

301

CASE FOR CONSTITUTIONAL REFORM IN CEYLON

BY

THE JOINT COMMITTEE OF THE CEYLON NATIONAL
ASSOCIATION AND THE CEYLON REFORM LEAGUE

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1. Ceylon enjoyed for twenty centuries autonomous government and a high degree of civilization and is the spiritual leader of the Buddhist world of Asia. The Sinhalese and Tamils, who form over 90% of the population, have lived here from of old in amity or at feud but now for over four centuries in friendship and harmony, the Tamils re-inforced during the last seven decades by streams of immigrants from South India who are the mainstay of the tea and rubber industry of the Island. Parts of the coast were occupied by the Portuguese in the sixteenth century under trading concessions afterwards repudiated. But the inhabitants maintained a fierce and continuous struggle with the foreigner, drove him out with the help of the Dutch and compelled the latter to enter into treaty with the King of Ceylon, whose capital was at Kandy, and to hold the territory under him. In 1796 this maritime territory passed, with his co-operation, from the Dutch to the British, while the bulk of the Island remained under his rule.

2. In 1809 Sir ALEXANDER JOHNSTONE, Chief Justice and First Member of the King's Council, having been deputed by the Government to make an enquiry into the history and conditions of the people, recommended the creation of a Legislative Assembly on the lines of the British House of Commons, with elected representatives for each province. This recommendation was accepted by the Secretary of State and was about to be given effect to, when a Cabinet change occurred in England and the measure was shelved.

* For the names of the Members of the Joint Committee see Annexure.

3. In 1815 the people, dissatisfied with their King, invited the British to the capital. At the great Convention held at Kandy on the 2nd of March, 1815, between the Governor and Commander-in-chief, Sir ROBERT BROWNRIGG, as representative of King GEORGE III., and the Chiefs and representatives of the people, the King of Ceylon was deposed and the Island was surrendered to the British Government with full reservation of the people's rights and privileges, laws and institutions, which were guaranteed by the Government, the King of Great Britain being substituted in the Constitution for King SRI VIKRAMA RAJA SINHA and his descendants.

1815. Convention at Kandy. Pledges of the British Government

4. The Constitutional rights thus guaranteed were as follows :—

Constitution guaranteed by the British Government

(i) Every village administered its affairs through its Council composed of the head of every family within its limits, however low his rank or small his property. The Ceylon village was a true type of the Village Community that has been discovered by the researches of MAINE, VON MAURER, NASSE and others among the peoples of Europe and Asia. Nowhere in the world was it found flourishing so vigorously and so recently as in Ceylon. It provided fully for internal government, for police, for the administration of justice, for the cultivation of land, for public works, for the apportionment of taxes and public duties, for protection against the aggression of outsiders, etc. The Village Council is still part of our Constitution, but greatly shorn of its powers and a mere puppet in the hands of the officials.

(ii.) Each Village Council sent its delegate to the District Council, which continued to exist within living memory.

(iii.) Above the Village Council and the District Council was the Supreme Council of the Ministers of State, and

(iv.) The King, who was considered the elected Supreme Magistrate, the form of election being gone through even in the most reactionary times and down to the last of Ceylon's Kings.

5. The Royal Commissioners of Enquiry of 1829-1831 after careful investigation framed a Constitution for Ceylon, which came into force in March, 1833. It consisted of an Executive and a Legislative Council, the latter comprising official and unofficial members nominated by the Governor. This was expressly put forward by the Commissioners as a temporary measure. "Such a Council," they said, "is not proposed as an institution calculated in itself to provide effectually for the legislation of the Island at a more advanced stage of its progress..... It would eventually constitute an essential part of any colonial

1829-31. Royal Commission.

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legislature for which the Island may be prepared at a future period." They added: "The peculiar circumstances of Ceylon, both physical and moral, seem to point it out to the British Government as the fittest spot in our Eastern Dominions in which to plant the germ of European civilization, whence we may not unreasonably hope that it will spread to the whole of those vast territories."

6. There has been a continuous demand from the last century for a substantial reform of the Constitution. But little or no ^{Present} _{Constitution} change has been made. In the eighties two unofficial members nominated by the Governor were added. In 1910, for the first time, provision was made for election, one elected member representing the permanent inhabitants (over 4,000,000), two members for 7,500 Europeans, and one member for 12,000 persons of mixed European descent. The Legislative Council thus consists of twelve officials (all Europeans), four elected members and six unofficial members nominated by the Governor. The Executive Council consists of eight officials, all Europeans. Local self-government has received little encouragement and is represented by three Municipalities created in 1865 and a number of Local Boards, Village Councils, etc., which are all entirely under official European control and in which the unofficial members have little power.

7. The administration of the affairs of the Island is thus, even in the smallest matters, in the hands of European officials and ^{European} _{bureaucracy} _{and monopoly} _{of power} their army of subordinate native officials, ill paid or, more often, unpaid, who lord it over the people,—a sad contrast to the powers and privileges which, as shown in para 4 above, they enjoyed under their own Kings.

8. ROBERT KNOX, after living 20 years among the Sinhalese in the latter part of the seventeenth century, speaks highly of ^{Character} _{of the people} their education, refinement, independence, and self-confidence. The ordinary ploughman, he says, had the elegant manners and the elegant speech of the courtier, and he quotes with approval the peasants' saying: "Take a ploughman from the plough, wash off his dirt, and he is fit to rule a kingdom." The splendid stand which the Sinhalese made against European armies for three centuries, maintaining their independence to the end and voluntarily choosing the King of England as their sovereign, is matter of history. Tamil soldiers have recently shown in Mesopotamia, in the words of a British officer, that "they can be put by the side of the best British infantry and stand the test" and "they can hold their heads as high to-day as when under Clive and Wellesley they won India for England and blazoned on the standards of the Madras army an imperishable lustre."

9. The people of Great Britain cannot view with satisfaction the decline of such a people under their administration. Certain ^{Their decline under this rule} classes have, no doubt, prospered greatly—the merchant, the broker, the lawyer, the capitalist, the big land-owner and others. But the masses, the peasant and the labourer, who produce the Island's wealth, have had little share of this prosperity and have been reduced to a struggle for a bare existence. If for them and for all there were a tenfold more plenteous harvest of material wealth and comfort, could it or anything compensate for the dwarfing and stunting of their powers and capacities, for the weakening of their native wit and fibre, for the loss of manliness and self-respect? How far does this fulfil the first maxim of British statesmen, that British administration should operate as an elevating force on the character of the people? Even admitting the claim of efficiency made on behalf of the administration, the people cannot live on efficiency alone, and (in the words of Lord CHELMSFORD and Mr. MONTAGU) "efficiency may be too dearly purchased at the price of moral inanition."

10. In the ancient chronicles of the Island it is said of a South Indian Prince elected to the throne and of his brothers who were ^{"One with the people"} sub-kings under him, that "they made themselves one with the people." This is recognized by every nation as an essential qualification for a ruler, but under existing conditions is scarcely possible of realization in Ceylon. Not only are the Governor and the highest officials, administrative and judicial, ignorant of the language, literature and traditions of the people, but even the permanent Civil Service is, with rare exceptions, out of touch with the people. Nor has the bureaucracy the saving grace of a true sympathy with the high ideals and principles of British administration.

11. In 1915 the bureaucracy thoroughly misunderstood some local disturbances such as occur in every part of the British Empire, ^{1915. Misrule and outrage} saw in them a deep conspiracy against British rule, and resorted to violent measures under Martial Law, resulting in the summary execution of scores of innocent persons and the punishment by Courts Martial of hundreds of others. The Governor responsible for these measures and his successor Sir JOHN ANDERSON both declared that there was not the slightest stain on the loyalty of the people, and the latter added that some of the repressive acts had been Hunnish in their violence and injustice and "deserve the loathing and disgust of every decent Englishman". Yet the offenders were not punished, being protected by an Act of Indemnity secretly obtained from the Imperial Government; and the Royal Commission of Enquiry, demanded by the people as well as by 40 Members of Parliament (including three Bishops) and others of the standing of the Master of Balliol, has not yet been granted. The loyal and long-suffering people of Ceylon have thus been left with serious grievances unredressed, the fair name of Britain

has been dishonoured by the conduct of her servants, and the system of administration which made their misrule possible remains as vigorous as ever.

12. The events of 1915 showed in a striking manner the inefficiency and unwisdom of the Government. This is illustrated also by the gravity of the present food situation, in reference to which the *Times of Ceylon*, the leading organ of the English community, said:—“The Government has failed most lamentably to rise to one of the gravest situations with which the administration of the Colony has been confronted since the beginning of British rule. It has not merely failed to rise to the occasion—any body would forgive a glorious failure—it has made nothing but the most pitifully feeble attempt to do so, and we are now confronted with the sorry spectacle of one of the richest and most fertile countries in the world, completely organized administratively and economically, quailing abjectly before the menace of famine because another country withholds its supplies.” Less glaring instances may be adduced from the every-day administration, which, in the words of a European resident, is characterized by “decades of ineptitude, *laissez-aller*, lack of method and initiative, and superannuated systems which have kept Ceylon back half a century.” The *Times*, glancing back at the administration of the last five years, speaks of it as “a record with the word failure written across it,” and concludes that “no popular form of Government could possibly have failed so completely to rise to the new situations and emergencies” etc.

13. The Royal Commissioners, when in 1831 they declared Ceylon to be “the fittest spot” in the British Dominions of the East for the realization of British ideals, could hardly have anticipated the slow rate at which those responsible for the administration of Ceylon have carried out that policy. To say that Ceylon, the home of an ancient civilization, is, after more than a hundred years of British rule, fit for nothing better than a Crown Colony administration is absurd, and, if true, would be discreditable to the British rule. But it is not true. The following figures show the progress, material and moral, which Ceylon has made since 1834, the first year of the establishment of the Legislative Council, compared with the figures for 1917, the latest year for which the figures are available:

Year	Population	Revenue	Expenditure	Exports	Imports	Tonnage Shipping entered and cleared	Schools	Scholars
1834	1,167,000	£* 377,952	£ 334,835	£ 145,834	£ 372,726	153,510	1,105	13,891
1917	4,475,922	4,465,458	4,289,044	20,462,996	12,343,058	6,153,778	4,213	395,810

* £1 is taken as equivalent to Rs. 10 in 1834 and Rs. 15 in 1917.

14. Nevertheless the political status of Ceylon has not changed. By granting her a liberal constitution Great Britain will be redeeming not only the pledges given to the people of Ceylon when they came under the British Crown, but also the pledges given to the whole world during the war to carry into effect the ideals she has championed of liberty, self-development, and self-determination for all peoples, great and small, whether within the Empire or without. Those ideals the British Government has unfortunately not been able to realize in India, to the great disappointment of a large section of the Indian people, resulting in a wide-spread propaganda of suspicion of the sincerity of the Government and constituting a political danger. The difficult and complicated problems with which the Government is faced in India do not exist in Ceylon, and the fulfilment of those ideals here will prove to India and the world Britain's good faith, besides satisfying the pressing needs and claims of Ceylon.

15. Compare with her the Philippines under the United States rule. A heterogeneous population (Malay, Chinese, Spanish, Negro and hybrid; Mohammedan, Christian, Buddhist and Animist; tree-dweller, head-hunter and cannibal), a population neglected through three centuries of Spanish misrule, was so ruled as to be deemed fit, within a decade, for an Upper House of eight Commissioners (four Americans and four Philipinos) under the presidency of an American Governor-General, a Legislative Assembly of 81 elected members, an elected Governor for each of its 38 Provinces and elected Presidents and Councillors for its 350 towns. This Constitution was changed in 1916, within another decade, to full self-government with promise of independence in the near future.

16. Ceylon does not ask for independence. Her history and civilization, the practice of self-government through the centuries, the progress she has made even under the present cramping conditions, and her loyalty to the British Throne, would entitle her to claim full self-government as an integral part of the British Commonwealth of Nations along with Canada, Australia, South Africa or Newfoundland. As a provisional measure she asks that the Constitution which Lord WILLINGDON, the Governor of Bombay, has recommended for that Presidency be granted to her with necessary modifications. (See Letter of his Government dated 11th November, 1918,* to the Government of India and included in the Indian Reform Papers presented to the House of Commons.) A Constitution which is recommended by responsible authorities for the Presidency of Bombay should be the minimum for Ceylon. The leading features of it suitable for Ceylon are as follows:—

* Pages 178 *et seq.* of the volume on Indian Constitutional Reforms (published in 1919 by the Superintendent, Government Printing, Calcutta) containing the Government of India's Despatch of 5th March, 1919 and connected papers.

(a) The Executive Council to consist of four members in addition to the Governor; and of the four, three to be Indians (two being chosen from the elected members of the Legislative Council) and to be in charge of Departments. (For "Indians" substitute "Ceylonese" in the case of Ceylon.)

(b) A largely increased Legislative Council with a substantial elected majority of four-fifths (instead of two-thirds as in other Presidencies), the remaining one-fifth consisting of official members and of unofficial members nominated by the Governor to represent important minorities and other interests.

(c) No division into reserved and transferred subjects either in the Executive Council or in the Legislative Council.

(d) All legislation and resolutions to be subject to the veto of the Governor in cases in which he considers the peace, order and safety of the State is at stake.

(The Indian Reform Bill now before the House of Commons has, according to Mr. MONTAGU, been so drafted as to enable progressive governments, like that of Lord WILLINGDON, to give effect to their liberal policy.) The following modifications are necessary for Ceylon:—

(e) The members of the Legislative Council should be elected on the basis of a territorial electorate with a wide franchise (say, male adult) and a restricted female franchise.

(f) The number of elected members should be about 40 (*i.e.* in the ratio of about one to every 100,000 inhabitants) and of the nominated official and unofficial members about ten.

(g) The Council should elect its own Speaker, the present arrangement under which the Governor is *ex officio* President having proved, as anticipated by the Royal Commissioners, detrimental to the independence and efficiency of the Council and to the dignity of the office of the King's Representative.

(h) The Council should have full control, as at present, over the Budget and over the administration.

(i) The veto of the Governor in (d) should not be operative for more than twelve months and should not be repeated if on the expiration of that period the measure or resolution vetoed is passed in substance by the Council.

(j) The Governor should be one who has had parliamentary experience and training in English public life and be thus qualified to discharge the duties of a constitutional, not as hitherto autocratic, ruler and to help in the smooth working of the political machinery under the altered conditions.

17. The higher appointments in the Ceylon Civil Service and other branches of the public service are now almost exclusively filled by Europeans, though there is an abundance of Ceylonese talent and efficiency. Not only are the people thus denied the satisfaction of legitimate ambitions and a just distribution of places of honour and emolument, but the experience and knowledge gained in the higher branches of the public service is carried away by every retiring European official and is absolutely lost to Ceylon to its great detriment. It is therefore urged that a percentage of 50% rising to 75% of these appointments be reserved for Ceylonese.

18. It is not, however, desired merely to substitute a Ceylonese for a European bureaucracy. Though the substitution would secure in the administration knowledge, sympathy and efficiency, it would not, so long as the ultimate control of the officials is not in the hands of the people, advance that spirit of liberty and self-development, that truly responsible government, which is the desire of Ceylon and the glory of England and of her self-governing Dominions. Therefore Ceylon demands the reform of the Executive and of the Legislative Councils on the lines indicated.

19. She demands also that in merely local administration—which is of great importance to the average citizen and especially to the poor man, with whose life it is inter-twined at every turn—there should be complete popular control, that Municipal Councils and other local bodies, urban and rural, down to the village councils, should be multiplied throughout the Island, with elected chairmen and elected majorities and full control of local affairs.

20. Each person thus taking his share in the burden of responsibility for the country's welfare, men's lives will be enriched, their personality developed, they will recover the self-confidence and self-respect they have lost under the baneful influence of a Crown Colony Administration. Ceylon will become again self-governing, strong and respected at home and abroad, will be knit to Great Britain in still closer bonds of affection and will be a source of strength to the Empire, whose unity and solidarity will become a real, living fact when it is based on complete local autonomy and respect for the rights and privileges of all its subjects.

COLOMBO, CEYLON

1ST SEPTEMBER, 1919

ANNEXURE

JOINT COMMITTEE OF THE CEYLON NATIONAL ASSOCIATION
AND OF THE CEYLON REFORM LEAGUE

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|--|--|
| 1. A. C. ABEYWARDENE | 18. C. GNANASAKARAM, J.P. |
| 2. M. T. DE S. AMERASEKERA, LL.B. (Lond.) | 19. DR. C. A. HEWAVITARANE, M.R.C.S.
(England), L.R.C.P. (London) |
| 3. M. A. ARULANANDAN, B.A. | 20. M. CASSIM ISMAIL, M.M.C. |
| 4. SIR P. ARUNACHALAM, KT., M.A. (Camb.) | 21. A. ST. V. JAYEWARDENE |
| 5. C. L. H. DIAS BANDARANAIKE | 22. E. W. JAYEWARDENE |
| 6. M. B. ABDUL CADER, B.A., LL.B. (Camb.) | 23. AMADORIS MENDIS |
| 7. G. E. CHITTY | 24. CHARLES PEIRIS |
| 8. G. L. COORAY | 25. JAMES PEIRIS, LL.M., B.A. (Camb.), J.P. |
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M.M.C. |
| 10. E. T. DE SILVA | 27. E. J. SAMERAWICKRAME |
| 11. J. W. DE SILVA | 28. H. A. P. SANDRASAGRA |
| 12. W. A. DE SILVA, J.P. | 29. D. C. SENANAYAKE |
| 13. ARMAND DE SOUZA | 30. F. R. SENANAYAKE, B.A., LL.B. (Camb.),
M.M.C. |
| 14. L. W. A. DE SOYSA | 31. G. A. WILLE |
| 15. FRANCIS DE ZOYSA | 32. S. R. WIJEMANE |
| 16. C. E. A. DIAS | 33. D. R. WIJewardane, B.A. (Camb.) |
| 17. C. H. Z. FERNANDO, B.A., LL.B. (Camb.) | |

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1917	4,475,922	4,465,458	4,289,044	20,462,996	12,343,058	6,153,778	4,213	395,810

* £1 is taken as equivalent to Rs. 10 in 1834 and Rs. 15 in 1917.

14. Nevertheless the political status of Ceylon has not changed. By ^{Britain's ideals} granting her a liberal constitution Great Britain will be ^{and pledges} redeeming not only the pledges given to the people of Ceylon when they came under the British Crown, but also the pledges given to the whole world during the war to carry into effect the ideals she has championed of liberty, self-development, and self-determination for all peoples, great and small, whether within the Empire or without. Those ideals the British Government has unfortunately not been able to realize in India, to the great disappointment of a large section of the Indian people, resulting in a wide-spread propaganda of suspicion of the sincerity of the Government and constituting a political danger. The difficult and complicated problems with which the Government is faced in India do not exist in Ceylon, and the fulfilment of those ideals here will prove to India and the world Britain's good faith, besides satisfying the pressing needs and claims of Ceylon.

15. Compare with her the Philippines under the United States rule. A ^{Ceylon and the Philippines :} heterogeneous population (Malay, Chinese, Spanish, Negro ^{political status compared} and hybrid; Mohammedan, Christian, Buddhist and Animist; tree-dweller, head-hunter and cannibal), a population neglected through three centuries of Spanish misrule, was so ruled as to be deemed fit, within a decade, for an Upper House of eight Commissioners (four Americans and four Philipinos) under the presidency of an American Governor-General, a Legislative Assembly of 81 elected members, an elected Governor for each of its 38 Provinces and elected Presidents and Councillors for its 350 towns. This Constitution was changed in 1916, within another decade, to full self-government with promise of independence in the near future.

16. Ceylon does not ask for independence. Her history and civilization, the practice of self-government through the centuries, ^{Reforms now asked for} the progress she has made even under the present cramping conditions, and her loyalty to the British Throne, would entitle her to claim full self-government as an integral part of the British Commonwealth of Nations along with Canada, Australia, South Africa or Newfoundland. As a provisional measure she asks that the Constitution which Lord WILLINGDON, the Governor of Bombay, has recommended for that Presidency be granted to her with necessary modifications. (See Letter of his Government dated 11th November, 1918,* to the Government of India and included in the Indian Reform Papers presented to the House of Commons.) A Constitution which is recommended by responsible authorities for the Presidency of Bombay should be the minimum for Ceylon. The leading features of it suitable for Ceylon are as follows:—

* Pages 178 *et seq.* of the volume on Indian Constitutional Reforms (published in 1919 by the Superintendent, Government Printing, Calcutta) containing the Government of India's Despatch of 5th March, 1919 and connected papers.

(a) The Executive Council to consist of four members in addition to the Governor; and of the four, three to be Indians (two being chosen from the elected members of the Legislative Council) and to be in charge of Departments. (For "Indians" substitute "Ceylonese" in the case of Ceylon.)

(b) A largely increased Legislative Council with a substantial elected majority of four-fifths (instead of two-thirds as in other Presidencies), the remaining one-fifth consisting of official members and of unofficial members nominated by the Governor to represent important minorities and other interests.

(c) No division into reserved and transferred subjects either in the Executive Council or in the Legislative Council.

(d) All legislation and resolutions to be subject to the veto of the Governor in cases in which he considers the peace, order and safety of the State is at stake.

(The Indian Reform Bill now before the House of Commons has, according to Mr. MONTAGU, been so drafted as to enable progressive governments, like that of Lord WILLINGDON, to give effect to their liberal policy.) The following modifications are necessary for Ceylon:—

(e) The members of the Legislative Council should be elected on the basis of a territorial electorate with a wide franchise (say, male adult) and a restricted female franchise.

(f) The number of elected members should be about 40 (*i.e.* in the ratio of about one to every 100,000 inhabitants) and of the nominated official and unofficial members about ten.

(g) The Council should elect its own Speaker, the present arrangement under which the Governor is *ex officio* President having proved, as anticipated by the Royal Commissioners, detrimental to the independence and efficiency of the Council and to the dignity of the office of the King's Representative.

(h) The Council should have full control, as at present, over the Budget and over the administration.

(i) The veto of the Governor in (d) should not be operative for more than twelve months and should not be repeated if on the expiration of that period the measure or resolution vetoed is passed in substance by the Council.

(j) The Governor should be one who has had parliamentary experience and training in English public life and be thus qualified to discharge the duties of a constitutional, not as hitherto autocratic, ruler and to help in the smooth working of the political machinery under the altered conditions.

17. The higher appointments in the Ceylon Civil Service and other branches of the public service are now almost exclusively filled by Europeans, though there is an abundance of Ceylonese talent and efficiency. Not only are the people thus denied the satisfaction of legitimate ambitions and a just distribution of places of honour and emolument, but the experience and knowledge gained in the higher branches of the public service is carried away by every retiring European official and is absolutely lost to Ceylon to its great detriment. It is therefore urged that a percentage of 50% rising to 75% of these appointments be reserved for Ceylonese.

18. It is not, however, desired merely to substitute a Ceylonese for a European bureaucracy. Though the substitution would secure in the administration knowledge, sympathy and efficiency, it would not, so long as the ultimate control of the officials is not in the hands of the people, advance that spirit of liberty and self-development, that truly responsible government, which is the desire of Ceylon and the glory of England and of her self-governing Dominions. Therefore Ceylon demands the reform of the Executive and of the Legislative Councils on the lines indicated.

19. She demands also that in merely local administration—which is of great importance to the average citizen and especially to the poor man, with whose life it is inter-twined at every turn—there should be complete popular control, that Municipal Councils and other local bodies, urban and rural, down to the village councils, should be multiplied throughout the Island, with elected chairmen and elected majorities and full control of local affairs.

20. Each person thus taking his share in the burden of responsibility for the country's welfare, men's lives will be enriched, their personality developed, they will recover the self-confidence and self-respect they have lost under the baneful influence of a Crown Colony Administration. Ceylon will become again self-governing, strong and respected at home and abroad, will be knit to Great Britain in still closer bonds of affection and will be a source of strength to the Empire, whose unity and solidarity will become a real, living fact when it is based on complete local autonomy and respect for the rights and privileges of all its subjects.

COLOMBO, CEYLON

1ST SEPTEMBER, 1919

ANNEXURE

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AND OF THE CEYLON REFORM LEAGUE

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