strict sense of basically agricultural countries, but rather to designate what is more commonly understood as "under-developed" low-income countries. Their basic characteristic is their "unbalanced" (or "undiversified") economy which is defined as being an economy with a lack of "certain wage-goods industries" (p. 8). Why the absence of wage-goods industries and not simply of industries is made the criterion of an "Agricultural Country" is not clearly explained. If the author believes that the establishment of wage-goods industries is a necessary first step in the process of industrialisation (as the priority given to this in his policy recommendations on p. 192 seems to imply) he does not prove it as a general rule. Indeed historical experience seems to suggest the contrary—the "take-off" period in industrialisation, both in the West as well as in the USSR, seems to have been associated with a shortage of wage-goods and the proportion of total investment devoted to wage-goods industries seems to have been fractional. Of course whether wage-goods industries or non wage-goods industries should get a priority in the process of industrialisation would also depend on the peculiarities of the particular situation considered (e.g. on the nature of natural resources available, the rate of capital accumulation available, etc.), but experience seems to suggest that a predominately "wage-goods" type of industrialisation would not necessarily lead to a self-sustained growth unless preceded by an adequate investment in non wage-goods industries. In view of the importance given by the author to wage-goods industries in his argument he should have examined the problems involved more closely.

By the term "Full Employment" the author means the achievement of a given level of average output (minimum standard of living) rather than a strictly employment criterion. The possibility of a conflict between productivity-criteria and employment-criteria is envisaged, but he seems to believe that this could easily be resolved, the former usually implying the latter also. Thus he says, "The standard of living idea includes the 'employment for all' result; only it gives priority to the task of capital creation." This synthesis between the two criteria will not however always take place, especially in the context of countries where unemployment and underemployment are widespread and the available capital extremely scarce. In this situation the choice may be between the use of labour-intensive techniques (with an emphasis on greater employment) or labour-saving techniques (with an emphasis on productivity). In such a situation the author does not evolve a criterion on which priorities could be fixed. This is particularly necessary in the type of planned investment envisaged in the book. Thus if some "social marginal productivity" criterion is adopted it should reconcile on some basis the output creating capacity and the labour saving effects of investment projects. If the supply of capital were sufficiently elastic this conflict of targets would not present a serious problem to the planner, but in the type of country considered where there is an acute scarcity of available (real) capital, the definition of priority criteria becomes the first step of successful planning. This is another deficiency in the book. Incidentally the author's presentation of the "production possibility" argument (p. 138 *et seq.*) is quite meaningless, although the technique is rejected subsequently (p. 148) as being "nearly rudderless," (!) and the statistics and diagrams used in this connection are misleading.

In his description of the structural framework of under-developed countries like India and Ceylon the author is on firmer ground. He describes the economic *malaise* of these countries quite succinctly, and argues that the remedy could not be found in agricultural expansion (either of the plantation or non-plantation type) alone. The dangers of dependence on a few export crops are reiterated. The discussion here could however have been brought more uptodate, in the light of the actual results obtained in recent years, particularly in India.

The solution advocated is planned industrialisation under the direction of the State (through Investment Boards, etc.) leaving a margin for private enterprise as well. Development should be balanced (Rosenstein-Roden's "balanced growth theorem" is quoted extensively). The techniques of planning however, are discussed in Chapter XII in a very amateurish way. The author also considers the fiscal and monetary policy appropriate for economic development as well as its impact on the external balance, and the social implications of full-employment (*à la* Beveridge).

This book, although it contains very little that is new, is a useful addition to the growing literature on the subject.

V. A. GUNASEKERA.

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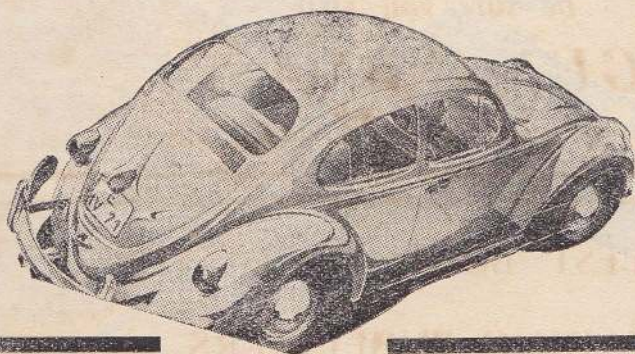


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