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Operation of Conventions in the Constitutional History of Ceylon — 1948 to 1965

by L. J. M. COORAY

The British Constitution is said to be unique because the principles of the Constitution (in particular the rules relating to Parliament and Cabinet Government) are not to be found in a written document but are the product of convention, while all other states have a written document in which at least some of the more important constitutional laws have been collected, and in which conventions though operative are not as significant as in Britain.¹ The Constitution Order in Council of 1946 as amended by the Constitution Orders in Council of 1947² is commonly referred to as the Constitution of Ceylon.³ The Westminster model has inspired the draftsman of these documents and British conventions (as well as a few statutory provisions) have been copied and incorporated therein. Therefore an understanding of the nature and content of British conventions is essential to a discussion of the operation of conventions in the law of Ceylon.

I. CONVENTIONS OF THE BRITISH CONSTITUTION

Constitutional conventions have been referred to as “Rules of Political Practice which are regarded as binding by those to whom they apply but which are not law as the courts would not enforce them if the matter came before them”.⁴

(a) Classification of the conventions of the British Constitution

It could be said that there are four types of conventions.⁵

- (i) Conventions involving the exercise of the Queen's Prerogative powers.
- (ii) Conventions relating to the working of the Cabinet system.
- (iii) Conventions regulating the relationship between the two Houses of Parliament.
- (iv) Conventions regulating internal matters in each house.

(i) *Conventions involving the exercise of the Queen's Prerogative powers:* The legal powers of the sovereign of the United Kingdom have not changed very much since the time of Elizabeth I. The Queen can begin a war, she can dissolve

1 But see J. D. B. Mitchell, *Constitutional Law*, 1st Ed. (1964) p. 7-8, see especially p. 8 at footnote 19.

2 See Vol. 11 Cap. 379 *Legislative Enactments* (1956)

3 See *The Bribery Commissioner v. Ranasinghe* (1964) 66 N. L. R. 73 at p. 74

4 O. Hood Phillips, *Constitutional and Administrative Law*, 3rd Ed. (1962) at p. 77

5 The following outline of British conventions is based largely on O. Hood Phillips *op. cit.* at pp. 77-89; See also Wade and Phillips, *Constitutional Law*, 7th Ed. (1965) pp. 77-94

Parliament at anytime, she could refuse to assent to bills passed by the two Houses and she can dismiss the Prime Minister and her Ministers. But the exercise of these powers is restricted by conventions. Through a process of gradual development, the near absolute monarchy of the sixteenth century has become a constitutional monarchy, and this change has been effected almost entirely by conventions.

The following are some examples of conventions falling within this category:- (a) The Queen must ask the leader of the party or group of parties who is most likely to command a majority in the House of Commons to form a Government. This person is designated the Prime Minister. But, in law, until very recently, the office of Prime Minister was unknown. The office of Prime Minister is referred to only *incidentally* in a relatively recent statute, the Ministers of the Crown Act of 1937, which refers to "Prime Minister" merely for the purpose of specifying the salary payable to him. But the powers and duties attached to this office are entirely the product of conventions. (b) The Queen must appoint Ministers on the advice of the Prime Minister and the Ministers must be members of one of the Houses of Parliament. The executive function by law is vested in the Queen, but by convention, she acts only on the advice of the Prime Minister or her Ministers. The government is in fact carried out by Ministers and public servants in the Queen's name. Generally the government keeps the Queen informed on important issues. (c) No bill passed by Parliament has the force of law until the Queen assents to it. But by convention she must assent to every bill that is duly enacted. (d) The most controversial power which the Queen has, is in relation to the dissolution of Parliament. The Prime Minister may advise the Queen to dissolve Parliament, but the Queen has an ultimate discretionary power to refuse to accede to the request.

(ii) *Conventions relating to working of the Cabinet System:* The Cabinet is entirely the product of conventions and as a concept it is virtually unknown to law. There is a single incidental reference to "Ministers" in the Ministers of the Crown Act of 1937. But here again the functions and duties of Cabinet Ministers are nowhere stated in law. The rule that the Ministers are collectively responsible for the affairs of the country is entirely conventional. The following are some other rules which rest on conventions:- Ministers are individually responsible to Parliament for the administration of their departments and a minister must therefore be prepared to answer questions from the House concerning matters for which he is administratively responsible; if a vote of censure is passed against a minister, he should resign his office; a Government defeated on a matter of major policy and which has lost the confidence of the House should resign; the Government should not advise the Queen to enter into a war or a treaty without the approval of Parliament. The relationship between the Government and the Opposition also rests on convention.

(iii) *Conventions regulating the relationship between the two Houses of Parliament:* The convention that in cases of conflict the Lords should ultimately

yield to the Commons caused much controversy, but the Parliament Acts of 1911 and 1949 by curbing the powers over legislation of the Lords, rendered this convention unnecessary. By convention, proposals involving expenditure of public money may only be introduced by a Minister in the House of Commons, and money bills may only be introduced in the Commons.

(iv) *Conventions regulating internal matters in each House:* Examples falling within this category are: that the business of the House of Commons is arranged informally behind the Speaker's chair; that it is the duty of the Speaker to protect minority interests in debate; that the political parties are represented in Parliamentary Committees in proportion to their representation in the House; that when the House of Lords considers judicial matters, only peers, who have held or hold high judicial office participate.

(b) The Relationship between Convention and Law

Certain statutes assume the existence of conventions, e.g. The ministers of the Crown Act of 1937.⁶ But this Act is meaningless, except in the light of convention. The Statute of Westminster of 1931 is cited as an example of a statute which restated existing convention. Generally, convention presupposes the existence of law. The law of the British Constitution could conceivably stand alone, though what it would amount to would be the type of absolute monarchy which existed in the fifteenth century. But generally, conventions would be meaningless, except in the context of law. Every British constitutional convention is related to law or laws, which it supplements.

(c) The Distinction between law and convention.

Dicey found the distinction between law and convention in that law unlike convention can be enforced in the courts.⁷ Jennings makes the point that the emphasis upon the courts is misplaced because much modern law is created by statute and enforced by administrative authority.⁸ Dicey's approach is reflected in Hood Phillips' definition which has been quoted above.⁹ But yet not all law in the realm of constitutional law is capable of being enforced in the courts. Section 3 of the Parliament Act of 1911 makes the Speaker's certificate as to what is a money bill conclusive and unchallengeable in the courts for the purpose of the Act. Ultimately perhaps the question revolves around what is meant by "law" and whether enforcement is a necessary ingredient in a definition of law.

It must be noted that though the courts do not enforce constitutional conventions, it does not necessarily mean that they do not recognise their existence. Thus the conventional responsibility of the Home Secretary to Parliament

6 See example cited above at p. 1; also O. Hood Phillips, *op. cit.* at p. 85

7 A. V. Dicey, *Law of the Constitution*, 9th Ed. p. 23

8 W. I. Jennings, *The Law and the Constitution*, 5th Ed. (1952) Chap. III, Section 2

9 At p. 1

was one of the reasons for the decision of the House of Lords in *Liversidge v. Anderson*.¹⁰ The Home Secretary acting under a war-time regulation to intern any person whom he had reasonable cause to believe was a threat to the safety of the state, had detained Liversidge. The court held that he had an absolute discretionary power and therefore the unreasonableness of his decision could not be canvassed in a court of law. In *British Coal Corporation v. The King*,¹¹ the Judicial Committee of the Privy Council mentioned the conventions regulating what was then called Dominion Status, and also the convention that the Crown invariably accepts the advice of the Judicial Committee. Mitchell¹² says:

.... it is clear that between the two sets of rules there can be found no fundamental distinction in origin, scope, or nature, which is universally valid. if the place of the ordinary courts in the definition of law are not given the emphasis which Dicey gave it then there remains no real difficulty in regarding 'law' and 'convention' as names for groups of rules which are essentially similar.

He goes on to say that this does not mean that there is no point in preserving the names. "There are good reasons for so doing".¹³

(d) The purpose served by conventions

The function of conventions is to ensure the smooth working of the constitution in changing conditions. Conventions enable constitutional change to take place without resort to the formal method by which the constitution may be altered. Thus in Britain under the legal system of 1688 a strong monarchy became a parliamentary system, with a hereditary head of state not possessed of actual power.

(e) How conventions become established

Conventions have been compared to custom. The most important difference is that before a custom is recognised it must be proved that it has existed for a very long time. Conventions too, are based on usage, but not necessarily of long standing. Jennings¹⁴ suggests two requirements for the creation of a convention: (i) general acceptance as obligatory; (ii) a reason or purpose referable to the existing requirements of constitutional Government. Thus one precedent might create a convention, a whole series of precedents might not. Thus it is sometimes difficult to determine at a particular time whether a convention exists or not. The fact that a convention is not precisely formulated means that it can be adapted to suit changing circumstances. But this absence of precise formulation has its disadvantages. Where the existence of a convention or the precise limit of a convention is not certain, controversy naturally

10 (1942) A. C. 206

11 (1935) A. C. 500

12. J. D. B. Mitchell, *op. cit.* at p. 28.

13. *Ibid.* at p. 20.

14. W. I. Jennings, *Cabinet Government*, 3rd Ed. (1959) at p. 5 - 13.

follows. Thus the manner in which the Governor-General of Ceylon in 1960 exercised his power of granting a dissolution at the request of a Prime Minister defeated in Parliament give rise to much heated controversy.¹⁵

II. CONVENTIONS IN THE CONSTITUTIONAL LAW OF CEYLON

(a) The reception in Ceylon of the conventions of the British Constitution

The conventions of the British constitution have entered the Ceylon system by (i) specific incorporation in the Ceylon Constitutional documents, (ii) incorporation by reference in the above documents, (iii) implication from the terminology used in the Constitution Orders in Council of 1946 and 1947.

(i) *Specific incorporation*: British conventions have been incorporated in sections 15, 31 (1) and 69 of the Ceylon Constitution Order in Council and Section 1 (2) of the Ceylon Independence Act, 1947.¹⁶ Section 15 deals with the summoning, prorogation and dissolution of Parliament. Section 1 (1) of the Independence Act incorporates the convention that the Parliament of the United Kingdom will not legislate for the Dominion of Ceylon except with the consent of Ceylon.

(ii) *Incorporation by reference*: Section 4 (2) of the Constitution Orders in Council enacts:

All powers, authorities and functions vested in Her Majesty or the Governor-General shall, subject to the provisions of this Order and of any other law for the time being in force, be exercised as far as may be in accordance with the constitutional conventions applicable to the exercise of similar powers, authorities and functions in the United Kingdom by Her Majesty:

Provided that no act or omission on the part of the Governor-General shall be called in question in any court of law or otherwise on the ground that the foregoing provisions of this subsection have not been complied with.

The phrase "incorporation by reference" may be used to describe this method of attracting British conventions, because unlike in the case of specific incorporation, the substance of the rule is not spelled out, but must be ascertained by reference to British practices and precedents.¹⁷

Section 4 (2) has the effect that the powers vested in the Queen or the Governor-General under the Constitution or by statute law must be exercised on advice, because the sovereign of the United Kingdom is a constitutional monarch

15. Discussed below at pp. 19-30

16. 11. Geo. 6, Chap. 7

17. See S. A. de Smith, *The New Commonwealth and its Constitutions*, 1st Ed. 1964 at p. 80.

who by convention no longer acts on her own initiative.¹⁸ Section 45 enacts that the executive power is vested in the Queen and the Governor-General, but this is exercised in fact by the Ministers of the Crown. Section (36) 1 enacts that "No Bill shall become an Act of Parliament until Her Majesty has assented thereto," but such assent is granted in respect of Bills duly enacted by the two Chambers of Parliament. The Governor-General is empowered by a constitutional provision to appoint six persons to be members of the House of Representatives (Section 11), and a Cabinet of Ministers (Section 46); but he acts on the advice of the Prime Minister. A statute¹⁹ may unambiguously vest powers in the Governor-General, but it is understood that such powers will be exercised on the advice of the Prime Minister or Ministers.

(iii) *Extension of British conventions by implication.* Section 46 enacts that the Cabinet shall be "collectively responsible to Parliament". It is significant that British conventions governing collective responsibility are not specifically stated to be applicable. But they have been assumed to be applicable and Section 46 would be meaningless if not so interpreted. There is no provision which even by implication extends British conventions regarding the conduct of the Prime Minister (e.g. that where a Government is defeated in the House the Prime Minister should advise a dissolution or resign, or that when the governing party loses its majority at the polls the Prime Minister should resign). But in this area too, British conventions are essential for the covering of the skeletal framework erected by the constitutional documents, and it is not doubted that they are an integral part of our constitutional jurisprudence.

The latter two categories differ from the first in that in (i) the substance of the rule is incorporated, while in (ii) and (iii) it must be ascertained by reference to British practice. But (ii) and (iii) are distinguishable because in (ii) a constitutional provision specifically makes British conventions applicable, while in (iii) it is implied. This distinction is not without significance to the lawyer and an important consequence of this distinction is discussed below.²⁰

(b) The distinction between law and convention

The distinction between law and convention which is difficult to draw in England,²¹ is even more complicated in Ceylon. A conclusion that merely because certain rules are stated in the constitution, they are laws, is an over

18. But there are exceptional situations in which the British sovereign exercises residuary discretionary powers, e.g. in appointing a Prime Minister where there is a vacancy or in calling upon a Prime Minister to form a government after a General Election, or in accepting or rejecting a Prime Ministers advice to dissolve Parliament. See O. Hood Phillips, *op. cit.* pp. 108-12, 289-93.

19. See for e. g. s. 25, Public Security Ordinance (Cap.) 40, 1956, Leg. En.); s. 3-11, 1620-21, 34, Navy Act, (Cap. 358, 1956 Leg. En.); s. 2-5, 8, Commission of Inquiry Act, (Cap. 393, 1956 Leg. En.).

20. See discussion below of (d) *The effect of Ceylon conventions.*

21. See discussion above.

simplification.²² Section (4) 2 specifically states that the acts of the Governor General are not justiciable. It is not conceivable that a breach of Section 46 (which refers to collective responsibility) will give rise to a remedy recognised by the courts. It is an intriguing question whether a breach of 15 (2) (Parliament shall meet at least once a year) may be enforced in the Courts.

In relation to the four-fold classification of British Conventions outlined above²³ it is seen that conventions involving the exercise of the Queen's prerogative powers are incorporated by reference under section 4 (2); the convention relating to the Cabinet system are not specifically incorporated, but unless they are referred to, the constitution would be meaningless; some of the conventions falling within the third and fourth heads in the classification are dealt with by specific provisions in the Constitution,²⁴ and others are stated in the Standing Orders of Parliament,²⁵ and some are inapplicable in Ceylon.²⁶

(c) Section 4 (2) of the Constitution

Section 4 (2)²⁷ places an obligation on the Governor-General to follow British conventions, but specifically enacts that no act or omission shall be questioned in any court of law. The Governor-General is thus legally bound to follow British conventions, but he is the ultimate authority in a particular situation of what the convention is, and the manner of its application.²⁸

The extent of the discretion conferred by the words "as far as may be" is far from clear. These words may be interpreted in two ways. (i) The words merely have the effect that British conventions apply with changes in terminology required by the difference in name of corresponding institutions in Ceylon and Britain (e. g. in the application in Ceylon of the British convention that a Prime Minister must be a member of the House of Commons and not of the House of Lords, "House of Representatives" and "Senate" are substituted for "House of Commons" and House of Lords"). (ii) These words may be given a wider interpretation so that, in addition to (i), British conventions could be adapted to suit exceptional and unforeseen circumstances that emerge in the course of the working of the constitution or peculiar circumstances that may arise as a consequence of the inter action of foreign institutions on Ceylonese life and conditions.

22. See J. D. B. Mitchell, *op. cit.* at p. 27 fn. 78; Wade and Phillips, *op. cit.* p. 92, fn. 2; W. I. Jennings, *Constitution of Ceylon* (1953) p. 79; W. I. Jennings and H. W. Tambiah, *The Dominion of Ceylon, The Development of its Laws and Constitutions* (1952), p. 19.

23. See at pp. 1-3

24. e.g.s. 7, 15, 18, 19, 27, 33-34, 58, 69. Constitution Order in Council, 1946 (Cap. 379, 1956, Leg. En.)

25. e.g.s. 89, 96, 97, 130. Standing Orders of the House of Representatives of Ceylon.

26. When the House of Lords considers judicial matters only the Law Lords participate.

27. Quoted above.

28. The inconvenient and near disastrous consequences which can flow from making the decisions of the Governor-General justiciable in the Courts are discussed by S. A. de Smith *op. cit.* pp. 88-90 in the light of the Nigerian experience.

The *dicta* of Alles J. in *Peiris v. Perera*²⁹ are relevant in this context.

In the task of constitutional interpretation, special considerations have to be applied. The Constitution is not an ordinary enactment of the legislature; in the words of Chief Justice Marshall in *M'Culloch v. The State of Maryland* (U. S. Reports 4 Low Ed. 597 at 602) we must never forget that it is a constitution we are expounding. The Constitution of Ceylon is contained in a written document given to the people of this country by Her Majesty the Queen and contains provisions which no doubt have been framed in the light of existing legislation and the constitutional development of the country as it existed in 1947. The constitution was intended not only as a document that was to be efficacious in 1947 but was intended to serve future generations of the subjects of the country under changing conditions. Law is never static and must develop with changing times and it should be the endeavour of all persons interested in the progress of the country to ensure that changing legislation is always in conformity with the provisions of the Constitution.

Having regard to these general principles it will now be useful to consider the special considerations that have to be adopted in dealing with the task of constitutional interpretation.

Firstly, in dealing with an enactment the constitutional validity of which is in issue, there is a presumption in favour of validity and the Court will not rule an enactment to be ultra vires unless the invalidity is clear beyond doubt.

Secondly, the Court must have regard to its special character as organic law and note that constitutional provisions are usually contained in terms of a general nature. Most constitutions deal with the framework of government. They do not contain provisions which are found in statutes passed in the normal exercise of legislative powers. Therefore when the question arises whether a term in the Constitution should be used in a narrow sense or given a broader interpretation, the Court should be inclined to use it in the latter sense unless there is something in the context or the rest of the Constitution which militates against such view.

In *Barter v. Commissions of Taxation (N. S. W.)* (1907) Vol. 4, Pt. 2 C. L. R. 1087 at 1105 Griffith, C. J. quoted with approval of the observations of Story J. in *Martin v. Hunter's lessee*.

"The Constitution unavoidably deals in general language. It did not suit the purpose of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers, or to declare the means by which those powers should be carried into execution. It was foreseen that this would be a perilous and difficult, if not an impracticable task.

This instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable

29. (1968) 71 N. L. R. 481 at 488 to 492.

to effectuate the general objects of the charter; and restrictions and specification, which, at the present, might seem salutary, might in the end, prove the overthrow of the system itself. Hence its powers are expressed in general terms, leaving to the legislature from time to time, to adopt its own means to effectuate legitimate objects, and to mould and model the exercise of its powers, as its own wisdom, and the public interests, should require.

Thirdly, being organic law, cast in broad and general terms, it has always to be borne in mind that the framers of the Constitution intended to apply it to varying conditions brought about by later developments. This does not mean that the meaning of the legal expression changes, but having regard to its generic form it is capable of being adapted to new situations. The rule of generic interpretation is one that is commonly used not only to ordinary enactments, but also to constitutional documents.

Finally, the Courts should give due effect to the declared intention of the legislature in seeking to interpret a document such as the Constitution. In the words of the present Chief Justice in *Ranasinghe v. The Bribery Commissioners* (1962) 64 N. L. R. 449 at 450, in examining an enactment with reference to any alleged Constitutional invalidity, a Court must strive to reach a conclusion which will render the will of the Legislature effective, or as effective as possible".

If the approach of Alles J. is adopted in this context the words "as far as may be" must be given a wide interpretation so as to permit adaptation of British conventions. It must be emphasised that such adaptation must take place not arbitrarily, but would be legitimate only in exceptional circumstances or due to the pressure of local conditions. The analysis to follow of the working of conventions in the constitutional history of Ceylon illustrates that such a wide interpretation is both desirable and necessary.³⁰

(d) The effect of Ceylon conventions

As a constitution grows it develops its own conventions.³¹ Thus it is permissible for a series of local precedents to modify British conventions regarding Cabinet government and the conduct of the Prime Minister, so that in course of time we would look not only to British conventions, but also to local conventions. But it must be emphasised that this is legitimate *because* British conventions governing these subjects have not been specifically incorporated, but arise by implication.³² It is specifically enacted in section 4 (2),³³ that the Governor-General must follow British conventions "as far as may be". Therefore local precedents, except where British conventions have legitimately been adapted within the meaning of the words "as far as may be" would not be very relevant in future circumstances. Thus if the Governor-General *wrongly*

30 See particularly the analysis of problems which arose when Mrs. Bandaranaike was appointed Prime Minister, below at p. 12

31 See *dicta* of Alles J. in *Peiris v. Perera*, *op. cit.* quoted above

32 See analysis above

33 Quoted above

applies a British convention, as it is submitted he may have done in 1960,³⁴ which cannot be regarded as an adaptation within the meaning of the words "as far as may be", this cannot be counted as a precedent in future situations.

The fathers of the Constitution of the United States envisaged that the members of the Electoral College elected by popular vote in the States would use their own discretion in recording their vote for President. But by convention which has altered the letter of the law, the electors record their vote on the basis of the majority vote in the State.³⁵

Rules stated in the Ceylon Constitution itself³⁶ have, subject to one exception,³⁷ not been modified by conventions. The *dicta* quoted above of Alles J. in *Peiris v. Perera* does not discount such a possibility. But in a highly legalistic age such modification is rather unlikely.

III. THE APPLICATION OF CONVENTIONS IN THE CONSTITUTIONAL HISTORY OF CEYLON

(a) Vacancy in the office of Prime Minister

When Mr. D. S. Senanayake died in 1952, Mr. Dudley Senanayake resigned in 1953 and Mr. S. W. R. D. Bandaranaike was assassinated in 1959, a vacancy arose in the office of Prime Minister during the continuance of a Parliament,³⁸ and the burden of appointing a successor devolved on the Governor-General. (It must be noted that the considerations which guide the Governor-General in this situation are very different from those which arise when the Governor-General has to appoint a Prime Minister after a General Election or following a defeat of the government party in Parliament).

Jennings points out³⁹ that there is no convention that the Leader of the House should be appointed. When Mr. Dudley Senanayake was appointed in 1952 there was some criticism because there was doubt whether he could be regarded as the recognised leader of the majority group, since Sir John Kotalawela was the Leader of the House and a more senior politician.⁴⁰ But Mr. Senanayake was acceptable to the majority of the government parliamentary group. The appointment of Sir John Kotalawela in 1953 and Mr. W. Dahanayake in 1959

34 See below at pp. 19 - 31.

35 A. W. R. West, *American Government*, (1951), p. 134.

36 As distinct from rules incorporated by reference or implication, see discussion above of *The reception in Ceylon of the conventions of the British Constitution*.

37 Discussed below at pp. 18 - 19.

38 Note meaning of *Parliament* in this context - a Parliament comes into existence after a General Election and endures until it is dissolved either by the Governor-General on the advice of the Prime Minister or after five years by effluxion of time.

39 W. I. Jennings, *Constitution of Ceylon*, (1953) pp. 110 - 12.

40 See A. J. Wilson in (1968), *Modern Asian Studies*, 193 at 213.

were not controversial.⁴¹ Jennings says⁴² that the Governor-General may consult the outgoing Prime Minister and elder statesmen, but the ultimate decision is his, and it may be very controversial. The appointment by the Queen of Sir Alec Douglas-Home in 1963 was strongly disputed within the Conservative party on the grounds that he was not the leader acceptable to the majority of the party. Such internal strife and dissension has a demoralising effect on the party, and a party divided within itself can scarcely hope to govern effectively, and retain the confidence of the electorate.

Some political parties in other countries, immediately elect a party leader when a vacancy occurs, following a specified and preordained procedure. This procedure indicates the persons entitled to vote. The members of the government party in the lower and upper houses, the members of the party Executive Committee, representatives of party branch unions and of youth groups, generally would claim the right to participate in an election. But if all these elements are represented, the procedure becomes cumbersome and prolonged, and the result is that an election cannot be completed within a reasonably short time—the period within which a Prime Minister must be appointed. It appears that the most popular method adopted, which is also the most expeditious, is for the elected members of the government party in Parliament to be vested with the power of selecting the party leader. This is the practice adopted by the three major parties in Britain today. In such a situation the task of the Head of the State is eased, because he does not bear the responsibility for the decision. The possibility of controversy (and with it party strife and dissension) is diminished, since the position of a democratically elected party leader is less likely to be questioned than of one nominated on the basis of the opinion (which cannot be substantiated) of the Head of State that he is the most influential and acceptable parliamentarian in the party.

In Ceylon it is unfortunate that except during the Annual Sessions of the party, neither the United National Party nor the Sri Lanka Freedom Party have the machinery to elect a party leader. It is open to the party high command to take steps to remedy this situation. It is important that if an election of a party leader is to be held the rules governing the election should have been laid down in advance. If not, when a vacancy occurs, any attempt to lay down procedure will inevitably lead to allegations that the procedure laid down had the effect of favouring a particular candidate, and each candidate will suggest a procedure that favours his chances of victory.

(b) The choice of a Prime Minister in July 1960

The Sri Lanka Freedom Party, whose acknowledged popular leader was Mrs. Sirima Bandaranaike, won nearly half the seats at the General Election held on July 20th 1960 and the Governor-General invited Mrs. Bandaranaike to form

41 Controversy soon overtook Mr. Dahanayake, but his appointment was not questioned at the time it was made when he had the support of the entire Cabinet. See further A. J. Wilson in (1968) *Modern Asian Studies*, 193 at 213.

42 W. I. Jennings, *Cabinet Government*, 3rd. Ed. (1959), p. 27.

a government. Mrs. Bandaranaike was not a member of either of the Chambers of Parliament and she was therefore nominated by the Governor-General (presumably on her own advice) as a Senator. This incident raised three constitutional issues:

- (i) Did the Governor-General act properly in appointing as Prime Minister a person who was not a member of either of the Chambers of Parliament?
- (ii) Was it proper for Mrs. Bandaranaike to obtain nomination to the Upper Chamber, and avoid seeking election to the House of Representatives?
- (iii) Was it proper for the Prime Minister to advise the Governor-General to appoint her as a Senator?

(i) *The Appointment of a Prime Minister who is not a member of either House:* S. A. de Smith says:⁴³

British conventions were *prima facie* applicable. . . . I have failed to discover any statement in any modern work on the British Constitution which even mentions the possibility of appointing as Prime Minister a person who is not a member of either of two Houses of Parliament. I should nevertheless be prepared to contend that such appointment might be constitutionally proper in highly exceptional circumstances; it is not at all certain, however, whether those circumstances were present in Mrs. Bandaranayake's case.

In 1963 the Queen appointed Lord Home (a member of the House of Lords) Prime Minister, on the understanding that he would seek election to the Commons. Home thereupon renounced his peerages and vacated his seat in the Lords, and was elected to the House of Commons at a bye-election three months later. In the context of the Ceylon episode of 1960, it is significant that *for three months Britain had a Prime Minister who was not a member of either of the Houses of Parliament*. By comparison, Mrs. Bandaranaike was Prime Minister without being a member of either of the Chambers of Parliament, for only a matter of days. The difference between the two cases, is that while at the time of appointment, Lord Home was a member of Parliament, Mrs. Bandaranaike was not, and shortly after appointment, Home ceased to be a member of either House of Parliament and Mrs. Bandaranaike became a member of the Senate.

While the test that de Smith lays down is unobjectionable, it is difficult to agree with his application of this test to the facts. It could be maintained that the "highly exceptional circumstances" referred to in the above quotation were present. Mrs. Bandaranaike was unquestionably the leader of the Sri Lanka Freedom Party and the mandate of the electorate was given to her.⁴⁴ There was no other person who could contest her position whom the entire Party would have accepted. Thus even on the assumption that British conventions were applicable it may be possible to argue that the Governor-General did not act unconstitutionally.

⁴³ *The New Commonwealth and its Constitutions* (1964) at p. 85.

⁴⁴ See *ibid.*

But there were two other relevant factors which may be cited in support of the Governor-General's decision. Section 4 (2) only makes British conventions applicable "as far as may be" and these words may be construed so as to confer on the Governor-General a power to adapt British conventions in the light of local conditions or exceptional and unforeseen circumstances which may arise.⁴⁵ Section 49 (2) of the Constitution enacts that a Minister may hold office for a period of four months, without being a member of either Chamber of Parliament. The word "minister" can be construed as including the "Prime Minister". It is submitted that the propriety of Mrs. Bandaranaike's appointment cannot be questioned because of section 49 (2).

(ii) *Must a Prime Minister in Ceylon be a member of the House of Representatives?* Constitutional lawyers were not certain whether the precedents (the choice of Baldwin in preference to Lord Curzon in 1923 and the choice of Churchill in preference to Lord Halifax in 1940) gave rise to a convention that the Prime Minister should be a member of the Lower House.⁴⁶ But the immediate resignation from the Lords of Sir Alec Douglas-Home in 1963 following his appointment as Prime Minister and his subsequent election to the Commons, may be regarded as establishing the convention.

The Prime Minister is not under the same express legal obligations to follow British conventions, as the Governor-General is.⁴⁷ But this fact alone cannot render constitutionally correct the Prime Minister's decision to obtain nomination to the Upper House, instead of seeking election to the House of Representatives. There are very good reasons, as valid in Ceylon as in Britain, which render it desirable that the Prime Minister should be a member of the elected House.

The Government owes a responsibility to the House of Commons alone. The composition of the House determines the nature of the Government. A vote in that House can compel the Government either to resign or to advise a dissolution. The Prime Minister is not merely Chairman of the Cabinet, he is also responsible for the party organisation. That organisation matters in the House of Commons and does not matter in the House of Lords. It is, in practice, essential that the Prime Minister should have his finger on the pulse of Parliament; and that is the House of Commons. The most important reason is, however that the Opposition would insist on having the Prime Minister in that House in order that he could be cross-examined and criticised. He, in his turn, would want to be in that House in order that he might defend himself and his Government in the forum in which he is most strongly attacked.⁴⁸

45 See discussion above at pp. 5 - 10.

46 See Hood Phillips, *op. cit.* p. 293; Wade and Phillips, *op. cit.* p. 80-81. W. I. Jennings, *Cabinet Government*, (1959), pp. 23-24. See also discussion above of how a convention becomes established.

47 See above at p. 7.

48 W. I. Jennings, *Cabinet Government*, (1959), at p. 20.

(iii) *Mrs. Bandaranaike's advice to the Governor-General to appoint her Senator*: It would perhaps be improper for an United Kingdom Prime Minister to advise the Queen to confer any title or dignity upon himself.⁴⁹ The Ceylon Senate is not the House of Lords and nomination to the Senate unlike appointment to the House of Lords does not carry with it a peerage or other title. But this awkward situation which must necessarily affect the dignity of the office of Prime Minister need not have arisen if Mrs. Bandaranaike had sought immediate election to the House of Representatives.

(c) The appointment of a Prime Minister in March 1960 and the dissolution of Parliament in April 1960

No party was returned with an absolute majority in the House of Representatives after the general election which was held on 19th March 1960. The party representation in the House of Representatives was as follows:- United National Party 50; Sri Lanka Freedom Party 46; Federal Party 20; Mahajana Eksath Peramuna 10; Lanka Sama Samaja Party 10; Lanka Prajathanthara Pakshaya 4; Communist Party 3; Jathika Vimukthi Peramuna 2. There were six members returned as "Independents". The Prime Minister, Mr. Dahanayake, the leader of the Lanka Prajathanthara Pakshaya resigned. The Governor-General after conferring with Mr. C. P. de Silva (leader of the SLFP) called upon Mr. Dudley Senanayake (leader of the UNP) to form a Government, which he did. Mr. Senanayake's government was defeated on April 22nd on an amendment to the vote of thanks to the Queen's speech by 93 votes to 61. Mr. Senanayake on April 23rd advised the Governor-General to dissolve Parliament and the Governor-General accepted this advice.⁵⁰ These events raised three contentious constitutional issues: (i) whether Mr. Dudley Senanayake should have been appointed Prime Minister; (ii) whether Mr. Senanayake acted properly in asking for a dissolution, instead of resigning; (iii) whether the Governor-General should have acceded to Mr. Senanayake's request for a dissolution.

(i) *The appointment of Mr. Dudley Senanayake as Prime Minister*: The British convention applicable to the appointment of a Prime Minister after a general election is that the Head of State should call upon *the party leader who appears best able to command the support of a majority of members of the Lower House*.⁵¹ In a situation where no single party has obtained an absolute majority of the seats in Parliament, it is important to note that the person capable of commanding such support is not necessarily the leader of the party with the largest number of seats. The following illustration will elucidate the type of problem which may arise. After a general election the party position is: Party A 60 seats; Party B 45 seats; Party C 35 seats and other parties 11 seats. The

49 S. A. de Smith, *op. cit.* p. 85.

50 See *Ceylon Daily News*, 24. 4. 1960, p. 1.

51 S. A. de Smith *op. cit.* pp. 94-95; O. Hood Phillips, *op. cit.* p. 85; Wade and Phillips, *op. cit.* p. 80.

policies of Party A have isolated it from the other parties, while Party B and party C have more in common. In such a situation the Head of State would be well advised to wait for a few days, watch the movement of political events, invite party leaders and other influential politicians to meet him individually and collectively, and ascertain their attitudes to the other parties, and discuss with them and watch their reaction to possible coalition governments.⁵² If Party A is isolated because of its policies, the correct course of action would be to call upon a person capable of leading a coalition consisting of Parties B and C.

The party position after the March 1960 election has been stated above. According to the above analysis it appears that the Governor-General would not have acted correctly if he called upon Mr. Dudley Senanayake *merely* on the basis that his party had obtained the largest number of seats. It is possible that if the Governor-General before appointing a Prime Minister had met the leaders of parties⁵³ (i. e. of the Federal Party 20; LSSP 10; CP 3; and JVP 2) they would have indicated that they would be more inclined to support Mr. de Silva,⁵⁴ who with the appointed members would have the support of 87 members in a House of 157, and that it would have been apparent that no party was inclined to support the UNP. The fact that the UNP was isolated appeared beyond doubt from the events in the months following the formation of the government, when the UNP, despite being in office and despite Mr. Senanayake frequently asserting that he would dissolve Parliament if defeated,⁵⁵ was only able to attract the support of 2 SLFP members who crossed over⁵⁶ and 2 or 3 Independents. (On the two occasions when the 1960 Parliament divided, the government was defeated by 60 to 93 and 61 to 93. The UNP obtained 50 after the polls and the Prime Minister recommended the appointment of 6 members).

It is rumoured that the Governor-General called Mr. Senanayake to form a government after being assured by three veteran members of the UNP that the Federal Party had agreed to support Mr. Senanayake.⁵⁷ The Federal Party in an official statement outlining their past relationship with the UNP, and in particular referring to the UNP opposition to the Bandaranaike-Chelvanayakam Pact, denied that at any time they had given an assurance of support to the UNP.⁵⁸ If the Governor-General had acted on information without consulting the leader

52 See O. Hood Phillips, *op. cit.* p. 290

53 The Governor-General should have done this, see O. Hood Phillips, *op. cit.* p. 290

54 See A. J. Wilson in (1960) *Ceylon Journal of Historical and Social Studies*, at p. 200 who states that he interviewed the leaders of the FP, LSSP, CP and JVP, and that these leaders stated that they would have supported a SLFP Government. The MEP was the only party which was not willing to commit itself.

55 See *Ceylon Daily News* of 29-3-1960, p. 1; *ibid.* of 7-4-1960, p. 1; *ibid.* of 22-4-1960, p. 1

56 See *Ceylon Daily News* of 22-4-1960.

57 Statement by N. M. Perera in *Ceylon Daily News*, 4-4-1960, p. 4; See also A. J. Wilson in (1968) *Modern Asian Studies*, 193 at 212.

58 See official statement released by Secretary to the Federal Party, *Ceylon Daily News*, 18-4-1960; See also *Ceylon Daily News*, 4-4-1960.

of the Federal Party he would have been guilty of a serious error. On the other hand it would have been equally improper if the Governor-General had called upon Mr. Senanayake as leader of a party with 50 members to form a Government without evidence that he could hope to command a majority in the House. On the above analysis of the facts, and the relevant legal principles, it appears that if the Governor-General had called upon the party leader best able to command the support of a majority of members of the House of Representatives, after proper consultation, his choice would have fallen on the leader of the SLFP.⁵⁹

Wade and Phillips⁶⁰ take the view that "the support of a party or coalition which may be expected to command a majority in the House of Commons is a condition precedent to acceptance of the office" (i. e. of Prime Minister). On this view, Mr. Senanayake should never have been appointed.

(ii) *The request for a dissolution by Mr. Dudley Senanayake in April 1960:* There have been instances in British constitutional history where a Prime Minister who is called upon to form a government hands back his commission where he is unable to command adequate support.⁶¹ Thus in the general election in December 1923 the Conservative Government under Baldwin won the largest number of seats, but failed to win an overall majority (Conservatives 258, Labour 191, Liberals 159) and was defeated on an amendment to the Address in reply to the King's Speech by a combination of Labour and Liberal votes. Baldwin resigned and the Labour leader formed a government with the discriminating support of the Liberals.⁶²

The British situation of 1923 is an almost exact parallel to the Ceylon episode of March – April 1960, except that Mr. Baldwin had the support of a greater part of the House, (42 per cent, as against 35 per cent by Mr. Senanayake). Mr. Senanayake at no stage commanded the support of more than 55 elected members in a House of 151 elected members. His government was not able to pass a single bill or resolution in the House and was defeated twice on the only two occasions when the House divided. In the circumstances, the course of conduct open to Mr. Senanayake was to resign (as Mr. Baldwin did in 1923) and hand back his commission to the Governor-General as soon as it became apparent to him that he could not form an administration which could effectively govern.

Dr. N. M. Perera argued that until he obtained a vote of confidence from the House of Representatives Mr. Senanayake was only a Prime Minister-designate.⁶³

59 See further facts stated below at pp. 16-17, 24-25. Note particularly the degree of support offered to the leader of the SLFP by the leaders of the other parties.

60 Wade and Phillips, *op. cit.* p. 80.

61 See W. I. Jennings, *Cabinet Government*, (1959) Chapter II.

G. Wilson, *Cases and Materials on Constitutional and Administrative Law*, (1966) p. 47.

62 G. Wilson, *op. cit.* p. 47

63 Article in *Ceylon Daily News*, 4-4-1960, p. 4.

Therefore it appears that the request for a dissolution which followed the defeat of the Speech from the Throne was improper, and this can be gauged from the fact that in British Constitutional history there is not *one* example of a Prime Minister who has asked for a dissolution without *ever* having possessed a majority in the House, when there was the possibility of an alternate government.⁶⁴ Since this is not an issue which has occurred or is likely to occur in Britain, only one authority had in 1960 discussed it, expressing the view that "no government defeated on the address, or before, at the beginning of the first session of a new Parliament is entitled to a dissolution".⁶⁵ It is perhaps significant that the view that a Prime Minister who never had a majority in the House is not entitled to a dissolution, is expressed for the first time in the seventh edition in 1965 of a leading work on Constitutional law.⁶⁶ The earlier editions did not refer to the issue, and it may be that this addition was made with the Ceylon episode of 1960 in mind.

It appears that Mr. Senanayake accepted the commission to form a government not for the purpose of governing the country, but for the purpose exercising the power of dissolution and preventing the Sri Lanka Freedom Party from forming a government. Wilson⁶⁷ takes the view that the Prime Minister's frequent assertions that he would advise a dissolution if defeated in Parliament was used as a threat to prevent members who did not want to face another General Election from voting to defeat the government and to persuade them to join the government group.

But three points must be noted in evaluating the course of conduct chosen by Mr. Senanayake. While the Governor-General is under an express obligation to follow British convention, in the case of the Prime Minister the obligation must be implied.⁶⁸

It may with some confidence be asserted that no other Ceylonese political leader in the same situation as Mr. Senanayake would have acted differently. One of the problems involved in the setting up of Westminster institutions in a foreign environment is that traditions and standards of parliamentary conduct cannot be transplanted. As such, it is perhaps too much to expect a politician to place considerations of parliamentary government and tradition above party interests.

During the crisis, it was unfortunate that an impartial and disinterested voice was not heard. The supporters of the UNP and the SLFP were concerned with finding constitutional precedents and views which supported their party interests. The newspapers too were heavily committed to one or the other of

64 See W. I. Jennings, *Cabinet Government*, (1959) Chapter II, for situations in which a Prime Minister resigned when defeated, instead of seeking a dissolution.

65 E. A. Forsey, *The Royal Power of Dissolution of Parliament in the British Commonwealth*, 1953, p. 266

66 Wade and Phillips, *op. cit.* p. 118

67 A. J. Wilson in (1960) *Ceylon Journal of Historical and Social Studies*, p. 196

68 See above

the political parties and there was no newspaper which was in a position to discuss the issue without bias in an objective and disinterested fashion. Professor S. A. de Smith of the University of London who wrote a short article to the *Ceylon Daily News*⁶⁹ could scarcely be expected to be familiar with the local political climate, party lines and the background to the situation. Dr. N. M. Perera alleges that the newspaper which solicited de Smith's views may have misrepresented the facts to him.⁷⁰ Such a politically charged climate makes it more difficult for a politician to rise above party interests.

Section 11(2) of the Constitutional Order in Council enacts that six members may be appointed by the Governor-General after every general election to represent any important interest in the Island which is not represented or is inadequately represented. This power has in practice been exercised on the advice of the Prime-Minister because of section 4(2).⁷¹ This means that in the type of situation which arose in March 1960 when no party obtained an absolute majority, the first Prime Minister to be called upon increases his majority by six. This has the effect, in a situation where votes are counted, of conferring a numerical majority of twelve, e. g. when the Senanayake government was defeated by 60 votes (which included the 6 appointed members) to 93, the majority was 33; if the appointed members had voted on the other side the voting figures would have been 99 to 54 and the majority would have been 45. Thus where no party obtains an absolute majority and the parties are numerically evenly balanced the choice of a Prime Minister by the Governor-General is very significant. This factor places a greater responsibility on the Governor-General, than is placed on the Queen in a similar situation. This makes it all the more necessary for the Governor-General, after due deliberation and discussion, to make a considered choice in the first instance.

Section 11 (2) of the Constitution Order in Council of 1946 enacted :

In addition to the Members specified in subsection (1) of this section, there shall be six Members appointed by the Governor-General after every general election to represent any important interest in the Island which in his opinion is not represented or is inadequately represented.

Section 2 and 6 of the Ceylon Constitution (Special Provisions) Act, 1954, which was to come into force on a date in 1966 to be appointed by the Governor-General by Order published in the Gazette, amended Section 11 (2) so that it read :

Where after any general election the Governor-General is satisfied that any important interest in the Island is not represented or is inadequately represented, he may appoint any persons, not exceeding six in number, to be Members of the House of Representatives.

69 *Ceylon Daily News*, 1-4-1960, p. 5; discussed below

70 See *Ceylon Daily News*, 29-3-1960, p. 1 and 22-4-1960, p. 1

71 Quoted above

It appears that the Governor-General on a construction of section 11 (2) of the original Order in Council had a discretion to act on his own initiative. The original section 11 (2) enacts that the Governor-General should make the appointment "according to his own opinion." Section 4 (2) of the Constitution states that the obligation on the Governor-General to follow British conventions is subject to the "provisions of this order." Therefore the words "according to his own opinion" must take precedence over section 4 (2).

But it appears that the express words of the original 11 (2) were qualified by a *convention established by local precedent*⁷² that the Governor-General acts on the advice of the Prime Minister. But with one exception (Mr. Dudley Senanayake in 1960) the advice has always been tendered by a Prime Minister with a decisive majority in the House. The amendment to 11 (2) deleted "in his own opinion" and substituted the words "where . . . the Governor-General is satisfied . . ." This phraseology also seems to confer on the Governor-General an element of personal discretion. It is open to the Governor-General, relying on the words of section 11 (2) which still confers on him an area of discretion, to establish a practice that he will accept advice only from a Prime Minister who enjoys the confidence of a majority in the House. Likewise, a Prime Minister who does not enjoy such a majority should not embarrass the Governor-General by making such a request. Such a convention would not be in accordance with the strict letter of the law but would be in the interests of constitutional government. Such a growth of convention is envisaged by the *dicta* quoted above of Alles J in *Peiris v. Perera*.

(iii) *The dissolution of Parliament by the Governor-General in 1960 on the advice of Mr. Dudley Senanayake:* It is not doubted that a Head of State has an ultimate residuary power to refuse to accede to a Prime Minister's request for dissolution.⁷³ It is, however, not at all clear in what circumstances this power may be exercised. Some precedents and the views of constitutional authorities may be quoted, before the constitutional propriety of the Governor-General's conduct in 1960 is analysed.

Precedents governing refusal by a Head of State to advise a dissolution. In Australia in 1909 the Governor-General refused a dissolution of the House of Representatives because an alternative Government was possible owing to a coalition between the two minority parties and because the Parliament had only a year to run.⁷⁴

In Tasmania in 1950 the Government had one supporter more than the Opposition party. There were two independent members, one of whom normally voted with the Opposition and the other was the Speaker. Mr. Speaker had

72 See discussion above at p. 6

73 See authorities discussed below.

74 W. I. Jennings, *The Constitution of Ceylon*, (1953), pp. 69.

See also H. V. Evatt, *The King and his Dominion Governors*, (1951), pp. 30-36.

announced on his appointment that he would normally give his casting vote for the Government. During the recess, the Opposition announced its intention of moving a motion against the Government and Mr. Speaker said that he would support it. Having thus lost his majority, the Premier asked for a dissolution without meeting Parliament. The Governor asked for time to consider the matter and, sending for the Leader of the Opposition, asked him whether he would be prepared to form a Government if a dissolution was refused and the Government resigned. The Leader of the Opposition said he would not, and accordingly the dissolution was granted.⁷⁵

In September 1925 in Canada the Liberal Government under Mr. Mackenzie King had failed to secure a majority of seats at the general election but had managed to remain in power with the support of the Progressive and Labour parties. In June 1926 the Governor-General, Lord Byng, refused the Prime Minister's request for a dissolution after he had ascertained that Mr. Meighen, the leader of the opposition Conservative party, was prepared to form a Government with the support of the Agricultural party. Mr. Mackenzie King therefore resigned and Mr. Meighen was invited to form a Government. Within three days, the new Conservative Government was defeated in the House by one vote, after the Agricultural Party had failed to support it. When the Conservative Prime Minister in his turn asked Lord Byng to dissolve Parliament, he granted his request. At the election, the Liberals were returned with a large majority and their success was regarded as a vote of censure on Lord Byng who was criticized for granting to the Conservatives what he had refused the Liberals.⁷⁶

On the outbreak of war in 1939, General Hertzog, then Prime Minister of the Union of South Africa, proposed to his Parliament a resolution that South Africa should declare neutrality. This was opposed by General Smuts, and after debate General Hertzog was defeated in the House of Assembly by a majority of 13. General Hertzog thereupon advised the Governor-General, Sir Patrick Duncan, to dissolve Parliament. Sir Patrick Duncan refused to accept the advice and sent for General Smuts, who formed a Government which carried on successfully albeit with a small majority, until that Parliament expired by effluxion of time in accordance with statute in 1943.⁷⁷

In Victoria in 1872 the Governor refused a dissolution.⁷⁸

The views of constitutional authorities. Jennings says.⁷⁹

The position may be summarised by saying that in all normal circumstances the Governor-General must accept the advice of his Prime Minister, but that there may be cases where he might feel a dissolution to be unnecessary and to be almost if not quite, an abuse of his legal power to dissolve. It would be impossible to indicate the cases in advance; but they might occur, for instance,

75 W. I. Jennings, *The Constitution of Ceylon*, (1953), p. 70.

76 G. Wilson, *Cases and Materials on Constitutional and Administrative Law*, *op. cit.* p. 26.

77 *Ibid.*, p. 25.

78 H. V. Evatt, *op. cit.* p. 219.

79 W. I. Jennings *op. cit.* p. 71.

where a Prime Minister had lost the support of his own colleagues and of his party, so that a perfectly satisfactory Government could be formed without him and without a dissolution; or it might occur where a Government, having failed to get a majority (or an effective majority) at one election proceeded almost immediately to advise a second dissolution. These must be taken as examples only, and even as examples they might not be applicable; for instance, two elections in rapid succession might be the only means of persuading the electorate to make up its mind which Government it wanted - as in the United Kingdom in 1923 and 1924.

Jennings specially refers to Ceylon and says:⁸⁰

The question does not often arise in practice, because if the Cabinet has a majority in the House of Commons (or the House of Representatives) it is in a strong position. If the Queen (or the Governor-General) does not accept the advice, the Cabinet can resign. If their majority holds, no alternative Government having a majority can be formed, and accordingly the new Government has to advise a dissolution in the hope of getting a majority. Thus the Queen (or the Governor-General) has to accept the dissolution. This may not happen quite so easily in Ceylon, for it is unlikely that party lines will always be so strict as in the United Kingdom, and in all probability if the Governor-General refused it would be because he thought that an alternative Government could be formed. This was done in South Africa in 1939.

Jennings also refers to the Australian incident of 1909 referred to above and says "the Governor-General refused a dissolution because an alternative Government was possible owing to a coalition between two minority parties (a situation which might easily arise in Ceylon).⁸¹ Hood Phillips⁸² and Jennings⁸³ agree that even if there is a rule that a sovereign has no option but to accept to dissolve, this rule assumes the continuance of the two party system. "If the major parties break up, the whole balance of the Constitution alters, and then possibly the Queen's prerogative becomes important".⁸⁴

A letter in *London Times* by Senex⁸⁵ (identified as the Private Secretary to George VI)⁸⁶ reads:

. . . . it can be assumed that no wise Sovereign would deny a dissolution to his Prime Minister unless he were satisfied that : (1) the existing Parliament was still vital, viable, and capable of doing its job; (2) a General Election would be detrimental to the national economy; (3) he could rely on finding another Prime Minister who could carry on his Government, for a reasonable period, with a working majority in the House of Commons. When Sir Patrick

80 *Ibid.* pp. 67 - 68

81 *Ibid.* p. 69

82 O. Hood Phillips, *op. cit.* p. 111

83 W. I. Jennings, *Cabinet Government*, (1959), pp. 427 - 28

84 *Ibid.*

85 *The Times*, (London), 2-5-1950

86 G. Wilson, *Cases and Materials on Constitutional and Administrative Law*, (1966), p. 26, note 2

Duncan refused a dissolution to his Prime Minister in South Africa in 1939, all these conditions were satisfied; where Lord Byng did the same in Canada in 1926, they appeared to be but in the event the third proved illusory.

Wade and Phillips say:⁸⁷

If the Sovereign can be satisfied that (1) an existing Parliament is still vital and capable of doing its job, (2) a general election would be detrimental to the national economy, more particularly if it followed closely on the last election, and (3) he could rely on finding another Prime Minister who was willing to carry on his Government for a reasonable period with a working majority, the Sovereign could constitutionally refuse to grant a dissolution to the Prime Minister in office. It will be seldom that all these conditions can be satisfied. Particularly dangerous to a constitutional Sovereign is the situation which would arise if having refused a dissolution to the outgoing Prime Minister he was faced by an early request from his successor for a general election.

Wade and Phillips also say:⁸⁸

Whether the convention as to the right to a dissolution would survive the presence of three parties, each with a fair proportion of seats, it is difficult to determine. It may be that the Sovereign would refuse, should the occasion arise, to grant a dissolution at the request of a Prime Minister who had never had a clear majority in the House of Commons. But what happened in 1924 is a precedent to the contrary.⁸⁹

Forsey⁹⁰ has dealt with the subject in some detail. He states: that a Prime Minister would not be entitled to a dissolution unless (a) no alternative Government was possible or (b) some great new issue of public policy had arisen or (c) there had been a major change in the political situation or (d) the Opposition had explicitly invited or agreed to dissolution. Forsey adds that "the same considerations would hold true even for a Government with a larger majority, and at any time during the first session of a new Parliament".⁹¹ Even where a great new issue of public policy has arisen, he is of the view that "the Crown would be justified in refusing a dissolution if supply had not been voted, or a re-distribution or franchise act had not yet had time to come into operation, provided an alternative Government could be found, or provided the issue was not one which brooked no delay, e.g. a mandate for the despatch of troops overseas."⁹² Forsey also says, "no Government defeated on the Address, or before, at the beginning of the first session of a new Parliament is entitled to a dissolution."⁹³

87 Wade and Phillips, *op. cit.* p. 82

88 *Ibid.* p. 118

89 It is submitted below at pp. 26-27 that the 1923 episode was not a contrary precedent

90 E. Forsey *The Royal Power of Dissolution of Parliament in the British Commonwealth*, (1943), p. 262

91 *Ibid.*

92 *Ibid.*

93 *Op. cit.* p. 266

The views of academicians expressed in the Ceylon newspapers in the days and weeks before the dissolution may in this context be considered. The burden of Professor S. A. de Smith's argument⁹⁴ was that the Governor-General should accept the advice to dissolve "notwithstanding that this would involve two general elections within a few months", unless he felt that "there were the strongest grounds for believing that an alternative government capable of maintaining a parliamentary majority for a substantial period of time could be formed without a dissolution". De Smith apparently thought that the Governor-General would be placed in a difficult situation and accused of partiality if the Prime Minister appointed, following a refusal to grant a dissolution, was defeated and asked the Governor-General to dissolve Parliament.

Mr. J. A. L. Cooray,⁹⁵ Advocate and Lecturer at the Ceylon Law College expressed a more extreme view. While accepting the latter's general conclusions, Cooray was of the view that "the mere fact that some sort of alternative government is possible, does not and should not as Evatt points out, prevent the grant of a dissolution by the Queen's Representative". Cooray placed much emphasis on the British precedent of 1923. He says:⁹⁶

... none of the three main parties at that time (Labour, Conservative and the Liberals) had an absolute majority in the House. In that situation Mr. Asquith, the leader of the Liberal Party, suggested "that the time had come when it should be accepted as a constitutional convention that, in the event of a party taking office in a minority and being defeated in the Commons, it should not be entitled as of right to a dissolution, but the Crown should be at liberty to consider the possibility of finding a leader who would consent to take office and carry on the administration without a dissolution". Mr. Asquith argued that the prerogative of the Crown meant that, when a second dissolution was called for very soon after an earlier one, the Crown was "not bound to take the advice of a particular Ministry to put its subjects to the tumult and the turmoil of a series of general elections so long as it can find other Ministers who are prepared to give it a trial". He went on to state more explicitly that on the defeat of the Labour Government, which was in a minority in the House, the King would be at liberty to refuse a dissolution to Mr. MacDonald, the Labour Prime Minister, if it were asked for, and that an effort should be made to find a Ministry ready to carry on, and avoid a fresh dissolution of Parliament so soon after the election of 1923.

The comments of Keith and Laski on this episode are so relevant to us at the present time that they merit reproduction. Keith stated: "Serious consideration would have shown that, however, when the occasion arose in the particular political conditions, the King would be under every conceivable obligation to allow the ministry to take the verdict of the country. Mr. Asquith perhaps forgot that a dissolution is an appeal to the political sovereign and that when it is asked for every consideration of constitutional propriety normally

94 *Ceylon Daily News*, 1-4-1960, p. 5

95 *Sunday Times of Ceylon*, 10-4-1960, pp. 8-9, reproduced in J. A. L. Cooray, *Constitutional Government and Human Rights in a Developing Society*, (1969) at pp. 21-25

96 *Ibid.*

demands that it be conceded. In fact the King did concede it without hesitation to Mr. MacDonald as had been clear even to many of Mr. Asquith's sympathisers long before the event took place. Laski also argued with great force that if the King had refused a dissolution to Mr. MacDonald and invited Mr. Asquith to form a Government, the latter being the head of a party even smaller than that of Mr. MacDonald would have been bound, in course of time, to be defeated also and to have requested a dissolution. To have granted it would have evoked once more the accusation that the King was discriminating between parties. In fact Laski went so far as to suggest that the emphasis upon what he called "the automatism of the prerogative" was the surest way to the preservation of royal neutrality, and further, that the safeguard against an unwise dissolution was the probability that the Government which sought it would be forced to pay the penalty by the country for so doing. That, he added, was the case with Mr. Baldwin in 1923 and with Mr. MacDonald in 1924.

Although this precedent cannot be said to have definitely settled the General question of refusal it clearly shows that a request for a dissolution will be refused only in very exceptional circumstances.

Cooray also referred to Dominion precedents and pointed out that they are not strictly applicable under our Constitution (which refers to United Kingdom conventions) and that Dominion usage in this matter has varied from the British in some degree.

Dr. A. J. Wilson and Dr. K. H. Jayasinghe⁹⁷ of the University of Ceylon thought that if Mr. Dudley Senanayake failed to get a vote of confidence from the House, the Governor-General must in the circumstances have summoned Mr. C. P. de Silva to form a Government, having assured himself that there was reasonable support from other parties at that time in the opposition for Mr. C. P. de Silva. Nicolson, Jennings, Keith, Carter and Forsey were quoted at various points to confirm the view that the Governor-General had the discretion to refuse a request for dissolution and that he should call on the leader of the opposition, in the circumstances, to form an alternative government.

The Prime Minister, Mr. Senanayake, frequently asserted that he had an absolute right to a dissolution and his statements received wide publicity. Mr. Senanayake relied heavily on the British precedent of 1924, which had been referred to.⁹⁸ Mr. Senanayake argued that if Mr. MacDonald with only 191 seats out of 615 (much less than his ratio) could have been allowed to dissolve, there was no reason for the Governor-General to refuse his request.

The Governor-General summoned the leaders of the Opposition parties to confer with him,⁹⁹ after Mr. Senanayake had tendered his advice. Mr. C. P. de Silva expressed his willingness to form a government. The leaders of the LSSP, CP and JVP agreed to support a SLFP government. The leader of the MEP

97 Special Supplement of the *Tribune*, 22-4-1960, pp. III - IV. See also for a similar view, N. M. Perera in the *Ceylon Daily News*, 5-4-1960, p. 4.

98 *Parliamentary Debates (House of Representatives)* Vol. 38, Columns 178-180.

99 The information about the Governor-General's meetings with Opposition party leaders is extracted from an article by A. J. Wilson in the (1960) *Ceylon Journal of Historical and Social Studies*, pp. 199-210, who obtained the information from interviews with party leaders.

suggested that an interim Caretaker National Government should be formed. In all these cases, the Governor-General merely inquired from the leaders concerned what their attitude would be to a SLFP government. But the Governor-General inquired from Mr. Chelvanayakam, the leader of the Federal Party, whether he would be prepared to render unconditional support to a SLFP government for a period of two years. Mr. Chelvanayakam replied that his group had an understanding with the SLFP, that there was no reason for him to think that this understanding would not be honoured and that his group therefore would support a SLFP government not merely for two years but till the end of the term of Parliament. Shortly after meeting Mr. Chelvanayakam, the Governor-General dissolved Parliament. On the same day, the leaders of all opposition parties with the exception of the leader of the MEP issued the following joint statement following a meeting in the House of Representatives:

We are unanimous in expressing our regret that His Excellency has thought it fit to dissolve the present Parliament a little over a month after the last General Election. In view of the fact that all Opposition parties, barring the MEP, had intimated to His Excellency quite clearly that an alternate government could be formed by the SLFP and that there was a reasonable possibility of it continuing, the dissolution of Parliament cannot be treated as being in the best interests of the country which has already suffered by the absence of an effective government for many months.¹⁰⁰

Dr. A. J. Wilson in an analysis¹⁰¹ made after the dissolution criticises the Governor-General's decision. He cites the views of Forsey (no government defeated on the Address is entitled to a dissolution¹⁰²) and Jennings.¹⁰³ He points out that at the time of the dissolution supply had not been voted, and that following changes in the election law, the voting registers were in the process of being prepared - circumstances which, according to Forsey,¹⁰⁴ should have prompted the Governor-General to refuse a dissolution. About the 1924 British precedent¹⁰⁵ involving Mr. MacDonald, Wilson says that the King agreed with the utmost reluctance after he had ascertained from the leaders of the Conservative and Liberal parties that they themselves were unable or unwilling to form an administration¹⁰⁶. He also criticises the test laid down by de Smith,¹⁰⁷ and Cooray¹⁰⁸ as being too strict and points out that in another context de Smith had laid down a less strict test and said, "refusal of dissolution are generally considered

100 See *Ceylon Observer*, 24-4-1960, p. 1.

101 A. J. Wilson in *Ceylon Journal of Historical and Social Studies*, (1960) pp. 187-207

102 E. Forsey, *op. cit.* See passages from Forsey quoted above

103 W. I. Jennings, *Constitution of Ceylon*, (1953) pp. 67-68
See passage from Jennings, quoted above

104 Forsey, *op. cit.* pp. 262-66. See passage from Forsey quoted above.

105 Discussed above. See passage from Cooray quoted above.

106 A. J. Wilson. *op. cit.* at p. 202, citing Jennings, *Cabinet Government*, (1959) p. 426.

107 See above.

108 See above.

proper not only where the request is capricious, but also where it can reasonably be supposed that an alternate government can be formed without a dissolution".¹⁰⁹ The test he suggests is that the Governor-General should not have dissolved Parliament if there was a reasonable supposition of an alternate government, and citing Forsey, he states that stability is not a condition for bringing an alternate government into existence. Applying the above test he states that the Governor-General acted unconstitutionally in dissolving Parliament and not calling upon Mr. C. P. de Silva to form a government. The Governor-General's question to the leader of the Federal Party¹⁰¹ was in Wilson's opinion framed in such a way as to make a negative answer inevitable, because no party could be expected to give an assurance of unconditional support, and that an unsatisfactory answer " would provide a suitable excuse for taking a course of action which had already been decided upon".¹¹¹ Wilson concludes ¹¹² Sir Oliver Goonetilleke's action, however, exposed him to the charge of being partisan and of being guilty of unconstitutional conduct His was indeed an unconstitutional act". But Wilson seems to have subsequently modified this view.¹¹³

De Smith comments rather ambiguously that the Governor-General's decision " was constitutionally proper though possibly inexpedient in the circumstances" ¹¹⁴

If it is accepted that a Prime Minister is not entitled to a dissolution (i) if his government is defeated on the Address in the first session of a Parliament ¹¹⁵ (ii) or if he was never able to command a clear majority in the lower House,¹¹⁶ there would be no doubt that the Governor-General acted unconstitutionally. Prior to 1960 there was no precedent against these two propositions and it is submitted that such an approach is in accordance with reason and principle. But because it is clear that the Governor-General thought that these propositions were inapplicable, the issue must be analysed further in the light of the reasons which probably actuated him.

It may be assumed that the British precedent of 1924¹¹⁷ strongly influenced the Governor-General. But there are many reasons why *the 1924 precedent was totally inapplicable to the circumstances of the 1960 dissolution*. Firstly, the dissolution was granted after the King had ascertained that no other party leader was willing to form a government.¹¹⁸ Jennings says ¹¹⁹, "It is of course not true that the grant

109 Contribution by S. A. de Smith and O. M. Stone to Volume Five of Halsbury's Laws of England, entitled *Commonwealth and Dependencies*, (1953).

110 Stated above at p. 25

111 A. J. Wilson, *op. cit.* p. 201.

112 *Ibid.* p. 207.

113 See A. J. Wilson in (1968) *Modern Asian Studies*, pp. 193, 213-14, 218

114 S. A. de Smith, *The New Commonwealth and its Constitutions*, (1964) p. 84.

115 E. Forsey, see passage quoted above

116 Wade and Phillips, see passage quoted above.

117 Discussed above. see passage from Cooray, quoted above.

118 W. I. Jennings, *Cabinet Government*, (1959) p. 426

119 *Ibid.* p. 428

of a dissolution to Mr. MacDonald in 1924 settled the issue.¹²⁰ George V could have taken no other decision". In Ceylon in 1960 the position was very different because Mr. C. P. de Silva was willing to form a government.

Secondly, Mr. MacDonald was the first ever Labour Prime Minister and Jennings says "The Labour Government could reasonably demand that it should ask the electors whether its record was not such as to warrant a majority."¹²¹ Further the sympathies of the Crown were known to be with the Conservative party, and therefore it would be very inexpedient if the King refused a request from the first ever Labour Prime Minister.¹²²

Thirdly, the events leading up to Mr. MacDonald's request are relevant. After the General Election in 1923 the party positions were Conservatives 258, Labour 191, Liberals 159. The Conservative Leader resigned following a defeat in Parliament and then Mr. MacDonald was called upon to form a government.¹²³ If after the defeat of the Senanayake government, Mr. C. P. de Silva assumed office, was defeated and asked for a dissolution, the 1924 British precedent would have been an exact parallel. Thus a comparison of the position of Mr. Senanayake with that of Mr. MacDonald is very inexact.

Fourthly, the main opposition to Mr. MacDonald's request came from the Liberal leader Mr. Asquith.¹²⁴ Mr. Asquith was neither willing nor able to form an administration, and his idea was that either Mr. Baldwin or Mr. MacDonald should be Prime Minister. Mr. Asquith apparently did not desire a dissolution, because in the then existing Parliament, the Liberals would hold the scales and exercise influence out of proportion to their numbers, whether there was a Labour or a Conservative government - and this position may have been radically altered by a general election at which the Liberal representation may have been reduced.¹²⁵ When Mr. MacDonald was defeated on a no-confidence motion (the issue that led to the dissolution request) the Liberals went as far as to suggest that the issue was "not a sufficiently grave matter for which to inflict 600 elections on the country".¹²⁶ Here the Liberals were arguing that the Labour government should continue in office, notwithstanding its defeat.

Fifthly, the MacDonald government had been in office for one and half years with the discriminating support of the Liberals and had an impressive record of legislation to its credit.¹²⁷ Mr. MacDonald's position was therefore very different from that of Mr. Senanayake's government which held office for a month and had never obtained an affirmative vote on any issue.

120 i.e. whether the Sovereign has the power to refuse to accept advice to dissolve.

121 W. I. Jennings, *Cabinet Government*, (1959), p. 428

122 O. Hood Phillips, *op. cit.* p. 110.

123 G. Wilson, *Cases and Materials on Constitutional and Administrative Law*, (1966) p. 47.

124 See passage from Cooray quoted above; W. I. Jennings, *Cabinet Government*, (1959) pp. 426-28.

125 W. I. Jennings, *Cabinet Government*, (1959) pp. 426, 481

126 177 H. C. Deb., 5 S. C. 581 ff., quoted in G. Wilson, *op. cit.* p. 48. of the Ceylon episode of December 1964, discussed below.

127 W. I. Jennings, *Cabinet Government*, (1959) p. 426.

Cooray cites the strong denial by Laski of the power of a Head of State to refuse a dissolution.¹²⁸ But Laski was a staunch supporter of the Labour Party as well as possessing anti-monarchical views, and it must be remembered that the opinion quoted by Cooray was written at a time when he was provoked by those who argued that the sovereign should refuse a request for a dissolution made by the first Labour Prime Minister.

It appears clear that for the above reasons, the MacDonald dissolution episode, which as we have noted Cooray and the Prime Minister strongly relied upon, and which it may be assumed influenced the Governor-General, was not a relevant precedent.

A rigid test was laid down by Cooray¹²⁹ who brushed aside cases where dissolutions were granted in the countries of the Commonwealth and the Empire,¹³⁰ on the basis that only United Kingdom precedents were applicable in Ceylon and that these cases had not followed British conventions. But though only United Kingdom precedents are binding, the other precedents must at least be regarded as persuasive precedents. Cooray cites no authority in favour of his proposition that United Kingdom conventions have been departed from. However, Jennings¹³¹ definitely assumes that British conventions have been followed in the Commonwealth and Empire dissolution cases.¹³²

The article written by de Smith¹³³ (as has been noted) laid down a stricter test than one stated by the same author in a different context.¹³⁴ It is submitted that the latter opinion is to be preferred. It may be said that *a dissolution should not be granted where it can reasonably be supposed that an alternate government can be formed and carried on*. In formulating this test the following factors have been considered relevant: the approach of Jennings, Senex, Wade and Phillips and Forsey whose views have been quoted above; the second opinion of de Smith quoted by Wilson; the special point made by Jennings (who specially refers to Ceylon) that a Head of State would have a wider discretion to refuse a dissolution in a situation where the two party system was not functioning; and the Empire and Dominion cases in which the dissolutions were refused. De Smith in his article emphasised that the Governor-General would have been placed in an embarrassing situation if Mr. C. P. de Silva's coalition government broke up. The Governor-General would then be forced to grant a dissolution to Mr. de Silva having refused Mr. Senanayake. It is undeniable that an element of risk was

128 See passage quoted above

129 See above

130 Discussed above at pp. 19-20

131 See W. I. Jennings, *Constitution of Ceylon*, (1953) pp. 66-71

132 See also Senex (Private Secretary to George VI) in *The Times* (London) 2-5-1950, who in laying down the applicable principles in Britain (quoted above) refers to the Empire precedents.

133 Referred to above at p. 23

134 See above at p. 25

present. But, if de Smith's argument is accepted, then the logical conclusion is that a Head of State should never refuse a request for a dissolution, because an element of risk will always be present. But if it is conceded that a Head of State has a discretion to refuse, it must follow that when the possibility of a reasonably stable alternate government exists, the risk must be run, i. e. the element of risk must be discounted.

Forsey argues that if an alternate government assumes office and is compelled to ask for a dissolution soon afterwards, the Head of State is under a duty "to recall the former government and grant it a dissolution",¹³⁵ and thus repair any damage that may have been caused. But this solution does not take account of the rule that a Head of State cannot dissolve Parliament on his own initiative, but can only do so on advice.¹³⁶ The Head of State cannot call back the earlier Prime Minister to whom he refused a dissolution unless the head of alternative government resigns, instead of advising a dissolution. If, however, an alternate Prime Minister insists on a dissolution, the Head of State cannot refuse it. The only method by which he could grant a dissolution to the first Prime Minister, is by dismissing the alternate Prime Minister, and by calling upon the earlier Prime Minister to form a government, and by granting him a dissolution, if he requests it. But it is very doubtful whether the above situation falls within the very exceptional circumstances in which a Head of State could take the drastic step of dismissing a Prime Minister.¹³⁷

A test has been formulated above, following an analysis of the relevant authorities. The test must now be applied to the facts, and this involves two issues: (i) Would a government led by Mr. C. P. de Silva have possessed a working majority in the House and (ii) Was there a reasonable supposition that such government could be carried on. The Senanayake government was defeated by 61 to 93.¹³⁸ The 93 votes included 10 members of the Mahajana Eksath Peramuna whose leader did not express support for an SLFP government.¹³⁹ On such a count an SLFP government may have claimed 83 members. The parties which agreed to support the SLFP which had 44 members¹⁴⁰ were the FP (20), LSSP (10), CP (3), JVP (2); and on this count the tally is 79. The crucial question would have been, the votes of the appointed and independent members. The convention has been established that the appointed members vote with the government, except when the special interests they are appointed to represent are involved. But these members had been appointed on the recommendation of Mr. Senanayake (it has been submitted that they should never have been appointed).¹⁴¹ Since in Ceylon politics

135 E. Forsey, *op. cit.* p. 263

136 O. Hood Phillips, *op. cit.* p. 110

137 See discussion below at pp. 35-36 of the relevant principles

138 See *Ceylon Daily News*, 23-4-1960, p. 1

139 See A. J. Wilson, *op. cit.* p. 200

140 The SLFP tally of 46 after the General Election was reduced when two members resigned and joined the UNP. See *Ceylon Daily News*, 23-4-1960, p. 1

141 See above

‘Independents’ align themselves with a particular party after election, it may be assumed that the “Independents” who had refused to support Mr. Senanayake would have joined the SLFP. It is also perhaps significant that the two opposition parties, the UNP and the MEP in the political climate of the 1960 were to the right and left respectively of the SLFP. Therefore, issues which the UNP may have opposed may have attracted the support of the MEP, and *vice versa*. Since it may reasonably be supposed that some independent and appointed members would have supported a SLFP government, it is submitted that with the vigilance of party whips Mr. de Silva would have commanded a working majority,¹⁴² especially if the legislative programme was chosen with care so as not to offend the UNP and the MEP at *the same time*. The second issue is whether the “coalition” would have endured. This of course, is very much a matter of opinion. But it could be said that there was no definite reason for believing that it would not endure. There is of course authority for the proposition that stability is not a condition for bringing an alternate government into existence,¹⁴³ and if this is so the second issue is irrelevant.

There were four other circumstances which it is submitted should have been taken into consideration by the Governor-General when considering Mr. Senanayake’s request for a dissolution. The country had been without an effective government since the assassination of Mr. S. W. R. D. Bandaranaike in September 1959, which was followed by the non-government of Mr. W. Dahanayake culminating in a dissolution.¹⁴⁴ Another general election following Mr. Senanayake’s request would have meant that the country would have been without effective government for close on an year. Secondly, the Senanayake government had not been able to obtain a single affirmative vote in the House. Thirdly, the Prime Minister had made an improper request for a dissolution.¹⁴⁵ Hood Phillips, citing Anson, says¹⁴⁶ “. . . . the uniform practice for more than a century that the Sovereign should not refuse a dissolution when advised by his Ministers to dissolve has been largely due to the observance of another convention, namely that dissolution should not be improperly advised”. Fourthly, the Governor-General had been a Minister in an earlier UNP administration and he was identified with that party and it may be argued that if the decision was a very controversial one, it would be impolitic for him to decide in favour of the UNP. The relevance of the fourth point is debatable, but the other three should have been taken into consideration.

Conclusions. If the view of Forsey and Wade and Phillips is adopted, since the Senanayake government was defeated on the Address in the first session of Parliament, and since at no stage had Mr. Senanayake commanded a majority

142 See discussion below at p. 34 of what constitutes a “working majority”.

143 See quotations above from E. Forsey and Wade and Phillips, A. J. Wilson and K. H. Jayasinghe expressed (see above) the same opinion

144 See A. J. Wilson (1969), *Ceylon Journal of Historical and Social Studies*, pp. 187-94

145 See submission above at pp. 16-19

146 Hood Phillips, *op. cit.* p. 111

in the House (the government had in fact never been able to pass a bill or even a resolution) the Governor-General should have refused the request for a dissolution. Such an approach is in consonance with reason and principle. But quite apart from this line of argument, after a detailed discussion of the precedents and academic authorities, the test was laid down that the Governor-General should deny a request for a dissolution where it could reasonably be supposed that an alternate government could be formed and carried on. On the analysis of the facts it appears that a government formed by Mr. C. P. de Silva would just about have satisfied this test, and certain special circumstances were present which also pointed to the appointment of Mr. C. P. de Silva.

It may be assumed that the Governor-General was influenced by four factors: (i) the MacDonald precedent (ii) the emphasis laid by de Smith on the awkward situation which could arise if a dissolution were refused to Mr. Senanayake, and granted to Mr. de Silva if his government collapsed within a short period (iii) the strict test of stable alternate government laid down by de Smith (iv) that Mr. C. P. de Silva would not have commanded a working (as distinct from a numerical) majority.

The Governor-General, perhaps not unnaturally, relied heavily on the analysis of de Smith, an eminent academic authority and a disinterested observer of the local scene. But de Smith could scarcely be expected to be familiar with the local political climate. It is strange that the opinion of Sir Ivor Jennings, a well-known constitutional authority who was associated with the drafting of the Ceylon Constitution, and who has written a book about it, was not solicited at the same time as de Smith's.

Perhaps the strongest factor which influenced the Governor-General was the fourth one. (i) in particular, and (ii) and (iii) above have been strongly (and it is hoped effectively) rebutted. But it must be conceded that reasonable grounds were present for the Governor-General's course of conduct (even though one disagrees with it) especially since some of the reasons which may have been adduced against a dissolution were not convincingly aired in the public debate which preceded the Governor-General's decision. It is therefore not possible to agree with Wilson's emphatic assertion that the Governor-General acted unconstitutionally, and even less with his association of bias. In the ultimate analysis it appears that this unfortunate and controversial episode in our constitutional history may have been avoided, if a correct choice of Prime Minister had been made after the general election¹⁴⁷ or if Mr. Senanayake had, like Mr. Baldwin in 1923, chosen to resign instead of advising a dissolution.¹⁴⁸

147 See submission above

148 See submission above

(d) The defeat in Parliament of the government in December 1964.

The coalition government led by Mrs. Bandaranaike was defeated on an amendment to the throne Speech in the House of Representatives on December 3rd 1964 by 73 votes to 74. One Appointed Member present in the Chamber, declined to vote. The House normally consists of 157 members, but one seat had been rendered vacant by the death of a member. Thus there were seven absentees (the Speaker did not vote). The seven absentees were all government members (3 SLFP, 2 LSSP and 2 Appointed) and of these, two were abroad and one was delayed by a punctured tyre on his way to Parliament. About an hour before the vote 14 government members crossed the floor and voted with the Opposition. Government spokesman after the defeat indicated that Parliament would be dissolved. But the date of the dissolution was not indicated. Some reports said Parliament would be dissolved by the end of the month, others that it would be done within three months.¹⁴⁹ Meanwhile it was rumoured that the reasons for the delay were, that the government was consulting astrologers about the auspicious day for the dissolution and the general election, and that new electoral registers were being prepared and were not ready.¹⁵⁰ Parliament met on December 4th (private members day) and was adjourned until 17th December (following a time table drawn up long before the December 3rd defeat). Parliament was finally dissolved on the morning of December 17th. Two issues were raised by the above events. Should the Prime Minister have resigned immediately? If the Prime Minister had not resigned, did the Governor-General possess the power under the Constitution to dismiss the Prime Minister and dissolve Parliament?

The British convention perhaps is that a Prime Minister defeated in Parliament on a major issue should either advise a dissolution or resign.¹⁵¹ It is clear that a government defeated on something other than a major issue need not resign if it retains a working majority.¹⁵² When a vote on a major issue is involved the government party whips are very careful to assemble all members and therefore when a government is defeated in Parliament it is because it has lost the support of a majority of the House. Thus the rationale for the convention that a defeated Prime Minister should advise a dissolution is that since he has lost his majority he cannot hope to govern.¹⁵³ But there is no accorded instance of a British Prime Minister who has been defeated on a substantial issue while retaining a majority in Parliament. Therefore it cannot be said that there is a

149 See *Ceylon Daily News* of 4-12-1964, 6-12-64, 7-12-64

150 *Ibid.*

151 See Wade and Phillips, *op. cit.* p. 118. Cf. W. I. Jennings, *Cabinet Government*, (1958) p. 493, who does not lay down an absolute rule

152 W. I. Jennings, *Cabinet Government*, (1959), p. 493; G. Wilson *Cases and Materials on Constitutional and Administrative Law*, (1966) p. 49

153 W. I. Jennings, *Cabinet Government*, (1959), pp. 495, 493 and 403

firm British convention governing the situation which arose in Ceylon in 1960. Ramsay MacDonald in a statement in the House of Commons observed:¹⁵⁴

I have a lively recollection of all sorts of ingenuities practised by Oppositions in order to spring a snap division upon a Government, so that it might turn out upon a defeat. I have known bathrooms downstairs utilised, not for their legitimate purpose, but for the illegitimate purpose of packing as many members surreptitiously inside their doors as their physical limitations would allow. I have known an adjoining building where there happens to be a convenient division bell, used for similar purposes. I have seen the House, practically empty when the bells begin to ring, suddenly transformed into a very ridiculous sort of market place by the inrush of Members, doing their best for their nation, for the House of Commons and for their party to find a Government napping and turn it out I am going out on no such issue.

Jennings says :¹⁵⁵

It must not be thought however that a single defeat necessarily demands either resignation or dissolution. Such a result follows only where the defeat implies loss of confidence What the Government will treat as a matter of sufficient importance to demand resignation or dissolution is, primarily a question for the Government. The Opposition can always test the opinion of the House by a vote of no confidence.

The question which arises in relation to the 1964 episode is whether a government which is defeated on a major issue but retains a working majority, has lost the confidence of the House.

A general election involves the expenditure of public funds and leaves the country without an effective government for some months, (ministers are too busy electioneering to attend to their duties and of course no legislation can be passed). Because there is no formulated British convention on the subject (bearing in mind the expense of an election and the absence of a government for a considerable period), on the basis of the underlying principle that a government vacates office when it is not in a position to govern because it has lost its majority in the House, the following rule may be deduced from the general principles of the Constitution and the conventions which govern analogous situations: a government defeated in the House on a major issue but retains a *working majority* in Parliament is bound to resign or dissolve Parliament, unless the defeat took place in exceptional circumstances which are unlikely to recur, and if another vote is taken on the same issue on which the Government was defeated, the government could obtain a *clear* majority. The government should proceed to obtain a vote of confidence from the House as soon as possible.

154 169, *House of Commons Debates*, 5 s. c. 749. 12 February 1924.

See also statement by Clement Atlee in 473 H. C. Deb., 5 s. c. 566; G. Wilson *Cases and Materials on Constitutional Law*, (1966), pp. 47-49

155 W. I. Jennings, *Cabinet Government* (1959) p. 493 and 495

Three conditions must be satisfied. Firstly, the government must possess a working (not necessarily a numerical) majority. Secondly, the defeat should take place in exceptional circumstances which are unlikely to recur - e. g. where some government members were ill or abroad or were unaccountably delayed on their way to Parliament (by an accident or traffic jam) coupled with some time trick or manoeuvre¹⁵⁶ on the part of the opposition which affected the voting, and radically upset the calculations of the party whips. Thirdly, the government must be in a position to obtain a vote of confidence on the issue on which it was defeated. It would perhaps not be sufficient for the government to conveniently forget the issue on which it was defeated, win back any defectors and proceed to govern thereafter.

A government which stays in office after a defeat in Parliament leaves itself open to criticism on many grounds, and its image may be badly tarnished, and if it carries on with a bare majority and defeated a second time this would be a factor which the opposition can highlight at the polls.

Were the above three conditions present in December 1964? It appears that the government retained a working majority. The government was defeated by one vote in the absence of seven members. Mr. Harold Wilson was returned to power in 1964 with a majority of 5 which was reduced after a bye-election to 3, in a Parliament of 630, and governed the country for over one and half years. But in this context it is important to note that Mr. Wilson was careful not to introduce measures which would provoke the Liberal Party (which had 11 seats) to oppose him, and that the Liberal Party gave him qualified support from the opposition. Taking into consideration that the numerical strength of the Ceylon Parliament is less, it may be said that the minimum required for a working majority in the Ceylon Parliament would be six. If an opposition party is willing to provide qualified support (as the Liberals provided Mr. Wilson), and the legislative programme is prepared so as not to offend that opposition party, the number could be less.

The exceptional circumstances were apparently present. Two government members were abroad and one was delayed by a puncture while on the way to Parliament. One Opposition member was abroad and was not expected back at the time of the voting, suddenly appeared in the House, having been summoned back specially for the vote. A Minister in the government (Mr. C. P. de Silva) who voted with the Opposition tendered his resignation on the afternoon of December 3rd. During the debate on the Address three government members indicated that they were voting against the government. These and 10 other government members crossed the floor about *one* hour before the final vote. But it appears that the opposition leaders had known of the defection many weeks (some say months) earlier but had planned to delay the crossing over and kept it secret, until an occasion arose when it would be possible to spring a surprise

156 See quotation above from Ramsay MacDonald's speech

defeat on the Government. Mr. C. P. de Silva had not in the weeks before his resignation by any dissent in the Cabinet given any indication of an imminent resignation, nor had he opposed the drafting of the Address, an amendment to which he supported.¹⁵⁷ It appears that the crossing over was not accompanied by normal parliamentary ethics. The defeat of the government was a carefully planned manoeuvre designed to upset the calculations of the party whips and would therefore fall within "exceptional circumstances" in the test formulated above.

The third condition was not satisfied. The government did not attempt to obtain a vote of confidence. But Parliament was adjourned the day after the defeat of the government, and the dissolution took place on the day it was scheduled to meet.

As against the argument outlined above, it may be argued that a government which is defeated on a major issue, as an amendment to the Address undoubtedly is, should whatever the circumstances, resign.

The issue was heatedly discussed at the time whether if Mrs. Bandaranaike did not dissolve Parliament the Governor-General could do so.¹⁵⁸ The leaders of the opposition parties requested the Governor-General to exercise the right vested in him under the Constitution and to dissolve Parliament and fix a date for a General Election.¹⁵⁹ But it is submitted that this was a politically motivated misinterpretation of the Constitution. The British convention is that Parliament is dissolved on the *advice of the Prime Minister*.¹⁶⁰ Therefore the power of dissolution conferred on the Governor-General by section 15 of the Constitution Order in Council (which is the constitutional provision referred to by the six leaders) must, because of section 4 (2) be exercised in the light of the British convention. The course open to the Governor-General if he wished to dissolve Parliament without the advice of a Prime Minister, was to dismiss the Prime Minister and call upon a new Prime Minister who would have the option whether to govern (if he could command a majority) or who would advise a dissolution. There is a clear precedent to the effect that the Head of the State cannot in such a situation impose a condition on a newly appointed Prime Minister that he *must* advise a dissolution.¹⁶¹ Therefore the Governor-General could not dissolve Parliament without dismissing the Prime Minister. Therefore the question is, in what circumstances a Head of State could take the extreme step of dismissing the Prime Minister. Jennings takes the view that the issue in modern practice does not arise because the ultimate sanction is that a Prime Minister who stays in office without a parliamentary majority cannot carry out the work

157 Cf. Statement made by Mrs. Bandaranaike (*Ceylon Daily News*, 8. 12. 1964) p. 1, with reply by Mr. C. P. de Silva (*Ceylon Daily News*, 11. 12. 1964). Mr. de Silva points out differences he had within the Cabinet in the preceding years, but does not cite any examples of dissent within the immediately preceding months.

158 See *Ceylon Daily News* of 7. 12. 1964; p. 5; 8. 12. 1964, p. 1; 9. 12. 1964, p. 5

159 *Ceylon Daily News*, 8. 12. 64, p. 1

160 O. Hood Phillips, *op. cit.*, p. 108 - 109; W. I. Jennings, *Constitution of Ceylon*, (1953) p. 67

161 W. I. Jennings, *Constitution of Ceylon*, (1953) pp. 68-69

of government and will be compelled to resign.¹⁶² Jennings points out that no government has been dismissed by the sovereign in the history of modern cabinet government (the last dismissal was in 1783).¹⁶³ He is of the view that a sovereign may exercise such a right only in very exceptional circumstances.¹⁶⁴

The Queen's function is, it is suggested, to see that the Constitution functions in the normal manner. It functions in the normal manner so long as the electors are asked to decide between competing parties at intervals of reasonable length. She would be justified in refusing to assent to a policy which subverted the democratic basis of the constitution, by unnecessary or indefinite prolongations of the life of Parliament by a gerrymandering of the constituencies in the interests of one party or by fundamental modification of the electoral system to the same end. *She would not be justified in other circumstances.*¹⁶⁵

Parliament was scheduled to meet on December 17th, and if Parliament had by then not been dissolved, the course open to the opposition was to defeat the government, and leave it with no alternative but to resign.

On this analysis, whatever view one takes of the conventional propriety of a decision by Mrs. Bandaranaike not to resign in the above discussed situation, it is clear that the Governor-General had no right of dismissal unless the Prime Minister was avoiding meeting Parliament, or in any other way was taking definite steps to destroy the democratic structure of the constitution. It is submitted that since Mrs. Bandaranaike possessed a working majority, and if she had obtained a vote of confidence, she would have strained the constitution without breaking it, if she did not resign not advise a dissolution.

The opposition members and their supporters holding public meetings in the country at large, and a section of press, worked up opinion against the government and alleged that the entire constitutional structure was being threatened by the Prime Minister's actions. The statement sent by the Opposition leaders to the Governor-General has been referred to. It may be that the Governor-General may have been precipitated into taking action. It is rumoured that the Governor-General sent a verbal message to the Prime Minister through a third party asking her to resign. If this is correct, this was surely an unconstitutional act. The Governor-General should have remained above the political controversy especially since Parliament was scheduled to meet. It was left to the Opposition to inflict a further defect on the Government if it stayed in office. The Governor-General should have intervened only in the circumstances outlined by Jennings.

162 W. I. Jennings, *Cabinet Government*, (1959), pp. 493 and 403

163 *Ibid.* p. 403

164 *Ibid.* pp. 403-412. See also O. Hood Phillips, *op. cit.* p. 109

165 W. I. Jennings, *op. cit.* p. 411-12

(d) The election results of March 1965 and the conduct of the Prime Minister.

The party positions after the General Election held on 22nd March 1965 were as follows: United National Party 66; Sri Lanka Freedom Party 41; Federal Party 14; Lanka Sama Samaja Party 10; Sri Lanka Freedom Socialist Party 5; Communist Party 4; Tamil Congress 3; Jathika Vimukti Peramuna 1; Mahajana Eksath Peramuna 1. Six independent members were also returned. The complete results had come in by the 23rd evening. The Prime Minister Mrs. Bandaranaike resigned on the 26th morning. It appears that Mrs. Bandaranaike and her supporters had approached the leaders of other parties in an attempt to form a coalition government. Mrs. Bandaranaike resigned when it became apparent that all parties, except the LSSP and the CP, had pledged their support (expressed in a document signed by the leaders of these parties and handed over to the Governor-General) to the leader of the UNP.¹⁶⁶ Mrs. Bandaranaike was criticised for not resigning when it became apparent on the election results that she had lost her majority in the House. The issue to be analysed is whether in a situation where no party has obtained an absolute majority, the Prime Minister in the previous Parliament should resign immediately and leave it to the Governor-General to call upon the party leader best able to command a majority (who may be the Prime Minister who had resigned), or the Prime Minister may negotiate with uncommitted groups, and the obligation to resign arises only when it is apparent that he cannot hope to command a working majority in the House.

A similar situation arose in Britain in 1929, when no Party secured a majority at the General Election, but the Conservatives were returned as the largest single group, and their leader Mr. Baldwin could have continued as Prime Minister till he was defeated in the House. Instead of trying his hand, he realised that his party has lost support and decided to resign immediately.¹⁶⁷ He did this because the public would have thought it "unsporting" of him not to have done so and would have suspected him of "contemplating a deal with the Liberals".¹⁶⁸

When the 1964 British election results were being announced Sir Alec Douglas-Home, the Conservative Prime Minister in the earlier Parliament, set off to tender his resignation to the Queen at the point when it became apparent that even if his party won all the remaining seats he would not be in a position to command an over-all majority, even though it was not at all clear at that time that any other party would obtain an over-all majority, and it was apparent that Home's party would obtain only a handful of seats less than the Labour Party.¹⁶⁹ The final results were Labour 317; Conservatives 304; Liberals 9; others nil;

166 *Ceylon Daily News*, 26. 4. 1965, p. 1

167 Harold Nicholson, *King George the Fifth*, (1952), pp. 434-35; W. I. Jennings, *Cabinet Government*, (1959) pp. 490-91.

168 *Ibid.* p. 435.

169 The writer witnessed and heard about this on B. B. C. Television. No written authority can be cited for verification.

which gave Labour an over-all majority of 4. In 1843 in Britain the Whigs were defeated at the General Election, but met Parliament and when a no-confidence motion was passed, the Prime Minister resigned. But since then there has been no comparable incident.¹⁷⁰

A Prime Minister in Ceylon recommends the appointment of six members to the House of Representatives¹⁷¹ and this is a factor which makes it desirable that a Prime Minister whose absolute majority has been cut down should resign immediately. An immediate resignation is called for by British conventions discussed above. But there may be a situation in exceptional circumstances, where a Prime Minister who does not command an over-all majority, has definite support in the House, and can thus hope to govern and therefore may be justified in not resigning. But it is very clear that such exceptional circumstances were not present in March 1965. The SLFP with its allies the LSSP and the CP, had been isolated during the election campaign, and in the latter part of the previous Parliament, and it was clear on the basis of the election results that Mrs. Bandaranaike had the support of 53 members and would at the most hope to obtain the support of the Independents. The proper constitutional and more dignified course open to Mrs. Bandaranaike was to have resigned on the 23rd evening.

The issue was discussed at that time whether the Governor-General had the right to dismiss Mrs. Bandaranaike. But the sanction in such a situation is that a Prime Minister without a majority cannot hope to govern and will be defeated in the House.¹⁷² Section 15 (4) of the Constitution Order in Council directs that when a Parliament is dissolved, a date for the meeting of the new Parliament be fixed. The opposition would thus have an opportunity to pass an immediate vote of no-confidence when the House met. Therefore, adopting the view of Jennings,¹⁷³ the Governor-General could have assumed power under the constitution to dismiss Mrs. Bandaranaike only if she did not come before Parliament on the specified date, or if in any other way steps were being taken to destroy the democratic character of the Constitution. Thus in a situation where a Prime Minister is defeated at the polls, refuses to resign, except in the circumstances outlined by Jennings,¹⁷⁴ the Governor-General would not be constitutionally justified in dismissing him.

A serious constitutional crisis would arise (which did not arise in 1965) if after a General Election the Prime Minister in a previous Parliament, who does not possess a working majority in the new House of Representatives, instead of resigning, submits to the Governor-General the names of six persons for appointment to the House under section 15 (1) of the Constitution. It has

170 W. I. Jennings, *Cabinet Government*, (1959), p. 403.

171 See above.

172 W. I. Jennings. *Cabinet Government*, (1959), pp. 493, 495, 403.

173 Discussed above.

174 *Ibid.* But see A. J. Wilson in (1958) *Modern Asian Studies*, pp. 193, 214, 215.

been submitted that the Governor-General should not accept the advice of a Prime Minister who does not command a majority in the House.¹⁷⁵ If despite the Governor-General's reluctance to exercise the power of appointment, the Prime Minister persists in his request and also submits a list of Cabinet Members for appointment this *may* be a situation in which the Governor-General may dismiss a Prime Minister.

IV. CONCLUSIONS

The following rules (1-9) with the exception of (5) and (7) may be said to be conventions of the British Constitution and therefore applicable *prima facie* in the situations discussed in the above analysis. It must be noted that (1) to (5) relate to the powers of the Governor-General, and (6) to (10) to the conduct of a Prime Minister, and that (5) and (10) are not British conventions but suggestions made by the present writer.

(1) After a general election the Governor-General should call upon a party leader best able to command a majority in the House of Representatives to form a government. Where no party has obtained an absolute majority, such person is not necessarily the leader of the party which has obtained the largest number of seats.

(2) Where a Prime Minister advises a dissolution of Parliament, the Governor-General has a discretion to reject such advice, if there is reasonable supposition that an alternate Government may be formed and carried on.

(3) The Governor-General should not assume a power of dismissing a Prime Minister merely on the grounds of unconstitutional conduct. He would be justified in doing so only where the entire democratic structure of the Constitution is threatened.

(4) The Governor-General cannot dissolve Parliament except on the advice of the Prime Minister.

(5) It is submitted that it is open to the Governor-General to develop a very desirable convention that he would not accept advice, for the appointment of members to the House of Representatives under section 11 (2), from a Prime Minister who does not command a majority in the House. But the set of appointments in March 1960 is a definite contrary local precedent.

(6) A Prime Minister should not make a request for a dissolution unless, he commands a majority in the House, or no alternate Government is possible. But the request of Mr. Senanayake in 1960 is a definite contrary local precedent.

(7) The Prime Minister must be a member of the House of Representatives. If he is not a member at the time of appointment he should seek election

175 See above.

to the House. Mrs. Bandaranaike's tenure as Prime Minister (1960-1965), while being a member of the Senate is a contrary local precedent. But it appears that in Ceylon, a Prime Minister *at the time of appointment* need not be a member of either Chambers.

(8) A Prime Minister in the previous Parliament who after a general election does not command an absolute majority in the House of Representatives should resign, and leave it to the Governor-General to make a choice (on the basis of (1) above) of a Prime Minister, even if the defeated Prime Minister *may* be able to lead a coalition in the new Parliament.

(9) A Prime Minister defeated in Parliament on a major issue and who does not command the confidence of the House should resign, or subject to (6) above, advise a dissolution.

(10) It is submitted that a Prime Minister who does not command a majority in a newly elected House of Representatives should not embarrass the Governor-General by asking him to appoint 6 members under section 11 (2) of the Constitution. But the set of appointments made by the Governor-General in 1960 is a definite contrary local precedent.

(11) The Governor-General's task of appointing a Prime Minister when a vacancy occurs during the continuance of a Parliament would be eased if the major political parties formulate rules for the election of a party leader.

Section 4 (2) imposes on the Governor-General an obligation to follow British conventions "as far as may be". But the Prime Minister, though generally governed by British conventions is not under a legal obligation to follow them. The consequence of this is that if the Governor-General does not follow a British convention, this act will not be relevant in the future as a precedent, unless the British convention has been adapted within the meaning of the words "as far as may be". But if the Prime Minister acts ignoring a British convention his action would be regarded as a precedent which if subsequently followed could give rise to a contrary local convention. Therefore, in the above statement, contrary local precedents to British conventions governing the Prime Minister (6-10) are noted, but not in the case of the Governor-General (1-5 above).

In assuming the effect of a local precedent on an established British convention it is important to note that a single precedent does not necessarily create a convention or alter an existing convention. The appointment of Mrs. Bandaranaike as Prime Minister even though she was not a member of either Chamber of Parliament at the time of appointment, may be regarded as an exception (justified by special circumstances) and therefore not altering the general rule that a Prime Minister must be a member of one of the Chambers. The British convention was not followed when the Prime Minister from 1960-1964 was a member of the Senate. But the single precedent does not necessarily make the British convention inapplicable to Ceylon in the future. Jennings

points out¹⁷⁶ that a convention is generally established or altered by "a course of precedents"¹⁷⁷ but concedes that exceptionally a single precedent might overthrow a long standing rule, provided that the single precedent was generally accepted and there was a good reason or purpose referable to the existing requirements of constitutional government for following it.

Since the reasons for the Governor-General's decisions are not made public, it is difficult to determine whether in 1960 the Governor-General applied (1) and (2) above. These principles would not have been infringed if Mr. Senanayake was called upon to form a government on the basis that the Federal party would support the UNP, and if Mr. Senanayake's request for a dissolution was granted because it was thought that an alternate government led by Mr. C. P. de Silva would not command a majority in the House. But the Governor-General may have appointed Mr. Senanayake merely because his party had obtained the largest number of seats, and granted a dissolution because he thought that a stricter exception than that stated in (2) above, be adopted or because he thought that a Prime Minister had an absolute right to a dissolution.

Situations have arisen where there was no relevant and formulated British convention. In 1960 when the question arose whether the Governor-General could appoint as Prime Minister a person who was not a member of either Chamber of Parliament, and in 1964 when the issue was whether a government defeated on a major issue, and which retained a majority in Parliament was bound to resign or advise a dissolution, there was no clearly formulated British convention which could be applied. It appears that in such an eventuality, the convention has to be deduced from the general principles of the constitution and from the conventions which govern analogous situations.

The analysis of the operation of conventions in the law of Ceylon shows that there is a wide area of uncertainty. This enables each party and the newspapers which support them, when a constitutional issue arises, to find arguments and authorities to justify the course of action which would favour their own party interests. Politicians thinking primarily of the present, may thus hope to gain an immediate advantage, which blinds them to the fact that if they stretch the rules to their own advantage, they will create future precedents for their opponents to follow. In controversial situations the newspapers could render a valuable service to the nation by placing the considerations of constitutional government over party interests. But the past record of the newspapers is such that it is unlikely that in the future the newspapers will do anything other than to play party politics.

176 W. I. Jennings, *Cabinet Government* (1959) pp. 4-13, especially at pp. 6-7

177 *Ibid.* p. 7

Thus the Governor-General's position is even more difficult than that of the Queen. The Queen is somewhat removed from the arena of party politics. The Governor-General is ever associated with the party that recommended his appointment. It may be said that whatever course of action the Governor-General followed in April 1960 he would have laid himself open to criticism. It is possible that similar recrimination and controversy will follow decision of the Governor-General, if after the next general election no party obtains an absolute majority. The image of constitutional democracy in Ceylon will inevitably be affected by such controversies.

Conventions by their nature are unwritten. This lack of precise formulation breeds uncertainty. But there are two factors present in Ceylon (though not in England) which add to the uncertainty; the words "as far as possible" in section 4 (2) of the Constitution and the problems raised in assessing the relevance of local precedents which have ignored British conventions.

On the other hand the absence of precise formulation means that conventions may be adapted to suit changing circumstances and unforeseen events. If the rules had been spelt out explicitly in the constitution, it may be that the appointment of Mrs. Bandaranaike as Prime Minister in 1960 would have been prevented by a special constitutional provision which enacted that the Prime Minister must be a member of Parliament. De Smith says: ¹⁷⁸

the blessed vagueness of the general clause may have proved to be the salvation of the body politic. One may recognise the force of these arguments without feeling any optimism that the adventitious combination of circumstances which gives them validity is likely to be reproduced, *mutatis mutandis*, on other occasions.

The problem for the constitutional craftsman is to balance the need for some degree of certainty with the need for flexibility. In Great Britain a proper balance is maintained. But it appears that the present state of the law of Ceylon leans too far on the side of flexibility, giving rise to vagueness and uncertainty. Therefore a written, but not too inflexible statement of the applicable rules is very necessary. This may be done by an amendment to the Constitution Order in Council 1946. A simpler procedure would be for the Governor-General to issue from Queen's House a statement of the rules which he will follow in the exercise of his discretionary powers, and for Parliament to pass Standing Orders which describe the more controversial conventions governing the Cabinet and the Prime Minister. Such procedure will be in order, provided the statement of rules, and the Standing Orders, do not infringe the provisions of the Constitution.

Religious Symbolism and Political Change in Ceylon¹

by GANANATH OBEYESEKERE

One of the fascinating problems in a sociological study of the "higher" religions is the manner in which the doctrinal or theological corpus has been "transformed" – to use Weber's term – on the behavioural level. Such doctrinal transformations, it can often be presumed, occur under the pressure of human needs or motives and/or through the operation of social structural and economic variables. Theravada Buddhism is doubly fascinating from this point of view because some of its major doctrinal postulates seem to go counter to the religious needs of the masses as we understand them from the cross-cultural evidence, e. g. the concept of *nirvana* with its notion of the extinction of personality and the cessation of all Being; that of *anatta*, or the doctrine that there is no permanent soul or "self" outside of the phenomenal 'I'; the devaluation of magic and a personal deity, and in its place an Enlightened Being or Buddha who, in so far as he is no longer alive, cannot assist the worshipper in any direct manner. Finally, though the existence of various types of deities are recognised, their power is necessarily curtailed by the doctrinal theory of *karma*, the predominant if not sole determinant of ('samsaric') events.

Recent social science studies of Theravada Buddhism indicate that the kind of transformations and reinterpretations of doctrinal Buddhism first spotlighted by Weber² have indeed occurred on the behavioural level; e. g. Ames,³ de Young,⁴ Kaufman,⁵ Leach,⁶ Obeyesekere,⁷ Spiro,⁸ Wriggins,⁹

- 1 This paper was originally prepared in 1966 for a Wenner-Gren Foundation Seminar and subsequently revised. I wish to acknowledge the criticism of my colleagues who attended the *Ceylon Studies Seminar* where this paper in substantially its present form was read on 8th June, 1969. I have to specially thank my friends Kitsiri Malalgoda and Tissa Fernando who helped me in various ways and K. H. Jayasinghe who referred me to the political pamphlet entitled "How Sirima's Government Fell". I regret that lack of knowledge of German prevented me from using Bechert's book *Buddhismus, staat und Gesellschaft in den Landern des Theravada-Buddhismus*.
- 2 Max Weber, *Religion of India*, Glencoe, Illinois, The Free Press, 1958.
- 3 Michael Ames, "Ideological and Social Change in Ceylon", *Human Organization*, Vol. 22, Spring 1963, pp. 45-53.
- 4 John E. de Young, *Village Life in Modern Thailand*, Berkeley, University of California Press, 1955.
- 5 H. K. Kaufman, *Bankhaud, A Community Study in Thailand*, New York, J. J. Angustin, 1960.
- 6 E. R. Leach, "Pulleyar and the Lord Buddha", *Psychoanalysis and the Psychoanalytic Review*, Vol. 49, 1962, pp. 80-102.
- 7 Gananath Obeyesekere "The Great Tradition and the Little in the Perspective of Sinhalese Buddhism", *Journal of Asian Studies*, Vol. XXII, No. 2, 1963, pp. 139-153.
- 8 Melford E. Spiro, "Religious Systems as Culturally Constituted Defense Mechanisms", *Context and Meaning in Cultural Anthropology*, pp. 100-112, Glencoe, The Free Press, 1965.
- 9 Howard W. Wriggins, *Ceylon: Dilemmas of a New Nation*, Princeton, 1960.

Yalman.¹⁰ Yet most of these studies deal with Buddhism as it is practised in contemporary South Asian *peasant* societies, except Ames¹¹ and Wriggins.¹² My intention is to assume a peasant baseline for studying the changes that have occurred in Buddhism as a result of massive social changes, specially political changes in recent times. In order to do this we have to shift our focus from the village to the urban and the city context.

For the purposes of this paper the most important of these political changes was the transfer of political power to the Ceylonese with the granting of independence in 1948. The initial political dominance of the Christian population and the city "middle class" soon disappeared, and there was by 1956 an effective transference of political power to the Sinhalese speaking Buddhist population.

The details are available in Wriggins *Ceylon: Dilemmas of a New Nation*,¹³ and in Singer *The Emerging Elite*.¹⁴ There is practically no chance of reversal of this trend; the dominant ethos is and will continue to be Sinhalese Buddhist. If the present political and religious trends continue Buddhism may be officially declared the state religion within a decade. For all practical purposes it is the state religion today.

The problem of my paper is as follows: with massive political changes concomitant changes in Buddhism, on the behavioural level, would have occurred. I propose to examine some of these changes, and the political and social "conditions" that have produced them.

Let me illustrate with one example the kind of religious change on the symbolic level which I am concerned with in the present analysis. I drive along a major highway in Colombo, formerly known as Turret Road, but recently renamed Dharmapala Mawata, after Anagarika Dharmapala, a prominent Buddhist leader in modern times. A short distance and I turn right and then come to a roundabout at a point where three major roads meet. Behind the roundabout is a large *bo* tree. On this roundabout are erected four huge concrete maps of Ceylon about five feet in height; they face the four directions in a square. In the middle of each map is engraved an ethical precept of Doctrinal Buddhism (1) *mudita*, "sympathetic joy", (2) *upekka*, "equanimity", (3) *karuna*, "compassion" (4) *metta* "universal love". On the top of each map is painted the national emblem of the Sinhalese, a highly stylized lion, with a sword held aloft in one paw. This structure was erected by a prominent member of the Ceylon Buddhist Congress, a powerful Buddhist organization whose leadership largely consists of

10 Nur Yalman, "The Structure of Sinhalese Healing Rituals", *Aspects of Religion in South Asia*, Special issue, *Journal of Asian Studies*, Vol. XXIII, pp.115-150, 1964.

11 Michael M. Ames, "Religion, Politics and Economic Development in Ceylon: An interpretation of the Weber Thesis", *Symposium on New Approaches to the Study of Religion*, Melford E. Spiro, Editor, pp. 61-76, Seattle, 1963.

12 Wriggins, *Ceylon: Dilemmas of a New Nation*.

13 *Ibid.*

14 Marshall Singer *The Emerging Elite*, Cambridge, Mass., M. I. T. Press, 1964.

middle - class, professional and business persons. Its power is largely due to its wealth, its elite membership, its highly vocal leadership with political influence in national politics. It has practically no influence on the level of peasants many of whom have no idea of its very existence.

On the cognitive level it is unlikely that a Sinhalese Buddhist would see anything discordant in this roundabout. Yet for a sociologist there is something unusual. Firstly, there are four universalistic Buddhist concepts of sympathetic joy, equanimity, compassion, universal love; these "universal" concepts which from the doctrinal point of view are ethical norms for all mankind are "contained" within a map of Ceylon i.e. the universalistic concepts are embodied in a particularistic (national) framework. Moreover, the painting of the lion, a predatory, carnivorous creature grasping a sword, a symbol of violence, seems to contradict the lofty doctrinal sentiments. The emblem of the lion in turn relates to the origin myth of the Sinhalese race. This myth relates that the King of Kalinga had a daughter, who according to prophesy would elope with the King of the beasts. In order to ward off the prophesy the King kept his daughter confined, but one day she managed to escape and joined a caravan of merchants. While the caravan was passing the forest, it was attacked by a lion who carried away the princess and cohabited with her. Thus we have the theme of bestiality. According to the cultural norms of any group a bestial union cannot produce "good" offspring. The result of this union is Sinhabahu ('the lion arm') a male and Sinhasivali, a female. This pair grew up and became aware of their "unusual" life circumstances. One day when the father was away on a hunt, the son removed his mother and sister and fled to his grandfather's kingdom, where he was welcomed as the heir apparent. The son married his sister. The theme of bestiality is compounded by that of incest. Meanwhile the angry lion, seeing the loss of his family wrought destruction on adjacent villages. The son kills the father - bestiality, incest, parricide. Nothing good could be expected of the union of brother and sister with a history of bestiality and parricide. They had an offspring, Vijaya who with his murderous group of 500 friends, acted very much like his grandfather, the lion - killing and hurting innocent people. The King, Sinhabahu, banished his son and his followers. With their heads shaved they were put on a ship - the watery rebirth that symbolically eliminates the "sins" of the past. They landed in Ceylon and founded a new race - the Sinhalese, or "the lion race".

Now we can come back to the "roundabout" near Dharmapala Mawata, Colombo. Juxtaposed with the highly abstract universal ethical concepts from doctrinal Buddhism are their concrete particularistic opposites - bestiality, incest, parricide, violence. Both sets are contained within the map of Ceylon. What is being expressed here on the symbolical level in this somewhat ungainly concrete edifice?

On the one hand it represents a shift of power that has occurred on the political level - political power is effectively in the hands of the Sinhalese Buddhist population. Hence the juxtaposition of the predatory lion symbolism

(Sinhalese) with the abstract ethical concepts of a universal religion (Buddhism). Ceylon is "claimed" for the Sinhalese Buddhists, by the Sinhalese Buddhists. This of course may be denied by the other religious and racial groups, but we are not interested in that at the moment.

Secondly, let me reiterate that the Buddhist concepts are highly abstract ones from the *doctrinal* corpus, not from the cultural repertoire of the mass of peasants. They are written in their *pali* form (*pali* is a language in which the Theravada doctrines are written). This in my opinion expresses a cultural shift that has occurred concomitant with the political shift. Let me briefly explain this cultural shift.

In early British times effective control of education was in the hands of Christian mission schools. These mission schools, both Catholic and Protestant, were modelled on the lines of the English public school system and included such phenomena as "houses", prefects, cricket, "big matches" etc., as well as the public school syllabuses and curricula. Later (post 1880) Buddhist mission schools sponsored by the Buddhist Theosophical Society founded by an American, Col. Olcott, and the Mahabodhi Society founded by Anagarika Dharmapala also founded new schools. But the model they adopted was the missionary public school model - all the way from cricket to the curriculum. Even the names were based on the Christian - instead of St. Peters, St. Thomas' or Bishop's College, you had Ananda, Nalanda, Rahula or Mahabodhi. A Buddhist catechism and a Buddhist flag were devised by Olcott. The Buddhist catechism has gone out of vogue; but the flag remains as a highly cathected symbol of Buddhist national identity. Few are aware of the recent American origin of this sacred symbol. The teachers who were recruited to Buddhist schools were often originally educated in mission schools. Hence there was a dissemination of Victorian-Protestant ethical ideas into the culture of the elite Buddhists. In so far as political and economic dominance was Christian, there was motivation for the *cathexis* of these norms by Buddhists. Hence today Buddhist sexual morality, its monogamous marriage ideals, and divorce rules are highly cathected derivatives from Protestantism. Historically it should be noted that these ideals were never exclusively dominant in any period of Buddhism in any of the Theravada societies of South Asia prior to the 20th century. Alongside the cathexis of norms there was an adoption of organizational "forms" from Christianity - Young Men's (Women's) Buddhist Associations, Buddhist Army Chaplains, Sunday Schools for Buddhists (till 1965), missionary organizations and various types of Buddhist associations. Since traditional Buddhism lacked any formal modern organizational apparatus, the existent Protestant models were adopted by Buddhists. Thus contemporary Buddhism could conveniently be called *Protestant Buddhism*.

The term "Protestant Buddhism" in my usage has two meanings. (a) As we have pointed out many of its norms and organizational forms are historical derivatives from Protestant Christianity. (b) More importantly, from the contemporary point of view, it is a protest *against* Christianity and its associated

Western political dominance prior to independence. Thus, for example, those very norms that were derived from Western Victorian Protestantism were thrown back at the 20th century West — Westerners are believed to be sexually lax, and there is a general condemnation of “Western” values. Very few elite Buddhists are aware of the fact that in isolated traditional Buddhist villages, sexual morality and divorce may be far more “lax” than in many communities in Europe or the U.S.A. Whenever these facts are made known they are condemned as un-Buddhistic, immoral and even untraditional!

The intellectual protest against Christianity was facilitated by Western scholarship, specially the translation and interpretation of texts by the scholars associated with the Pali Text Society. The propagandists of the intellectual Buddhist movement were trained in mission schools. Doctrinal Buddhism was held up as a kind of Theosophy, as it is today with intellectuals; a rational religion without a Saviour or a cult, devoid of “superstitions”. This intellectual revivalist movement however had to contend with an obvious contradiction in peasant culture with its array of demonological cults, beliefs in sorcery and magic. Thus the resurrection of doctrinal Buddhism, involved a demythologising of peasant beliefs and a *rationalization* of peasant cults. I emphasize *rationalization* for it is not that these beliefs are done away with. They are elided of their “vulgar” qualities, they are made more “respectable”. Against the abstractions of doctrinal Buddhism are counterposed the concrete “needs” of the believer and their satisfaction in ritual and worship even among urban Buddhists. The predatory lion juxtaposed against the universalistic norms of *pali suttas* are only one aspect of a larger process.

Let us briefly get back to our concrete slabs to illustrate the third set of processes of change being reflected therein. The edifice has been erected at the traffic roundabout. Though strictly speaking this edifice is not an object of worship, nevertheless it is located in the “hub” of events; not in the isolation of a monastery, a cave or hill temple. Since this edifice is not one of worship it is time we left it and drove a mile towards another, even more crowded roundabout where Darley Road meets McCallum Road. Here we come across a Buddha image erected at the roundabout. This statue was erected in the 1950's; the manner in which it was erected is interesting. Near the roundabout is St. Joseph's College, a well known Catholic public school. Its one-time rector was Father Le Goc an influential Catholic priest. When he died the Colombo Municipal Council gave permission to the Catholics to erect a pillar in his memory at this same roundabout. The pillar was in fact erected, but one morning “pious” Buddhists in the area had also planted there a Buddha statue. This action, ignoring the obviously hostile motives that went into it, was illegal and created a furor. But Father Le Goc was “displaced” and the Buddha came to stay there permanently. The symbolic significance of the act is obvious: it expresses the displacement of Catholicism as a manifest public force and the substitution of Buddhism in its place. But there is a deeper implication here which we must now pursue.

We leave Colombo city and travel in the Southern direction through the densely populated West coast areas of Ceylon along Galle Road - Ceylon's major highway. Before we leave Colombo we notice that a Buddha statue and a temple have been erected at a corner of the former Turf Club - illegally by a squatter monk. As we reach Lunava, 10 miles from Colombo we see a Buddha at another roundabout; in the next town, Panadura, a huge gilt Buddha is erected at a fork in Galle Road; in Kalutara, another town, there is another cement-Buddha. The concrete edifice we spoke of earlier is no fortuitous thing; elsewhere at other roundabouts in the urban west coast, Buddha statues have sprung up. We then remember, that there is a Buddha statue erected in the premises of Radio Ceylon; another has been erected in front of the new and impressive seven storey Irrigation Department Headquarters, constructed only in 1963. Buddha statues have sprung up everywhere in urban Ceylon. Superficially there may be nothing strange in this, but for the fact that the Buddha, was never represented *spatially* in this way, traditionally. The Buddha, to put it metaphorically, has been brought to the market place.

THE SYMBOLIC SIGNIFICANCE OF SPATIAL SHIFTS

The significance of "social space" has been recently discussed by Warner.¹⁵ In his discussion of the organization of the American cemetery, Warner shows that the size of the grave stones reflect the relative statuses of the respective members of the elementary family. He also shows how persons who have recently moved up the class ladder sometimes remove the gravestones of their parents from lower class burial grounds to upper class ones. Similarly the movement of Buddha statues from the traditional isolated repositories to the "market place" suggests important antecedent socio-political changes in urban Ceylon, some of which we have discussed earlier.

Traditionally the ideal way of building a temple or any religious edifice is to ensure a spatial separation of the religious edifice from the human community. Analogously the incumbents of these temples - the Buddhist monks - were spatially separated from the peasant laity. For religious worship the peasants went to the temple; for certain parish tasks like participation in almsgiving rites, recital of texts (*parittas*) and funeral rites the monks went to the village. The spatial separation of the edifice and the incumbent from the human community reflects a behavioural manifestation of a central Buddhist doctrinal value. Briefly stated, the Buddha and rites associated with him deal with the other-worldly interests of the masses. Furthermore, salvation (*nirvana*) involves as its prerequisite an emancipation from the social structure, i.e. emancipation from the attachment to the world. These ideal doctrinal postulates are manifest in the spatial separation of monk and temple from the peasant and the village. It is also manifest in the *vestment* of the monk (vestment, as I define it, is the special garb of any religious specialist, which symbolises his status). The monk's patched yellow robe, his begging bowl and his shaven head symbolise the *formal ideal* of

15 Lloyd W. Warner, *The Living and the Dead*, New Haven, Yale University Press, 1959, see also Lloyd W. Warner, *The Family of God*, New Haven, 1961.

renunciation of the world. If the Buddha and the associated symbolism have to do with other-worldly interests, not so with the *devas*, the powerful deities of the Sinhalese Buddhist pantheon. These beings are intercessionary deities who assist the worshipper with material well-being – good crops, health etc. in one's present existence. Then there are demons (*yakkas*) and spirits who are entirely malevolent and cause illness and misfortune on humans. The placation of *devas* and *yakkas* are by different religious specialists (*kapurala*, *kattadirala*, *adura*).¹⁶ The spatial separation discussed earlier in reference to the village and the temple never occurs in the latter. The *devas* and *yakkas* are often placated in the precincts of the village; they may even inhabit, or protect the village. The religious specialists of these cults live in the village. They wear the normal garb of the peasant and have lay roles; only when they perform rituals for these respective deities do they wear a special vestment. After the ritual is over they *divest* themselves and fall back into lay statuses and roles. Thus the *devas* and *yakkas* are directly associated with the material interests of the masses.

In the urban context described above a spatial shift has occurred – the Buddha is being brought into the hub of events. What briefly are the underlying factors responsible for this spatial shift? (1) Firstly, the political changes discussed earlier – it represents for all to see the idea of a Buddhist nation; it is the national religion. The Buddha images and other edifices located everywhere are visible public symbols of Buddhist nationalism like a flag or the totem animal in Durkheim's analysis of Australian aboriginal religion.¹⁷ (2) Secondly, in politics and in political controversy, Buddhist monks have had to come into the open as a political force. Their active this-worldly involvement in the political world has occurred. The Buddha in the market place expresses, on a symbolic level, the involvement of Buddhist activists in the world. (3) There is thirdly, I think, a psychological fact analogous to that described as deprivation by Barber¹⁸ and Aberle¹⁹ for nativistic movements. The social psychological factor involved could be (somewhat simply) described as a lowering of self-worth of the Buddhists as a result of deprivations consequent on three waves of foreign invasion. Rapidly however, political power falls into the hands of the Buddhists. An attempt is made by Buddhists to regain their self-esteem or self-worth; in the process a kind of *reaction-formation* or *overcompensation* has occurred. This is manifested in another aspect of spatial symbolism – the size of the statues. The edifices in the market place are generally huge, though aesthetically crude, constructions. Though there is traditional precedence for this in Buddhist

16 Gananath Obeyesekere, "The Great Tradition and the Little in the Perspective of Sinhalese Buddhism", see also, Gananath Obeyesekere, "The Buddhist Pantheon in Ceylon and its Extensions".

17 Emile Durkheim, *The Elementary Forms of the Religious Life*, Glencoe, The Free Press, 1915.

18 Bernard Barber, "Acculturation and Messianic Movements", *American Sociological Review*, Vol. VII, 1941, pp. 663-669.

19 D. F. Aberle, "A Note on Relative Deprivation Theory as applied to Millennial and Other Movements", Sylvia L. Thrupp (Ed.) *Millennial Dreams in Action, Supplement II-Comparative Studies in Society and History*, Mouton 1962, pp. 209-214.

sculpture, the large number of these huge edifices constructed in one generation suggest an attempt at overcompensation. For example, a statue, which is said to be the largest in the world has recently been erected in Matara, South Ceylon. In Colombo the tallest building was a Protestant Church; recently a national Buddhist organization erected an edifice to supercede this. In Kurunegala the Protestant Bishop had an impressive church built; another Buddhist organisation has now decided to erect a huge Buddha statue on top of a hill adjacent this church so as to completely dwarf the latter. Thus the size of edifices is an attempt to regain the self esteem of the Buddhists through overcompensation, manifest in spatial symbolism. Incidentally the "model" for emulation is once again Christian. Christian missionaries planted churches in centres of Buddhist worship all over Ceylon.²⁰

It would be argued that the statues planted in public places, are indicative of the "public character" of contemporary Buddhism as the national religion and does not signify any real attitudinal change on the part of urban Buddhists. That the spatial shift that we have described is indicative of a change in attitude is suggested very strongly if we shift our focus from the "market place" to the home. Here too a symbolic shift has taken place. Buddha images are enshrined in a special part of middle class houses, called by English speaking Sinhalese as a "shrine-room" or in Sinhalese, as "*Budu ge*", (lit. "Buddha house"). The shrine room is an important innovation and a departure from tradition. Traditionally Sinhalese peasant households lit coconut oil lamps in domestic shrines for the *devas* every evening, or on Wednesdays and Saturdays, the special (*kemmura*) days, for *pujas* for deities. The idea was to seek the protection of the *deva* for the inmates of the household. Thus the *devas* were also domestic deities, presiding over and protecting the inhabitants of a household. The Buddha was never a domestic deity in this sense; he was never propitiated or represented in the household shrines. His images were in temples spatially isolated not only from the village but also from the household. Instead of the Buddha, pictures of the *arhat* Sivali were kept in the household; it was Sivali and not the Buddha who was viewed as capable of bringing material prosperity and blessings for the household. But Sivali has been displaced and the Buddha has taken his place in the domestic shrine.²¹ If the movement of the Buddha statues to the market place indicates the involvement of Buddhism with the world and the acquisition of political power in the hands of the Buddhists, the shrine in the home indicates that an attitudinal change has occurred among urban Buddhists. Urban Buddhists subjectively perceive that the "Buddha" is somehow involved in the affairs of the world. This practice is near universal with middle-class Buddhists. That the change is a dramatic one is apparent when

20 This is not unique to Buddhism and Christianity but probably true of any proselytising religion in a position of dominance.

21 There were many pragmatic reasons why the shrine room could not have occurred traditionally. The shrine room has pictures and images of the Buddha. Traditionally this would be rare, since cheap mass produced pictures and plastic images of the Buddha are a modern phenomenon. In my opinion even pictures of the *arhat* Sivali are an early 20th century innovation.

we compare urban Buddhism in respect of this change with peasant Buddhism. In two traditional peasant villages in which I have done extensive field work—Madagama in the Southern Province and Laggala in the Central Province—there were no domestic shrines for the Buddha. In one village—Ihala Biyanwila—only fifteen miles from Colombo there were domestic shrines for the gods Skanda and Huniyan but rarely for the Buddha. This change I believe does not imply a change in respect of how the Buddha is perceived. In both urban and rural Ceylon people know, on the conscious level at least, that the Buddha cannot grant favours, or intercede on behalf of the worshipper. The prayers uttered before domestic shrines are no different from those uttered in temples. What then does the domestic Buddha shrine signify? It signifies, in my opinion, the emergent political and social self consciousness of urban Buddhists. The model, it should be noted, is once again Christian—in this case Catholic. It is also very likely that the idea of the *Budu ge* was popularised if not introduced by the Anagarika Dharmapala, whose role we shall discuss later.

THE ROLE OF THE MONK

That the symbolic shifts that we have described are more political and social rather than economic are apparent when we examine the role of the monk. The involvement of Buddhism with the world does not imply so much a developing economic ethic—though this may eventually occur—but a developing political and social ethic. With increasing involvement with the world one would expect a greater “parish orientation” in the role of the urban monk. This is indeed the case, for monks are increasingly involved in political roles (“right” and “left”), and also in social services, and missionary activity. However a great deal of ambiguity exists in respect of economic activity, for economic development and technological advances are perceived as aspects of Western scientific materialism and therefore devalued. Thus while there is a strong positive political involvement of Buddhism, the attitude to economic development is either ambiguous or negative.

The involvement of the monk in the world is an intensification of the traditional parish roles he had to perform. From the point of view of the public this produces an ambivalent and paradoxical attitude towards the monk. This has to do with the contradiction between the ideal norms of world renunciation as a measure of piety, and the contradiction of that ideal in the actual urban monk role. The ideal of renunciation is a continuing value in Buddhist society; traditionally as well as today the ideal monk is one who has retreated into a forest hermitage, engaged in solitary meditation. The monk who lives in the village temple, performing his normal parish roles, is viewed as being ritually inferior to the ascetic monk. With the greater political involvement of the urban monk, there is a greater public criticism of his virtue. Thus during the last general election campaign the right wing group continually condemned the left wing monks as *dussila* (unvirtuous), while the left wing used the identical epithet to characterize right wing monks. It is likely that as far as the general public is concerned both left and right wing monks are considered *dussila*. In conversa-

tion with middle class Sinhalese Buddhists one is struck by the open contempt and abuse directed against politically active monks, and the highly salacious gossip that circulate about their "immorality".

To sum up, the political involvement of the urban monk has intensified greatly the public ambivalence that even traditionally existed towards the "temple" monk. But this involves a paradox, for the monk is perceived as the visible symbol of the Buddhist political nationalism and therefore respected. Many Buddhists attempt to resolve the ambiguity by saying "we respect the yellow robe (the "vestment") but not the person"; but it is doubtful whether this rationalization resolves the underlying psychological ambivalence. My own view is that recent trends in public attitudes to the monk are one of increasing disrespect for his this-worldly orientation, rather than respect towards him as a symbol of political nationalism. In fact there is a group known as the *vinaya vardhana samitiya* (society for rejuvenating the discipline) with fair support in the more urbanized villages, which has as its avowed objective the purification of the *Sangha* (order of monks) by attempting to enforce the *vinaya* (traditional rules of discipline).²²

The statement "we respect the yellow robe but not the person", implies the public perception of the importance of the *vestment* of the monk. The monk's vestment — the robe that is "patched" and the begging bowl are symbols of the ideal of world renunciation. Twenty-five years ago it was a common sight in the morning for monks to go out begging for alms as it is today in Thailand and Burma. "Begging for alms" was a public symbolic validation of the ideal of renunciation of the world; it did not imply that the monastery was not self sufficient in terms of food. It was a "cultural performance" of an ideal role. Today hardly anywhere in Ceylon can one see monks on the "alms round"; the begging bowl and the alms round as public visible symbols of renunciation are absent. Though there are many factors at work here, one important factor is probably the increasing involvement of the monk in the world, specifically a political involvement. Thus with the changes in role there is a concomitant change in the vestment.

THE "ANAGARIKA" SYMBOL AND THE "ANAGARIKA" ROLE

The ambivalence towards the monk, we said, was based on the contradiction between the ideal of renunciation on the one hand and the increased this-worldly parish and political roles of the urban monk on the other. This contradiction is largely eliminated in the lay Buddhist role, because the layman, according to both doctrinal and behavioural norms, is not expected to renounce the world. How is it possible, without any contradiction or ambivalence, to effect a this-worldly ascetism, congruent with the changing political and economic landscape of Ceylon? The bridge is effected in the symbol of a great political

²² Ames, "Ideological and Social Change in Ceylon".

and religious leader of modern Ceylon—the Anagarika Dharmapala. If ideally the symbol of the monk represents world renunciation and the layman world involvement, the *anagarika* represents an attempt to renounce the world while living in the world. The *anagarika* (meaning “the homeless”) has a special vestment, a white robe, but worn differently from that of the monk. However his head is not shaved unlike that of the monk—symbolising his greater involvement with the world.

The *anagarika* like the monk is *brahmacari*, i.e. committed to sexual abstinence; he also practices the ascetic renunciation (the ten *silas*) incumbent on novices. Yet he is neither novice, nor monk; his unique status permits him to engage in certain types of this-worldly activity difficult in theory for the monk to perform: political, social service and missionary activity. The *anagarika* role also resolves the moral ambivalence associated with the temple monk. He has given up the lay life nevertheless and the mundane satisfaction associated with it—his is a this-worldly asceticism reminiscent of Calvinism. However the social context in which the *anagarika* role is performed is different from the Calvinist, so that the asceticism of the *anagarika* is directed towards social and political goals. The *anagarika* status is also an innovation in Sinhalese Buddhism and its significance can best be appreciated in the context of the socio-political changes outlined earlier.

The first person to adopt the *anagarika* role was Anagarika Dharmapala, who within thirty years of his death, has become transformed into a symbol of modern Sinhalese Buddhist nationalism. Anagarika Dharmapala was born in 1864 as Don David Hevavitharana, the son of a wealthy furniture dealer belonging to the *goigama* (farmer) caste. He was educated in leading mission schools in Colombo. In 1881, coming under the influence of the theosophists, Col. Olcott and Madame Blavatsky and prominent Buddhist monks who were engaged in a famous religious debate with Christians, he adopted the role of *anagarika*. He changed his “Western” name and adopted the name of Dharmapala (“guardian of the doctrine”). Ten years later he founded the *Mahabodhi Society*, the goal of which was resuscitation of Buddhism in India and in Ceylon. In 1906 he founded the *Sinhala Baudhaya*—“the Sinhalese Buddhist”—an influential Sinhalese news paper. In Ceylon his avowed goal was to rehabilitate Buddhism and the Sinhalese race which had become denationalized, de-religious, and degenerated owing to Western conquest and Western influence. A hard hitting, vitriolic polemicist he was fluent in both English and Sinhalese. He ridiculed mercilessly Sinhalese “upper classes” who had become “Westernized” and idealised the glories of the Sinhalese past. His goals, idealism, polemicism, and nationalism are part of the current ideology of modern Buddhism. Today a special day of the year is allocated to him—Dharmapala Day—when processions carrying his image are paraded in practically every large city. Streets all over urban Ceylon have been named after him. Though in the last years of his life he became a fully ordained monk and adopted a new name—Sri Devamitta Dharmapala—he is known and remembered as Anagarika Dharmapala. His symbolic significance is not as monk but as *anagarika*.

The Anagarika Dharmapala was a tireless advocate of political and social reform. "I have to be active and activity means agitation according to constitutional methods".²³ He held up the past glories of the Sinhalese as an ideal worth resurrecting. "No nation in the world has had a brilliant history than ourselves".²⁴ "There exists no race on the earth today that has had a more glorious, triumphant record of victory than the Sinhalese".²⁵ The present degradation is due to evil Western influence - both missionary and colonialism. The country, as he perceives it, is a Sinhalese Buddhist one - there is hardly a place for Tamils and Muslims who are viewed as exploiters. The Christians are condemned as meat eaters of "low caste". "The country of the Sinhalese should be governed by the Sinhalese".²⁶ While he held up the ideal of Christ himself, the general bias in his polemics is for a Sinhalese Buddhist nation.

In reading the published writings of Anagarika Dharmapala one is struck by the complete contrast between his style and the impersonal tone of the Buddhist *Suttas*, and the almost clinical detachment of the *Abhidhamma*. Dharmapala's style is much like that of Protestant missionaries in its tone of personal involvement and invective.

I quote several examples:

- (a) In 1902 he writes: "The sweet gentle Aryan children of an ancient historic race are sacrificed at the altar of whisky-drinking, beef-eating belly-god of heathenism. How long, Oh! How long will unrighteousness last in Ceylon".²⁷
- (b) "Practices which were an abomination to the ancient noble Sinhalese have today become tolerated".²⁸
- (c) "Arise, awake, unite and join the army of Holiness and Peace and defeat the hosts of evil".²⁹

Thus the *anagarika*, trained in mission schools has imbibed along with his hatred of the missions, a dialectic used by the missionaries to castigate Buddhism. He set the style for a dialectic that has become a norm among Buddhists nationalists today.

23 Anagarika Dharmapala, *Return to Righteousness: A Collection of Speeches, Essays and Letters of Anagarika Dharmapala*. A. Guruge: editor, Government Press, Colombo. 1965, p. 735.

24 Ibid. p. 566.

25 Ibid. p. 481.

26 Ibid. p. LVII.

27 Ibid. p. 484.

28 Ibid. p. 494.

29 Ibid. p. 660.

The *anagarika's* scattered writings have just been collated and reprinted in part. His significance for contemporary Buddhists is however not as a person but as a symbol of (a) a Sinhalese Buddhist rejuvenated Ceylon (b) an asceticism directed towards this-worldly activity. His transformation is much like the transformation of Lincoln, the individual, into the symbolic Lincoln.³⁰ The *anagarika* symbol is a product of the times; had he been born in a different era he would have vanished without making any impact. In 20th century Ceylon, Buddhism provided the focus of national unity. In the process it was inevitable that it had to get involved in the world. The model for this involvement was a Protestant model: the *anagarika* symbol is the modern Sinhalese Buddhist analogue of an early Calvinist type of reformism with its increasing this-worldly asceticism. Though Anagarika Dharmapala is more a symbol than a person for most contemporary Buddhists, the *anagarika* role is a function of a specific socio-political context. In the Buddhist Pali texts, the term *anagarika* (homeless) was exclusively applied for *monks*. *Anagarika* and monk were equivalent; the resurrection of the term *anagarika* by Dharmapala in 1881 to designate a specific status intermediate between monk and layman was an innovation. Its popular acceptance was due to "need": in this case the necessity for a "homeless life" (*anagarika*) while living in the world.

The life and work of Anagarika Dharmapala anticipated much of contemporary Buddhism. In his Sinhalese writings his audience was never the peasant; it was an educated Sinhalese speaking or bilingual intelligentsia. He enhanced their sense of self worth and, in the political changes of the mid-century, provided a "charter" for modern Buddhism. Let us consider some aspects of the charter he provided for contemporary Buddhists.

(a) A this-worldly asceticism

He castigated the laziness of the Sinhalese, emphasized thrift, saving, hardwork. He exhorted people to reject the propitiation of *devas*; to worship the Buddha daily at home and every week in the temple. He exhorted parents to get their children interested in meditational (*sil*) activity (generally accepted in contemporary Buddhism, but an innovation at that time for, traditionally, such activity was confined to old persons). He condemned again and again the consumption of meat and alcohol (though singularly silent about fish).

(b) A code of lay ethics

Buddhist doctrine has no systematic code of lay ethics, though the rules of conduct for the order (*sangha*) are minutely regulated, great emphasis being placed on personal decorum, good manners. As far as the layman was concerned only broad generalizations were available in texts like the *Sigalovada Sutta*. This absence of specificity regarding lay ethics facilitated the spread of Buddhism among peasant societies with diverse and even contradictory moral codes. How-

30 Warner, *The Living and the Dead*, p. 248

ever in 1898 the Anagarika Dharmapala laid down a systematic code for the laity in a pamphlet published in Sinhalese entitled "The Daily Code for the Laity". The nineteenth edition appeared in 1958: 49,500 copies of this work were sold. Rules on the following subjects were minutely regulated.³¹

- 1 The manner of eating food (25 rules)
- 2 Chewing betel (6)
- 3 Wearing clean clothes (5)
- 4 How to use the lavatory (4)
- 5 How to behave while walking on the road (10)
- 6 How to behave in public gatherings (19)
- 7 How females should conduct themselves (30)
- 8 How children should conduct themselves (18)
- 9 How the laity should conduct themselves before the *Sangha* (5)
- 10 How to behave in buses and trains (8)
- 11 What village protection societies should do (8)
- 12 On going to see sick persons (2)
- 13 Funerals (3)
- 14 The carters' code (6)
- 15 Sinhalese clothes (6)
- 16 Sinhalese names (2)
- 17 What teachers should do (11)
- 18 How servants should behave (9)
- 19 How festivities should be conducted (5)
- 20 How lay devotees (male and female) should conduct themselves in the temple (3)
- 21 How children should treat their parents (14)
- 22 Domestic ceremonies (1)

A total of 200 rules guiding lay conduct under twenty two heads have been devised by the Anagarika. In examining these rules several conclusions could be drawn.

(1) The pamphlet is addressed to a literate Sinhalese intelligensia; the kinds of proscriptive rules are those that peasants are generally given to, e.g. 'bad' eating, dress, and lavatory habits, indiscriminate betel chewing, use of impolite forms of address (though the Anagarika uses those same terms in a letter to one of his servants). This is a code of conduct for an "emerging Sinhalese elite".

(2) Alongside traditional norms of conduct are many Western norms. Even the condemnation of peasant manners is based on a Western yardstick. That is, the Anagarika attempted to formulate a code based on traditional as well as on the norms prevalent in the wealthy society in which he was reared. Here is an aspect of the larger process we have mentioned earlier; Protestant and Western norms have been cathected and assimilated as pure or ideal

31 Anagarika Dharmapala, *Dharmapala Lipi*, Govt. Press, Colombo, 1963, pp. 31-46.

Sinhalese norms. In the case of the Anagarika it was specially interesting for his avowed intention was to reject Western ways. Yet regulations about the correct manner of using the fork and spoon are also given! Elsewhere, his admiration for the West breaks through the polemic and comes out into the open. "Europe is progressive. Her religion is kept in the background for one day in the week and for six days her people are following the dictates of modern science. Sanitation, aesthetic arts, electricity etc., are what made European and American people great. Asia is full of opium eaters, ganja smokers, degenerating sensualists, superstitions and religious fanatics. Gods and priests keep the people in ignorance".³²

(c) Missionary Activity

The Anagarika Dharmapala, as pointed out earlier, was not only interested in rejuvenating Sinhalese Buddhism, but also in conquering the world for the Buddha *Dhamma*. However, he realized eventually that the Western barbarians were beyond hope, and confined missionary activity to India with fair success. The goals of the Anagarika were consistently realistic; in this respect they must be contrasted with the proselytization goals of the contemporary Buddhist missions. Contemporary missions are convinced that the West is waiting to be converted; the more realistic goals of converting Indians are neglected. One would have thought that conversion of the Hindu and Catholic population in Ceylon would be considered an urgent necessity by Buddhist missionaries, from their point of view. But little attention is given to this; Europe and America have to be converted. This is again an aspect of the "overcompensation" phenomenon noted earlier.

The Anagarika Dharmapala provided a 'role model' for a this-worldly asceticism for Buddhism. In his own day his influence on constitutional reform was negligible. His influence was with the "not yet emerged" Sinhalese elite (the village monk, the school teacher, the notary and the Ayurvedic physician) who, according to Wriggins, spearheaded the 1956 election which brought about a radical shift of power in Ceylon's politics. For them he provided a model for emulation—a national consciousness, a nativistic sense of past glory and present degeneration, and very importantly, an ascetic involvement in this-worldly activity, not of an economic, but of a socio-political nature. Few people since his day have actually adopted the *anagarika* status with its associated vestment. But the *anagarika* role has come to stay. A this-worldly asceticism comprising of the puritan type code of morality is part of the higher code of urban elite Buddhism—a greater commitment to the doctrine, an emphasis on a "rigid" moral code, meditational activity for young and old, an intolerance towards other faiths, an identification of Ceylon with Buddhism and the Sinhalese language, and an involvement in social and political (though not economic) activity. However there is one important difference between the *anagarika* role symbolized by Anagarika Dharmapala and the contemporary adoption of that role. The *anagarika*

32 Anagarika Dharmapala, *Return to Righteousness*, p. 717.

status is a "bachelor" status; the contemporary "puritanism" by contrast is for all, including married persons. The Anagarika Dharmapala emphasised the doctrinal aspects of Buddhism; in accordance with the doctrine, he scorned the intercessionary powers of *devas* and demons. For elite Buddhists of today involved in the family and the larger society this is not easy, for the Buddha is not a conventional deity granting favours. Thus among the latter there is a greater dependence on *devas*, contradicting the doctrinal position which devaluates the power of these beings. Here we are dealing with an important psychological variable – a need for the *devas*. This is the subject of the next section of this paper.

POLITICAL CHANGE AND THE RELIGIOUS PANTHEON

The formal organization of the traditional Sinhalese Buddhist pantheon was based on feudal ideas. Since I have described the structure of the pantheon elsewhere,³³ it will suffice here if I briefly sketch its general outlines. The Buddha is the presidential deity of the pantheon; he is perceived as pure benevolence, yet he has no intercessionary role in the affairs of the world. Below him are the guardian gods of Ceylon—Vishnu, Skanda, Nata, Vibisana, Saman and Goddess Pattini. They are protectors of the faith, and conventional deities who grant material favours to the devotee. Below them are lesser provincial deities; then there are malevolent demons, and lower down in the hierarchy mean spirits, ghosts and goblins. The pantheon is structured very much on the lines of the traditional feudal order. The lesser deities have *varan* (warrant) to do good or harm from the superior deities, as the officials of the feudal system had *varan* from their superiors. All *varan* ultimately devolves on the Buddha in the religious realm; as it devolved on the King in the political realm. Each deity has his *sima* (area of jurisdiction and authority) like feudal governors and officials. The lesser deities are viewed as a retinue of the greater deities. The kind of ritual (*tevava*) performed for the gods is practically identical with the traditional court ritual, also called *tevava*.

In the city, among the urban "middle class", conspicuous changes in the pantheon have occurred. These changes are broadly of two types:

- (a) formal changes in the structure of the pantheon.
- (b) the "rationalization" of the cults associated with the worship of gods and demons.

In the cults of the *devas* (gods) practised in the city, a conspicuous feature is the remarkable rise of one major deity in the traditional pantheon - Skanda - at the expense of practically every other deity. The cult of Skanda is so

³³ Obeyesekere, "The Great Tradition and the Little in the Perspective of Sinhalese Buddhism"; see also, "The Buddhist Pantheon in Ceylon and its Extensions"

popular today and it is possible that he will eventually displace all other *devas* in the pantheon. I believe one can relate the ascendancy of Skanda to the rise and spread of the new urban elite described by Wriggins, Ames and Singer. The choice of Skanda as the predominant deity is also interesting, because none of the Buddhists texts, even the late ones, mention Skanda at all. The life of Skanda, a son of Siva, is depicted in the Hindu text, the *Skanda Purana*. Here he is depicted as a powerful god, the slayer of the *asuras* (the enemies of the gods). In the Sinhalese Buddhist pantheon he is not viewed as Hindu, but Buddhist; what is remarkable however, is the *choice* of Skanda as the leading deity for Buddhist urbanites and intellectuals at the expense of deities like Vishnu, to whom according to myth was given the task of protecting Buddhism in Ceylon, and Nata who is viewed as the future Buddha Maitriya. I shall sum up the importance of Skanda for the urban elite in the following manner. Since he is the most powerful of deities in the traditional pantheon – the slayer of the *asuras* – he is viewed as capable of assisting the worshipper to overcome the most difficult of mundane problems. With the rise of the new elite many difficult problems have emerged – problems pertaining to status aspiration, success in business ventures, and politics. Skanda, it is believed, can give the worshipper success, and he is pre-eminently the deity of the upwardly mobile man – the businessman and the politician, the student studying for his examinations, the bureaucrat waiting for his promotion. His power is so great that even Protestants and Catholics propitiate him. Practically every person going abroad on a scholarship visits the main shrine of Skanda in Kataragama, South Ceylon, to seek his aid for success and safe return. Political leaders of all parties make vows to him for victory at the elections, and motorcades, of both right and left wing, go from Colombo to Kataragama to seek the help of the vanquisher of the *asuras*. Let us illustrate with an example the typical *political* use of Skanda. It should however be remembered that the political use of Skanda, is one aspect of his larger social uses brought about by the kind of problems that a rapidly changing society is facing.

I refer to a political pamphlet written in Sinhalese entitled “How Sirima’s Government Fell” (63 pages). “Sirima’s Government” refers to the left-wing coalition government of Mrs. Sirima Bandaranaike, the former Prime Minister. The Government fell in December 1964, when the Leader of the House, Mr. C. P. de Silva crossed over to the Opposition with thirteen other M. Ps. The author of the tract, a journalist, states that the fall of Mrs. Bandaranaike’s government was entirely due to the intervention of Skanda. The sequence of events according to him was as follows.

- (a) The God Skanda in a dream told the writer, a former supporter of Mrs. Bandaranaike, to start an opposition newspaper entitled *Vinivida* (“The Piercer”); the “piercer” presumably refers to the golden arrow of Skanda.
- (b) The god mustered enlightened public opinion through the medium of this newspaper, cautioning the people against the evils of dictatorship, the “red Chinese menace”, corruption and nepotism.

- (c) The author promised the God several offerings and *pujas* if he broke "Sirima's Government".
- (d) The author was aware that the left coalition were also imploring the aid of the same deity, but he says, the deity scorned the coalition government. Before forming her left wing coalition, Mrs. Bandaranaike, according to the author, consulted a female spirit medium. Skanda, through the medium, had encouraged the then Prime Minister (Mrs. Bandaranaike) to form the coalition government. But, says the author triumphantly, Skanda had deliberately got a mean spirit to utter the benediction, because he (the God) knew that if the coalition was formed Mrs. Bandaranaike's government would fall! "The whole assembly of Gods asked God Skanda to wield his sword and finish the whole business", so unpopular was Mrs. Bandaranaike with the deities. But Mrs. Bandaranaike thought otherwise because for a period Radio Ceylon started their programme with a *puja* for Skanda, hoping thereby to win people over to the coalition point of view. But Skanda was unimpressed because the sound waves of Radio Ceylon penetrates into "unclean and filthy nooks and corners", says the author.
- (e) On December 3rd 1964 the Government fell. It is worth quoting the author in full.

The Great Powerful Deity residing in the great *devale* (temple) made his kill with his golden arrow. The flaying is now left for our masses. You should pray that God Skanda achieve future Buddhahood and do your duty to your country. On the third of December Sirima's Government fell. On that day the leader of the Opposition Mr. Dudley Senanayake (the present Prime Minister) and Mr. C. P. de Silva, the leader of the House (the present Minister of Lands and Irrigation) with a group of M. Ps. visited straightaway the Skanda temple at Bambalapitiya. I was there already from dawn performing *pujas* and breaking two thousand coconuts, till Sirima's government fell

The God Skanda, slayer of *asuras*, was responsible for foiling a red Chinese plot, for preventing a dictatorship and for the preservation of democracy!

Along with the choice of Skanda as the major deity for urban Buddhists is the rise of the demon of sorcery (*kodivina*) known as *Huniyan Yaka*. According to the traditional pantheon he was a demon (*yaka*); the myth of his ancestry, the "impure" foods offered to him suggest his inferior status.³⁴ In traditional rituals of counter-sorcery he is tricked, cajoled, threatened and banished from the patient possessed by him. On the urban level the anxieties concerning sorcery exist; the cognitive belief in sorcery as a causative factor in human misfortune also exists. But the older ritual technology is being displaced; new

34 Paul Wirz, *Exorcism and the Art of Healing in Ceylon*, Leiden, Brill, 1954.

temples (*devale*) and more "dignified" rituals for Huniyan are emerging in the cities. Moreover his status in the pantheon is different; he is no longer a *yaka* (demon) but a *devata* (a higher class of supernatural being). The cognitive belief in sorcery and the personal anxieties associated with it are as dominant on the urban level as on the peasant. But a rationalization of the cult has occurred. The "vulgarity" of the peasant ritual has been elided and the status of the deity elevated.

The implications of the preceding analysis are important for they seem to contradict a common sense assumption that with the increased emphasis on doctrinal Buddhism there must be a concomitant decrease in what Ames would call "magical-animism" and the placation of *devas*. My contention is precisely the opposite. Firstly, with the increased "frustrations" due to political and social change, traditional deities, selectively chosen, are used to overcome these frustrations. Indeed their projected capacities to alter events — e. g. to make and break governments — are of magnitude rarely paralleled in traditional belief. This however only indicates the magnitude of the modern situation as against the traditional. Secondly, doctrinal Buddhism we noted had few of the accoutrements of mass religiosity. If so, with an increased doctrinal emphasis there must also occur on the level of behaviour (howbeit "urban" or "educated") a greater reliance on magic and astrology. There is a cognitive reordering of these beliefs so as to make them fit the urban ethos. This cognitive reordering of traditional belief I shall call the *rationalization* of the religious life.

We have only depicted the ongoing process of cognitive reordering, not its stabilized final form. Rationalization occurs on two levels. Firstly, there is an increased emphasis on the doctrinal corpus; Ames has highlighted this nicely. The behavioural correlative of this increased doctrinal emphasis is a this-worldly asceticism directed towards political, social and religious goals. If the emphasis is on doctrine one would expect logically a devaluation of the worship of *devas*; for the exaggerated intercessionary powers attributed to the *devas* by the urban elite contradicts the doctrinal assertion that these *devas* have no power. They, like humans, are themselves *karma* bound. This logically expectable attitude is found among a few *virtuosi* among the urbanites, who, like Anagarika Dharmapala and the cases quoted by Ames scorn the *devas*. Yet contrary to logical expectation, the *devas* are practically universally believed in by the urbanites, with a seriousness never seen in traditional peasant worship. This trend is an index of the enormous frustrations and personal anxieties among the urbanites. There is an interesting change also on the level of social action. In urban Ceylon there is an increasing community worship of the Buddha: the worship of the *devas* by contrast is highly individual. This is almost a reversal of peasant trends where group propitiation of the *devas* and the individual worship of the Buddha was more common. This change on the action level is not surprising: Buddhist doctrinal values provide the focus of national unity; whereas the

placation of the *devas* is to resolve the frustrations whether social structurally or personally engendered — via the individual. The worship of the Buddha is a public affair: the worship of the *deva* is private.

The rationalization of the religious life on the urban level poses several problems. The resurrection of the Buddhist *doctrinal* values poses few cognitive problems, and follows pretty much the pattern of other world religions facing the impact of modern science and technology. There is a de-mythologizing of peasant beliefs, e. g. the *jatakas*, or birth stories, were myths to the peasant whereas they are fables that point a moral to the urbanite. There are attempts by university dons and intellectuals to advance “proofs” for the “existence” of *karma*, and an attempt to reconcile Buddhism with science. But this is not easy with astrology, magic and the propitiation of *devas*. Peasant magical practices are being increasingly substituted by the recital of Buddhist texts called *parittas* by monks; the notion is that the very recital of the texts banishes evil spirits and brings blessings on householders. But what about astrology and propitiation of *devas*? One rationalization has occurred—worship is elided of the elaborate paraphernalia of peasant ritual with their music, dance, song, prescribed obscenities. Simple *pujas* (rituals) have been substituted. The traditional song and music associated with *deva* and demon worship is now displaced into the worship of the Buddha in an innovation known as “Buddhist carols”. These songs are called *bhakti-gi* (devotional songs) self - consciously modelled on the lines of the Christmas carols. The traditional prayers to the Buddha were highly formalized *pali gathas* devoid of song. By contrast *bhakti-gi* are devotional songs with musical accompaniment. The element of song and music traditionally associated with the “lower cults” are now transferred into the context of Buddha worship. The “model” is once again Christian, but the adoption of the model by Buddhists is necessitated by the changes that have occurred in urban Ceylon.

CONCLUSION

The position I have adopted does not imply that these indicators of change are unique to our period in history. Earlier periods of our history, when confronted with similar historical events, may have produced concomitant changes of a similar nature in the religious system. For example, in times of national crisis monks had come into the forefront of events, and had moved out after the crisis was over. At other times, when monks had become too world-involved, reform movements had occurred to check them. However, the scale and intensity of the socio-political changes that have occurred in contemporary Ceylon find no parallel in any one period of our history; concomitantly the changes in the religious orientations of the people are of a previously unparalleled scale. One result of these changes is concentration of power in the hands of the Sinhalese speaking Buddhists. Sinhalese is the official language, and Buddhism, for all practical purposes, the official religion. These changes could not have taken place without the involvement of Buddhists in the affairs of the world. The problem of the paper was: what was the nature of this involvement, and what changes and

innovations in the religious system, on both symbolic and action levels have occurred as a result? We have examined the following indicators of change:

- (a) Spatial shifts symbolising the entry of Buddhism into the "world".
- (b) Emergence of a leader who provides a charter for change, a model for emulation and becomes a symbol of a new order.
- (c) Role shifts, specifically a this-worldly asceticism directed to political and social goals.
- (d) Finally a rationalization of the religious life. The last involves a paradox owing to the unique nature of Buddhism. There is a revival of the doctrinal corpus but the Buddha though worshipped, has no intercessionary role and cannot help humans, unlike a monotheistic or any other deity. Hence, deities from the doctrinally unsanctioned "lower cults" are selectively used to assist the worshipper to overcome the enormously complicated problems a changing society is confronted with.

The Ceylon Civil Service: A Study of Recruitment Policies, 1880-1920.

by P. T. M. FERNANDO

The term "Civil Service", as used in Ceylon, refers to the higher administration and excludes clerical, technical and other subordinate functionaries of government. Throughout the British period, government service was considered by Ceylonese as employment *par excellence*, and the Civil Servant was the most prestigious official of them all. In the early years of the 19th century,¹ entry to the Civil Service was by passing an examination similar to that required to enter Haileybury, the training college for Writers to the Indian Civil Service. In 1856 this system of selection was superseded by a competitive examination held by the Civil Service Commissioners, for candidates nominated by the Secretary of State. The Ceylon Governor's nominees were either not required to pass an examination at all, or at most, had to face a non-competitive examination on "general attainments". The standard of this examination was lower than the one held in England and candidates selected abroad came to be considered superior to the local recruits. Partly as a corrective to this, it was decided, in 1870, to hold the Civil Service examination simultaneously in England and in Ceylon, with the same papers for all candidates.² In 1880 however, there was a radical change in procedure. The examination held in Ceylon was abolished, and all candidates were thereafter required to compete in England. This practically closed the doors to Ceylonese aspirations for over a decade.³

The open competitive examination held by the English Civil Service Commissioners operated to the disadvantage of Ceylon candidates. As early as 1883, a select committee of the Legislative Council made the following observation:

The exclusion of natives from the Ceylon Civil Service proper had been unintentionally but most thoroughly effected by throwing open the Cadetships to competition by public examination in England. How is it possible for a native of one of the ancient races in Ceylon, speaking English with the same difficulty

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- 1 For details on the Civil Service of the 19th century see J. R. Toussaint, *Annals of the Ceylon Civil Service*, Colombo, 1935; Lennox A. Mills, *Ceylon under British Rule*, London, 1933, chapter VI; P. D. Kannangara, *The History of the Ceylon Civil Service, 1802-1833*, Dehiwela, 1966.
 - 2 This provision for examining candidates in Ceylon was, in fact, acted upon only once during the decade 1870 - 80. See W. M. D. D. Andradi, *English educated Ceylonese in the official life of Ceylon from 1865 - 1883*, London Ph. D. Thesis, 1967, p. 81.
 - 3 In 1882 a combined competitive examination was instituted for recruitment to the services of Ceylon, Hong Kong, Straits Settlements and later the Federated Malay States. In 1896 this examination was combined with that for the Home and Indian Civil Service, an arrangement which continued until 1932. See Charles Jeffries, *The Colonial Empire and its Civil Service*, Cambridge, 1938, p. 8.

that an ordinary Englishman experiences in speaking an Oriental language, to compete successfully with Englishmen bred, up from their childhood, in the familiar use of English, and thoroughly grounded from their youth in the studies which are the subjects of examination? We might as well expect the average young Englishman to take the first place in a competitive examination with the Chinese for a place in the Chinese Civil Service.⁴

It is interesting to note that the only Ceylonese to enter the Civil Service in the 19th century, in open competition, was Ponnambalam Arunachalam, and he was a graduate of Cambridge. Recruitment by open competition meant in effect that Ceylonese who aspired to a Civil Service career had to be those educated in British universities, and such persons were few in number at the turn of this century. This was a fundamental obstacle to increasing the native in-take of Civil Servants, for as Governor Longden told the Secretary of State, "it is impossible to maintain the principle of admission by competitive examination and at the same time admit into the Service those who do not succeed at the examination".⁵

The pressure from Western educated Ceylonese for better employment was clearly felt as early as the 1880s. And appointments in the Civil Service were among those that were coveted by the new elite. Ramanathan pointed out in 1883:

Up to the dawn of this period the ambition of young men was to join the clerical service: their qualifications did not fit them for any other employment. They were content to enter it on a monthly salary of Rs. 20 or Rs. 30, and to work their way up slowly, but by no means surely, to the few prizes of that service, which were not more than half a dozen, carrying salaries each of about Rs. 200 a month. This phlegmatic contentment, however, is no longer characteristic of our English-speaking youths, for during the last five and twenty years Ceylon has been undergoing vast changes.⁶

Ramanathan went on to emphasize that there were "scattered all over the island a large number of well educated youths, despising the dry drudgery of the desk and yearning for careers of greater usefulness and dignity". The creation of a Lower Division of the Civil Service was a consequence of this pressure from the gradually increasing westernised element, for more responsible and more remunerative employment.

THE SUBORDINATE DIVISION OF THE CIVIL SERVICE

In his dissent to the 1883 Retrenchment Committee Report,⁷ Ramanathan argued that as a consequence of the spread of western education, the Government needed to alter its attitude towards employment of Ceylonese. "The present system assumes that every Ceylonese shall enter Government service only by

4 C. O. 54/546, Longden to Derby, No. 155, 14 April 1883, enclosure.

5 *Idem*.

6 Dissent of P. Ramanathan, 3 March 1883, enclosure in C. O. 54/546, Longden to Derby No. 158, 14 April 1883. C. P. Lucas of the Colonial Office was impressed and called it "an able paper". See minute of 25 May 1883.

7 *Idem*

beginning at the lowest rung of the official ladder'. The 'most fortunate of intellectual men' entered the Civil Service, but the prospects of the large bulk of western educated Ceylonese were limited to clerical and other subordinate employment. Ramanathan emphasised the existence of an 'intermediate class' of Ceylonese who, though not qualified to be Civil Servants, had a legitimate claim to more responsible employment than the clerical service. He suggested the creation of a Service to occupy an intermediate position between the Civil and the Clerical Services, and called it 'for want of a better name' the Subordinate Service of Ceylon. It is ironic that the term 'subordinate', so greatly resented later, was first suggested by a leading Ceylonese. This idea of giving local inhabitants responsible employment found favour with the Retrenchment Committee of 1883 mainly on grounds of economy.⁸ The Committee reported that 'if Ceylon is to be administered on a more economical basis it can only be by the more extended employment of natives'. It was only in 1891, however, that this new Service for the Ceylonese came into operation. Entrance to the Subordinate or Lower Division of the Civil Service was by examination and was limited to candidates nominated by the Governor. The Governor also had the power of occasionally appointing to the Lower Division, without examination, older men possessing special aptitude for administration.⁹

The Subordinate Division was established by Sir Arthur Gordon's administration. Sir Arthur Havelock (who succeeded Gordon as Governor) was sceptical about the success of the scheme. He wrote 'I have little faith that the scheme will for any length of time continue to fulfil one of its objects, namely, to satisfy the aspirations of the Ceylonese'.¹⁰ It was an accurate prophecy, for West Ridgeway noted six years later that 'It has failed to attract the men whom we would wish to have; and the question of the employment of Ceylonese is in much the same position as it was when Sir Arthur Gordon wrote his despatch of 7th May 1890'.¹¹ Whereas in 1868 there were ten Ceylonese in the Civil Service, in 1890 there were only three who entered the Service as Cadets, and three others appointed by the Governor. In 1896, despite these reforms, there were only 13 Ceylonese, including only 4 Sinhalese and 3 Tamils. West Ridgeway observed that 'the Subordinate Civil Service cannot therefore, after five years of its existence, be considered a success; and I think that one of the reasons must be the very limited scope and narrow career which it offers'. The Subordinate Service could not have satisfied elite ambitions if they were to be given only the inferior administrative posts. What was necessary was a device to make the whole spectrum of Civil Service appointments accessible to local candidates. West Ridgeway suggested adopting the Indian pattern of dividing the Civil Service into two branches, those recruited in England and those recruited in Ceylon, the rate of pay to depend on the place of recruitment and not on the nationality

8 C. O. 54/546, Longden to Derby, No. 155, 14 April 1883, enclosure.

9 J. R. Toussaint, *op. cit.*, p. 17

10 S. P. XXVII (1897), *Papers relating to the Re-classification of the Ceylon Civil Service*, minute by Sir J. West Ridgeway, p. 3.

11 *Idem*.

of the recruit. Those recruited in Ceylon were to be given salaries one-third less than the salaries given to those selected in England. West Ridgeway did not think that this distinction would be resented, since it was to be accompanied by the greater employment of Ceylonese. Of a Civil Service of 70 members, he envisaged having 29 local recruits, and they were to be permitted to rise to every class except class I which consisted of the highest executive appointments. This scheme was endorsed by Ramanathan,¹² who was then a member of the Executive Council, as acting Attorney General. The Secretary of State, however, turned down the recommended scheme, with the comment: "I cannot but believe that your proposal to pay local men, smaller salaries simply on the ground that they are local men, and not because they have not passed a higher examination test, will tend to cause friction and distrust",¹³ It would be wrong to conclude that the Colonial Office was more sensitive to the ambitions of westernized Ceylonese than was the Governor. On the contrary, the Secretary of State felt that the Subordinate Service was quite satisfactory, that it had not been given a fair trial, and besides, that 29 Ceylonese to 41 recruits from England was far too high a proportion in favour of the former. "My view" he said, "is that the line between the Lower and the Higher Division should be much more strictly drawn, that there should be less interchange of appointments. . . ."¹⁴ It was clear that the Colonial Office did not accept the assumption that the Subordinate Division was not satisfying the Ceylonese demand for better employment.

West Ridgeway, however, was aware that the connotations of inferiority associated with the Subordinate Division were inimical to satisfying the aspirations of educated Ceylonese. He argued with the Colonial Office, that 'there should cease to be two Civil Services, - the one high, the other low'. 'The badge of inferiority thus affixed to the Ceylonese' he maintained 'is far more distasteful than any difference of pay, which can be defended reasonably and without any imputation of social or official inferiority'.¹⁵ But the Colonial Office was unmoved. In 1907 a superficial concession to local sentiment was granted by changing the title of the Subordinate Division to 'Local Division of the Civil Service'. It was hoped that this change would 'effect an improvement in the position of locally recruited officers, by removing all suggestions of inferiority in their relation to those members of the Civil Service who are recruited in England'.¹⁶ The more important reform introduced by the McCallum administration was the increase in the number of posts open to locally recruited men. Officers of the Local Division had, hitherto, little hope of promotion beyond class III of the Civil Service. McCallum gave them access to one post in Class I and two in Class II, and also increased the cadre of the Local Division from 13 to 24. Nomination to the Local Division was limited to candidates who had

12 S. P. XXVII (1897), p. 7.

13 *Ibid.*, Chamberlain to West Ridgeway, 19 February 1897.

14 *Idem.*

15 S. P. XXVII (1897), West Ridgeway to Chamberlain, No. 157, 12 May 1897.

16 S. P. I (1909), *Despatches relating to the consolidation of the minutes of the Civil Service*, McCallum to Earl of Elgin & Kincardine, 23 Nov. 1907

passed the Cambridge Senior, London Matriculation or other public examination of equal standing. Those nominated had to sit for a competitive examination conducted by the Civil Service Commissioners of Britain.¹⁷ It is clear that although the government was keen on increasing native recruitment, they were equally keen on maintaining the standards and reputation of the Civil Service in Ceylon.¹⁸ Yet, the entrance requirements for the Local Division remained inferior to those required for the examination held in England, where competition was usually confined to graduates of British Universities. The selection of the Cambridge Senior and London Matriculation as the norm for the Local Division candidates show that higher education in Ceylon had yet to surpass these limited academic boundaries.

These reforms did have some success in increasing the recruitment of Ceylonese. In 1910 the Local Division had 10 Ceylonese out of 15, and six other Ceylonese held Civil Service posts temporarily. By 1920, the proportion of Ceylonese had increased to 23 out of 26 appointments.¹⁹ Despite its limited success the Local Division had defects inherent in its structure which made change inevitable. West Ridgeway's warnings were proving prophetic; the western educated Ceylonese were clearly dissatisfied with the *status quo*.

One conspicuous disadvantage of the Local Division was its poor prospects for promotion, which meant that although more Ceylonese were recruited, they were mainly confined to the lower rungs of the service. Even after the Civil Service reforms of 1912, the Local Division was entitled to only three posts in class I and II together.²⁰ The following Table shows the number of posts held by recruits to the Local Division in relation to the total number of appointments in each class of the Civil Service.

17 S. P. VI (1911), *Despatches relating to the examination of candidates for admission to the Local Division of the Civil Service*, McCallum to Harcourt, 11 Feb. 1911. The following were the subjects on which candidates were examined:

Obligatory Subjects

English
Mathematics I
Latin
Book Keeping and Accountancy

Voluntary Subjects (two to be selected)

Mathematics II or Geography & History
Chemistry or Physics
Sinhalese or Tamil

18 McCallum had recommended excluding Law as a subject on the grounds that "it affords too much scope to the native ability to memorise . . ." He also opposed a proposal by the Civil Service Commissioners to assimilate the Local Division examination with an examination for certain junior appointments in the Home Service. "Our examination should be of such a character that we may secure our most intelligent aspirants for Government employment and not crammed memorising pedants". C. O. 54/735, McCallum to Crewe, No. 477, 9 Aug. 1910.

19 See *Ceylon Civil Lists*, 1910 and 1920.

20 C. O. 54/761, Stubbs to Harcourt, No. 145, 2 March 1913.

THE PROPORTION OF LOCAL DIVISION APPOINTMENTS IN THE CIVIL SERVICE

	1910		1920	
	Number of Appointments	Number held by Local Division	Number of Appointments	Number held by Local Division
Staff Appointments	3	0	3	0
Class I	17	0	21	2
Class II	20	2	21	1
Class III	22	2	25	4
Class IV	31	10	37	15
Cadets	11	1	9	4

Source: *Ceylon Civil Lists, 1910 and 1920*

Furthermore, a Local Division intended mainly for Ceylonese had the effect of making the Civil Service proper a virtual monopoly of the Europeans. Thus, even as late as 1920, there were only 3 Ceylonese to 87 Europeans in the Civil Service by open competition.²¹ And it appears that the government was not keen to have Ceylonese enter by open competition in England, for as in the case of Arunachalam,²² such recruits could prove embarrassing to the government. Thus, in reply to a query from the Colonial Office as to the number of cadets needed by Ceylon in 1914, Stubbs, the Colonial Secretary, replied: "If the first six are Europeans and the next men are natives, only six cadets should be appointed. Numbers seven, eight and nine may be appointed if they are Europeans".²³ The message was clear, and J. Robinson of the Colonial Office minuted: "This means that Ceylon doesn't want more than six cadets if by that means they can avoid natives, but that if there are three natives in the first six they will take 3 more white men".²⁴

THE CEYLONESE REACTION

The poor representation of Ceylonese in the Civil Service and in other branches of the higher administration became increasingly irritating to the growing body of western educated persons. By the turn of this century discontent had developed into protest. In 1910, a Sinhalese barrister complained to the Colonial Office of the absence of adequate avenues for satisfying "honourable ambition."²⁵ The need for better employment for educated Ceylonese was also the theme of a memorial sent to the Secretary of State by the Ceylon Reform League in 1917.²⁶ The local press, likewise, criticized the tendency to exclude natives of the colony from "the higher posts in the public service" and accused the government of racial discrimination.²⁷ The practice of overlooking the

21 *Ceylon Civil Lists, 1920.*

22 See reference to Arunachalam later in the paper.

23 C. O. 54/774, Stubbs to Robinson, Telegram, 1 October 1914.

24 C. O. 54/755, J. Robinson's minute, 1 October 1914.

25 C. O. 54/740, J. W. de Silva to Crewe, 14 June 1910.

26 C. O. 54/805, W. A. de Silva to H. W. Long, 20 June 1917.

enclosure in Anderson to Long, No. 399, 4 July 1917.

27 *Ceylon Independent*, 30th August 1911, editorial; 19 April 1913, editorial; *Ceylonese*, 29 January 1914, editorial.

claims to promotion of able Ceylonese officers only reinforced suspicion of discrimination. The career of Sir Ponnambalam Arunachalam, for example, did much to undermine confidence in the government's impartiality. A graduate of Christ's College, Cambridge, and a Barrister-at-Law of Lincoln's Inn, Arunachalam was selected in 1875 for the Ceylon Civil Service, in open competition. But throughout his career he was never appointed to even an Assistant Agency,²⁸ although his capacity and loyalty were beyond question.²⁹ At the end of his career when Arunachalam was heir-apparent to a Government Agency, he was given the rather innocuous post of Registrar General. The government preferred to up-grade the post of Registrar General to Class I of the Service and retain Arunachalam in this relatively powerless position, rather than offer him an Agency to which he had strong claims by virtue of seniority. In 1910, when Arunachalam was Registrar General, all the Government Agents were his juniors.³⁰ J. G. Fraser, who was appointed, in 1912, to the most important of these, that of the Western Province, was twelve years junior to Arunachalam.³¹ A local journal observed, "It is widely believed and we are inclined to believe ourselves that no Government Agency would be given to a Ceylonese Civil Servant. A policy much narrower than that of India appears to be at work here".³² Discrimination against Arunachalam was so conspicuous that an official of the Colonial Office minuted: "There can be no reasonable doubt that a man of Mr. Arunachalam's ability would, if he had been a European, have got a Government Agency as a matter of course".³³ Instances such as this stimulated the discontent of the new elite. The *Daily News* complained that "Ceylonese of undoubted merit stagnate in subordinate ranks while their inferiors in point of service or degree of ability are hoisted above their head simply because they are men clothed in fairer skin".³⁴ A correspondent called upon the public "to fight for and remove the unjust and immoral colour-bar . . .".³⁵

This growing dissatisfaction led to a motion in the Legislative Council by Dr. Marcus Fernando calling for an inquiry in to the means of increasing the proportion of Ceylonese in the higher administration. This resolution had the support of Ramanathan, who strongly condemned the exclusion of Ceylonese from positions of power and responsibility.³⁶ The motion, although withdrawn at the request of the government compelled the authorities to recognise existing

28 The "revenue" posts of Government Agent and Assistant Government Agent were highly coveted in the Service.

29 Arunachalam was considered a very able officer and impressed both the Ceylon Government and the Colonial Office with his Census Report of 1901. McCallum acknowledged that Arunachalam "has performed uniformly good service". C. O. 54/750, McCallum to Harcourt, Confidential, 28 Jan. 1912.

30 *Ceylon Civil List*, 1910.

31 C. O. 54/750, McCallum to Harcourt, Confidential, 28 Jan. 1912.

32 *Ceylon National Review*, No. 3, Jan. 1907, p. 362.

33 C. O. 54/740, R. E. Stubbs' minute, 21 April 1910.

34 *Daily News*, 22 Oct. 1919, letter by "Justice".

35 *Ibid.*, 20 Jan 1919, letter by "Justice".

36 *Ceylon Hansard*, 1917, 8 Aug. 1917.

discontent and led to the appointment of two commissions of inquiry.³⁷ The founding of the Ceylon National Congress in 1919 also helped the Ceylonese agitation for better employment, because the demand for the progressive Ceylonization of the higher administration became an integral facet of the broader political agitation.³⁸

THE UNIFIED CIVIL SERVICE

As a response to growing discontent Governor Anderson appointed, in January 1918, a commission to advise on possible steps "to facilitate the employment of natives of Ceylon in the higher ranks of the Public Service".³⁹ The Commissioners made many important recommendations. They proposed "abolishing the Local Division, with its claims and limitations, and having only one undifferentiated Civil Service, in which every man will reach the level to which his character and abilities will raise him, without regard to the nature of the examination by which he entered the Service". The Commissioners went even further. They argued that "the time has come when it is desirable to lay down that a certain proportion of the members of the Civil Service should be natives of Ceylon". But their proposals were not as radical as may appear, for they only recommended that one-third of the posts be held by Ceylonese, with the proviso that the proportion be "gradually raised to one-half". The Commissioners were aware of the problem of examination standards that this proposal involved. They maintained that "if there is to be one undifferentiated Civil Service, we regard it as essential that the men selected locally should be of a mental calibre approximating to that of the recruits selected in England... it is safe to say that, with rare exceptions, this is not the case at present".⁴⁰ Accordingly, they recommended that the local examination for the selection of Ceylonese, must be of a higher standard than the present Local Division examination. The Ceylonese recruits were to be chosen primarily by the examination held in England. However, if the required number was not obtained, a local examination was to be held to fill the remaining vacancies.

The recommendations of the committee were received favourably by the Ceylon Government; but there were practical difficulties that had to be seen to at the outset. One of them was that if a scheme for proportional representation between Europeans and Ceylonese was to be operative, it was necessary to exclude Indians from entering the Ceylon Civil Service.⁴¹ Before 1909, the Ceylon Civil Service was open to all natural born British subjects. In that year consequent to representations made by McCallum, the Service was restricted to British subjects (a) of pure European or Asiatic descent on both sides,

37 S. P. I (1919), *Further Employment of Ceylonese in the Public Service*.

S. P. X (1922), *Further Employment of Ceylonese in the Public Service*.

38 For example, P. Arunachalam, *Ceylon National Congress: Presidential Address, 1919*, Colombo, 1919.

39 S. P. I (1919), *Further Employment of Ceylonese in the Public Service*.

40 *Ibid.* p. 4

41 C. O. 54/819, Manning to Milner, Secret, 5 Apr. 1919.

or (b) of mixed European or Asiatic descent.⁴² Manning now strongly recommended to the Colonial Office that Indians be altogether excluded from the Ceylon Civil Service.⁴³ He argued that the five Indians in the Service at the time did not command the respect of the local population. Gollan, the Attorney General, told Cowell of the Colonial Office that "the Indians now in the Service are, without exception, inefficient and the Ceylonese themselves recognise this".⁴⁴ The Secretary of State granted this request for the exclusion of Indians, despite protests from the India Office,⁴⁵ and the Ceylon Civil Service came to be limited to "natural born British subjects of European or Ceylonese descent".

The problem of examination proved equally vexing. The Colonial Office was divided on the proposal to hold local examinations if a sufficient number of Ceylonese recruits were not obtained from England. Grindle was against the idea and considered local examinations "a pet scheme of all those who want to substitute baboos for Europeans".⁴⁶ Fiddes disagreed with Grindle,⁴⁷ and was prone to view a local examination with sympathy. But Amery, the Under Secretary of State, was not a believer in the efficacy of examinations. He minuted: "I would have the selection in Ceylon not by competitive exam but by qualifying exam or educational standard + *personal selection*. Pure competitive exams are bad enough as a test for Europeans, but ridiculous for Asiatics as a test of administrative honesty and capacity".⁴⁸ He did not explain how Asiatics differed from Europeans in this respect but his ideas prevailed as future events were to show.

In November 1919, Manning wrote to the Secretary of State emphasizing the need to bring the Service up to full strength and recommended the appointment of 21 Cadets to be selected during the next two years by examination in England. In accordance with the agreed formula, he recommended that 7 of the 21 Cadets be Ceylonese.⁴⁹ Manning pointed out that the Temporary (Reconstruction Regulations for the selection of Eastern Cadets in the Colonial Service required candidates to have served in His Majesty's Forces. This would have excluded some of the eligible Ceylonese candidates studying in British Universities and Manning pleaded that, if otherwise suitable, they be given special consideration. The Governor, no doubt, wished to recruit at least some Ceylonese with University training in England. Milner, the Secretary of State, took a different view. He

42 C. O. 54/800, Regulations for Eastern Cadetships.

43 C. O. 54/822, Manning to Milner, Secret, 18 Nov. 1919.

44 C. O. 54/837, H. R. Cowell's minute, 28 June 1920.

45 *Ibid.*, Under Secretary of State for India to Under Secretary, Colonial Office, 13 May 1920.

46 C. O. 54/819, G. Grindle's minute, 18 June 1919.

47 *Ibid.*, G. Fiddes' minute, 20 June 1919.

48 *Ibid.*, Amery's minute, 21 June 1919.

49 S. P. XVII (1920), *Despatches relating to the recruitment of Cadets for the Ceylon Civil Service*, Manning to Milner, No. 798, 18 Nov. 1919.

wanted the Ceylonese chosen "by a local selection committee, after a qualifying exam".⁵⁰ If any Ceylonese were nominated by the Civil Service Commissioners in England, the number of candidates to be selected locally was to be proportionately reduced. Milner also felt that it was not necessary to enlist the assistance of the Civil Service Commissioners in the selection of local candidates, as it was a purely local affair.

The strong reaction in Ceylon against purely local selection reflects the prestige of the Civil Service in the eyes of the local elite, as well as their determination to preserve the high standards associated with it. The committee which had recommended a unified Civil Service had emphasized that the Ceylonese recruits must be intellectually superior to the Local Division Cadets. But the proposed examination for recruiting Ceylonese was not intended to be a test of intellectual ability. For instance, apart from limiting nomination to those with war service, "athletic distinctions" were to be given consideration in selection.⁵¹ But more disturbing was that the examination itself was not a test of intellectual capacity; "the object of the examination is mainly to test as far as possible the powers of the candidates to express themselves clearly and intelligibly in English and their general knowledge".⁵² The *Daily News* argued that the proposed method of selection was tantamount to handing over the future administration of the country "to a set of men who need not have the mental calibre of the average sixth form boy".⁵³ There were other objections also to a system of local selection. It was feared that an examination conducted by the Ceylon Education department would open a "back door" to those incapable of entering the Service through open competition in Britain. The need to reward exceptional war service was recognised but it was felt that this should not be done at the expense of the Civil Service.⁵⁴ Limiting nominations to those with war service and recruiting Ceylonese by a relatively simple examination would undermine the quality of the Civil Service which was "supposed to contain the cream of a country's intellect".⁵⁵ For these reasons the Ceylonese leaders wanted recruitment to be based on examinations conducted by the Civil Service Commissioners in Britain. "The Civil Service being the highest form of Government Service, it is felt that the best result based on an unbiased verdict can be obtained only by a body of examiners severely remote".⁵⁶ But despite opposition in Ceylon the decision to hold local examinations prevailed.

50 *Ibid.*, Milner to Manning, No. 127, 20 Dec. 1919.

51 The age limit for candidates was 21 to 30 years.

52 *Daily News*, 17 July 1920.

53 *Idem.*

54 *Daily News*, 19 July 1920, editorial. Appointments in the Police or Excise Departments were suggested, as work in these departments would prove congenial to trained soldiers.

55 *Ibid.*, 21 July 1920, letter by M de S. Jayaratne.

56 *Ibid.*, 19 July 1920. Also 20 and 23 Feb. 1920, editorials. The new system of recruitment was criticized by Ramanathan, in the Legislative Council. *Ceylon Hansard*, 1920-1, 16 Sept. 1920.

Accordingly, an examination was held by the Department of Education in September 1920 in which 16 candidates, who had served in the Forces, participated.⁵⁷ Five failed to reach the required examination standard and the remaining candidates were interviewed by a selection board of local officials, presided over by the Colonial Secretary. The four finally selected were C. E. Arndt, R. Y. Daniel, R. Aluvihare and D. B. Seneviratne. They were appointed as Cadets from 18th October 1920, the first Ceylonese recruits to the re-organised and unified Civil Service. The disparity in the standard of education of the candidates chosen reveals that the fears of Ceylonese leaders were not without foundation. The selection board was not concerned with selecting Cadets with a sound educational background. What they seemed to want was what Amery had called "administrative honesty and capacity". To be admitted to an integrated Civil Service recruits had to be the type who could "fit in" socially; their orientations had to be clearly western and their loyalties unambiguous.⁵⁸ The common bond shared by the successful candidates was not a similar level of education but their western orientations.⁵⁹ Aluvihare was educated at Trinity College, Arndt at Trinity and St. Thomas' College, Seneviratne at Richmond and Wesley College and Daniel at Royal College—all of them leading English schools of the island. The recruiting examination seemed intended to test their degree of westernisation. Thus, English (300 marks), General Knowledge (300 marks) and Arithmetic (200 marks) were compulsory subjects, whereas Sinhalese or Tamil (200 marks) were optionals only. Besides, in English, special attention was to be paid "to pronunciation, powers of expression and command of the language".⁶⁰ The *viva voce* conducted by a Board of European officials was a guarantee that this requirement would be strictly enforced.

Manning, however, was reluctant to confine the Ceylonese in-take to local candidates, most of whom were not university graduates. He also wanted an examination in England, with the same papers as the local examination, for the

57 C. O. 54/834, Manning to Milner, No. 786, 20 Oct. 1920.

58 The following question was included in one of the examination papers. "If Ceylon was washed out to sea, what country would you wish it to be joined". *Daily News*, 16 Sept. 1920.

59 Aluvihare was in the Cambridge Senior form when he proceeded to England and enlisted in the Public School Battalion (18th Royal Fusiliers). He saw active service in France and was wounded at Beaumont Hanelle in July 1916. After discharge from hospital Aluvihare served in the Indian Army Y. M. C. A. with much credit for two years; he was highly recommended by Lt. General Sir E. Locke Elliot, and was mentioned in Sir Douglas Haig's despatches. D. B. Seneviratne was also educated only up to the Cambridge Senior, before joining the Forces. Arndt was a Ceylon Proctor (Solicitor), while Daniel was an Oxford graduate (Lincoln College, 1919). C. O. 54/834, enclosure II in Manning to Milner, No. 786, 20 Oct. 1920.

60 *Ceylon Government Gazette*, No. 7, 116, 16 July 1920, Examination for Admission to the Civil Service of Ceylon.

benefit of Ceylonese studying in Britain. By such an examination he felt that the quality of Ceylonese recruits could be significantly improved.⁶¹ The Colonial Office was not enthusiastic about the proposal. Grindle minuted: "If Ceylon wanted to start simultaneous exams here and in the colony as a standing arrangement, we ought I think to consider the bearing of such a scheme on the agitation for simultaneous exams here and in India for the I. C. S. . . ." The Colonial Office, in other words, thought that Manning's scheme would create a very dangerous precedent, both for itself and for other Departments.⁶² The Civil Service Commissioners too objected to the scheme, which they felt involved a disproportionate amount of labour and expense.⁶³ The Secretary of State, therefore, instructed that there should be no change in the arrangement of holding the examination in Ceylon only. He further pointed out that if there were but one or two vacancies in any one year, they could be filled by Ceylonese not successful at the open competition held in England, provided they had reached a standard considered adequate by the Civil Service Commissioners. The advantage of this procedure was that it would ensure that all Ceylonese Cadets would be of comparable intellectual standard.⁶⁴

This suggestion was considered and accepted by the Ceylon Government. Endorsing the Colonial Office point of view Manning wrote: "I regard it as most important that Ceylonese students in training in England should be given the first chance of filling such vacancies by presenting themselves for the open competitive examination held in London" ⁶⁵ If the vacancies were not all filled by successful candidates and by unsuccessful candidates of sufficient merit, then only was the Government to resort to an examination conducted by the Department of Education. Manning pointed out that once the University College (founded in 1921) was placed on a firm footing, it might become possible to restrict candidates for the local examination to those with a 1st or 2nd class degree, but this, he said, would not be practicable for sometime. It was, in fact, only in 1932 that the local examination was finally restricted to London graduates and to those with University degrees of equal standard. ⁶⁶

In the two decades after 1910 there was an appreciable increase in the recruitment of Ceylonese into the Civil Service. The following Table shows

61 C. O. 54/834, Manning to Milner, No. 786, 20 Oct. 1920. This examination suggested by Manning was to be in addition to the Eastern Cadetship examination held regularly in London.

62 *Ibid.*, G. Grindle's minute, 26 Oct. 1920.

63 C. O. 54/849, Secretary, Civil Service Commission to Under Secretary of State, Colonial Office, 17 Oct. 1921.

64 *Idem.*

65 C. O. 54/854, Manning to Churchill, Secret, 4 Sept. 1922.

66 Sir Charles Collins, *Public Administration in Ceylon*, London 1951, p. 101.

the number of Ceylonese compared with the total number of Civil Servants, in the years 1910, 1920 and 1930.⁶⁷

	CEYLONESE IN THE CIVIL SERVICE					
	1910		1920		1930	
	Total	Ceylonese	Total	Ceylonese	Total	Ceylonese
Staff appointments	3	0	3	0	3	0
Class I	17	1	19	1	24	2
Class II	18	1	20	0	23	3
Class III	20	0	21	1	49	15
Class IV	21	0	22	0	31	19
Cadets	10	0	5	0	8	4
Local Division	15	10	26	22	—	—
	104	12	116	24	138	43
		(11.5%)		(20.6%)		(31.1%)

Source: *Ceylon Civil Lists, 1910, 1920 and 1930*

The proportion of Ceylonese increased by nearly threefold in the twenty years, from 1910-30. The significance of the increase becomes clearer if one excludes the minor appointments and considers only those appointments in Class III and above. In 1910 there were 58 appointments in and above Class III, of which only 3 were held by Ceylonese (including one from the Local Division) (5%). In 1920, there were 63 such appointments of which 6 were held by Ceylonese (including four from the Local Division) (9%). By 1930, there were 20 out of 99 posts held by Ceylonese (21%).

It should be noted, however, that the recruitment of Ceylonese fell short of the formula proposed by the commission inquiring into the employment of Ceylonese in the Public Service.⁶⁸ They recommended in 1919 that one third of the Civil Service posts should be given to Ceylonese and that this proportion should be "gradually raised to one-half". But even by 1930, scarcely one-third of the posts was held by Ceylonese, and if only the higher appointments are considered, the proportion becomes even less. Even so, the Ceylonese gained steadily in the period under review, although still employed mainly in subordinate positions.

THE JUDICIAL BRANCH AND THE CEYLONESE CIVIL SERVANT

The Ceylon Civil Service had two distinct branches — which, though never officially recognised, were very real to members of the Service. These were the administrative (revenue) and the judicial divisions. The former consisted of a hierarchy rising from Office Assistant in a Kachcheri to Agent of a Province. The judicial line usually began in a Police Magistracy and

⁶⁷ The few minor posts classified in Class V and reserved for promotion from the Clerical Service have been excluded. In 1930, 12 Ceylonese were holding Class V appointments. Also note that in 1921 the Local Division ceased to exist.

⁶⁸ S. P. I (1919), *Further Employment of Ceylonese in the Public Service*.

culminated in a District Judgeship. These two branches were of course not mutually exclusive. Most Civil Servants held both revenue and judicial appointments at some stage of their career. But an interesting aspect of the dynamics of the Service was that after a certain number of years of "training", an officer was more or less earmarked for one branch or the other, and his subsequent promotions were mainly, if not exclusively, within that branch. This would of course be an internal differentiation of no consequence if both branches were considered equal in all respects. But the fact was that the revenue branch was considered superior in both prestige and power to the judicial branch. In this section an attempt will be made to demonstrate this fact and to point out its implications for the employment of Ceylonese in the Civil Service.

The inferior status of the judicial branch was widely recognised at least as early as the last decades of the 19th century. It was felt that the government was not putting the best men into judicial work and that it showed a condescending attitude towards that branch of the Service. Justice Clarence in a letter to the Lieutenant-Governor in 1881 wrote :

"Judicial appointments at large throughout the Island are not filled by the best talent in the Civil Service..... Gentlemen whom the government deemed unfit to be entrusted with work in Kachcheri have been appointed Judges of first instance, as Justices of the Peace and Police Magistrates and Commissioners of Requests, and even District Judges. A general belief exists, which cannot be said to be without foundation, that the Government of Ceylon regard judicial work as work which may fitly be entrusted to those whom the government will not venture to entrust with other work - that, in the estimation of the government, almost anybody is good enough to be a Police Magistrate or Commissioner of Requests. Such a belief naturally serves to degrade judicial work in the estimation of the Civil Service".⁶⁹

The Government provided adequate fuel to reinforce such beliefs.⁷⁰ One such instance concerns R. C. Pole, a European Assistant Agent of Vavuniya. "During his brief stay at Vavuniya he had shown himself unequal to the duties of an Assistant Government Agent". Pole was therefore, appointed to act as District Judge, Batticaloa, on the grounds that the duties of a District Judge were "much lighter" than those of an Assistant Agent⁷¹ — a contention which clearly reveals the government's partiality for revenue work. This case shows how the judicial service was sometimes considered a dumping ground for those found incompetent in the field of administration.

69 Letter dated 25 May 1881, quoted in dissent of P. Ramanathan, enclosure in C. O. 54/546, Longden to Derby, No. 158, 14 April 1883.

70 Governor Longden acknowledged, in 1897, that "most of the really able men in the Service were to be found in the Revenue and not in the Judicial Branch". See S. P. XX (1882), *Despatches relative to the District Judgeships of Colombo and Kandy*, Longden to the Secretary of State, No. 403, 17 Oct. 1879.

71 C. O. 54/545, Longden to Derby, No. 69, 17 Feb. 1883.

It was natural, therefore, that judicial officers of the Civil Service were dissatisfied with their position. In 1883, 53 members of the Civil Service memorialized the Secretary of State, protesting against the very unfavourable position of judicial officers compared with those holding revenue appointments.⁷² They protested not only about their poor prospects of promotion and advancement, but also about their overall inferior status. "Your memorialists submit that it must be detrimental to the interests of any country when the office of administering justice is looked on with disfavour, and is regarded as a duty inferior to that of managing its revenue, and one that should be shunned rather than aspired to. But the Colonial Office was not sympathetic to their grievances and was not prepared to introduce any changes."⁷³

The dissatisfaction of these judicial officers was so conspicuous that in 1896, the Governor recommended to the Colonial Office (in a scheme for the re-classification of the Civil Service) that two judicial officers be added to the First Grade of the Service, "with a view of encouraging officers holding judicial appointments to remain in that branch of the Service".⁷⁴ It is interesting to note that this modest recommendation was opposed by the Acting Colonial Secretary of Ceylon, W. T. Taylor, who argued that the remuneration in the second class of the Service was adequate for a District Judge, except those of Colombo and Kandy, which were, in any case, non-Civil Service appointments. Despite such objections, the Governor persisted with his proposal which was accepted by the Colonial Office. But this was in fact not a major concession. For whereas the approved scheme provided for 12 posts in Grade I of the First Class, only two of these were allocated to the judicial branch. What this meant was that Officers in the judicial line had very few posts of importance to aspire to. The Supreme Court was outside the Civil Service, and so were the highest District Judgeships—Colombo and Kandy. The former was reserved in 1856 for senior members of the Colombo Bar and the latter generally given, after 1872, to members of the Kandy Bar. Not only was the judicial branch relatively powerless and unimportant, it was also considered socially inferior to the administrative branch of the Service. It was even viewed as a resort for the "social misfits". Leonard Woolf, who was in the Ceylon Civil Service from 1904 - 11, brings out this aspect well in the following comment from his own experience. "A social analysis of the service in my time would, I think, have revealed the curious fact that, if you were thought to be not much of a 'Good fellow' or not much of a 'gentleman', this was considered by the Colonial Secretary and his Assistants to qualify you for being a Magistrate or Judge rather than an A. G. A".⁷⁵ The status of the judicial branch remained the same for the next twenty years and no real attempt was made to equalize the prospects

72 C. O. 54/549, Douglas to Derby, No. 196, 21 Nov. 1883. These included 4 Ceylonese all holding judicial posts—J. H. de Saram, F. J. W. Livera, P. Arunachalam and D. E. de Saram.

73 *Ibid.*, Derby to Gordon, No. 81, 14 March 1884.

74 S. P. XXVII (1897), *Papers relating to the Re-classification of the Ceylon Civil Service*, West Ridgeway to Chamberlain, No. 316, 31 Oct. 1896.

75 Leonard Woolf, *Growing: An autobiography of the years 1904-11*, London 1961, p. 36.

of the two branches of the service. The Salaries Commission of 1921, however, did recognise the need to make the judicial side more attractive, although it did not suggest any radical change. It recommended that one of the District Judgeships of Galle, Jaffna and Kurunegala (which were in Class I Grade II) be elevated to a Grade I appointment.⁷⁶ To implement this recommendation, Governor Manning increased the number of posts in Class 1 Grade 1 from 4 to 10, because of the practical difficulty of promoting judicial officers to Grade 1 with the present limited cadre. In support of this change Manning argued that the lack of prospects for a Grade 1 appointment in the judicial line "creates a feeling of discontent in that branch of the Service and causes almost all officers to seek advancement on the revenue side".⁷⁷ But his recommendation did not in any way equalize prospects of the two branches, for the advantageous position of the administrative branch was scarcely touched.

The position of the Civil Service Judge remained in this unenviable state right up to 1923, when the foundation for his extinction was laid. In that year the Retrenchment Committee recommended that judicial posts be gradually transferred from the Civil Service and filled by members of the Bar.⁷⁸ In 1924, the judiciary was still predominantly manned by Civil Servants. There were then (besides the Supreme Court) only 5 judicial posts ordinarily filled by members of the legal profession.⁷⁹ All other posts ranging from Police Magistracies to District Judgeships were the monopoly of the Civil Service. In 1924, Governor Manning began the process of eliminating judicial posts from the Civil Service, which was to culminate in an independent Judicial Service. In 1924 Manning recommended that the posts of District Judge, Chilaw, District Judge, Batticaloa, and Commissioner of Requests, Colombo, be open to members of the legal profession.⁸⁰ By 1930 this process was well under way; of a total of 42 Judicial appointments, 18 were now held by professional lawyers.⁸¹ The gradual reduction of judicial posts meant that the judicial branch of the Civil Service became even less attractive than before. For many of the District Judgeships - the "plums" of the judicial line were among those transferred to practising lawyers.

Thus the judicial branch of the Civil Service was widely recognised as being inferior in prestige and prospects to the administrative branch. It is a contention of this paper that the mere increase in the recruitment of Ceylonese into the Civil Service, cannot by itself be interpreted to mean that Ceylonese

76 S. P. XIX (1921), *Report of the Salaries Commission, 1921*, p. 15.

77 S. P. XIII (1922), *Despatches relating to the Report of the Salaries Commission, 1921*, Manning to Churchill, No. 203, 12 April 1922.

78 S. P. III (1923), *Report of the Retrenchment Commission*, p. 10.

79 These were - District Judge, Colombo; District Judge, Kandy; Additional District Judge, Colombo; Second Additional District Judge, Colombo; Municipal Magistrate, Colombo. The post of District Judge, Kandy was at this time held by a Civil Servant seconded from service.

80 S. P. XI (1924), *Transfer of certain Judicial posts from the Civil Service*, Manning to J. H. Thomas, 8 March 1924.

81 S. P. VII (1930), *Judicial Appointments*.

were increasingly accepted as co-partners in administration. Nor does it necessarily mean that, with the spread of western education Ceylonese were automatically given access to positions of power. The Civil Service provided the most prestigious employment within the Higher Administration, and therefore, what happened to Ceylonese already in the Service is a significant indication of the limits to which educated Ceylonese could realistically aspire. Did a Ceylonese who had similar qualifications and seniority have as good a chance of rising to the highest appointments in the Civil Service as his British colleague? The evidence is very striking that although more and more Ceylonese were admitted to the Civil Service, it was tacitly understood that there were areas in the Service which were barred to them.⁸² As a general tendency, Ceylonese seem to have been excluded from positions of responsibility and administrative authority, even when they had good claims for such positions. The Government Agent and his Assistant were the most important revenue officers of the provincial administration. They enjoyed considerable power and prestige, for they were, in the words of Governor McCallum, "the direct embodiment of the central government".⁸³ It is interesting therefore to consider whether a Ceylonese Civil Servant could reasonably aspire to a Government Agency, which was the natural culmination of the career of an able European officer. The evidence is clearly in the negative for the period under review. The implementation of a policy of "thus far and no further" was fraught with difficulties, for the Government could not afford to create the impression that Ceylonese were victims of discrimination. One way of finding out how the government solved this dilemma is to examine what exactly happened to the Ceylonese in the Service. The most conspicuous feature of the recruitment of Ceylonese in this period was that they were channelled predominantly in to the judicial branch of the Service. The impression of deliberate discrimination was thereby avoided, for a Ceylonese could rise to Class I of the Civil Service without having held a high administrative appointment.

It must be conceded, however, that the government justified the disproportionate distribution of Ceylonese in one branch of the Service, as being a function of their aptitude for judicial work.⁸⁴ This assertion is certainly true if it means that Ceylonese made more equitable judges because they had a better grasp

82 The Government Agency of Central Province was unequivocally reserved for European civil servants, because of the presence of the tea planting community in this province. Even marriage to a non-European was considered enough to deprive an English civil servant of his legitimate claim to this post. Thus, when a vacancy in this Agency occurred in 1915, B. Hill who was at the head of Grade II in order of seniority was passed over in favour of C. S. Vaughan, because 'Mr. Hill's wife is not of pure European descent - a fact which would have been a cause of much inconvenience in a province where the planting community is of the first importance'. C. O. 54/783, Chalmers to Bonar Law, Confidential, 3 Aug. 1915.

83 *S. P.* VII (1913), McCallum to Harcourt, No. 625, 17 Oct. 1912.

84 For example *S. P.* I (1909), McCallum to Earl of Elgin and Kincardine, 23 Nov. 1907. McCallum while suggesting the assignment of two District Judgeships to the Local Division of the Service, commented that "Ceylonese appear to be well adapted for appointments such as these..".

than European cadets, of native customs and traditions. But it is only logical to conclude that if empathy was a qualification for judicial work, it was equally so for the task of administration - especially provincial administration. Ceylonese were so conspicuously excluded from administrative posts that they can hardly be said to have failed in the role of the administrator. The Ceylonese Civil Servants of the 19th century were practically all employed in judicial work, and this was equally true of the early decades of this century. The channelling to the judicial service was effected irrespective of the abilities of individual Ceylonese. The case of Paul Pieris is particularly illuminating, since he was clearly the intellectual equal of his European colleagues.⁸⁵ Yet, even when he became the most senior officer in Class I of the service, Pieris - like Arunachalam before him - was not offered a Government Agency.⁸⁶ By having been placed on the judicial side at the outset his chances of promotion were effectively stifled. Pieris' career illustrates well that the prospects of Ceylonese Civil Servants - even the best of them - were less attractive than those of their European colleagues. The following comparison of the appointments held by Pieris with those given to a European colleague of equal seniority shows how the process of "channelling" operated.⁸⁷

PAUL PIERIS			R. N. THAINE		
10 July	1896	Appointed Cadet	3 Nov.	1898	Appointed Cadet
1 Jan.	1899	Acting A. G. A. Puttalam	18 Mar.	1902	Acting A. G. A. Kalutara
			14 May	1902	Acting D. J. Badulla
10 Dec.	1901	O. A. to G. A. Galle	19 June	1906	Acting A.G.A. Trincomalee
1 Feb.	1904	Asst. Commissioner, St. Louis Exhibition	3 June	1908	A. G. A. Puttalam
			8 July	1908	D. J. Jaffna
20 Mar.	1906	D. J. Kalutara	4 Jan.	1911	Commissioner of Requests, Colombo
23 Dec.	1909	Acting Registrar- General	26 Feb.	1913	Acting G. A. Sabaragamuwa
27 Nov.	1912	Commissioner of Requests, Colombo	3 Nov.	1915	Police Magistrate, Colombo
1 Nov.	1913	Acting D. J. Kandy	18 Apr.	1917	Censor
19 June	1914	D. J. Galle	24 May	1918	Deputy Collector of Customs, Colombo
3 Dec.	1915	D. J. Jaffna			

85 Paul E. Pieris, M. A., LL. M., Litt. D. (Cantab.), Hon. D. Litt. (Ceylon), Barrister-at-law (Inner Temple), was the author of many scholarly works on history of Ceylon.

86 The Thomson Committee conceded that there was evidence of discrimination against Ceylonese; 'we do not think it can be seriously contended that this dissociation of the Ceylonese Civil Servants from the most responsible and therefore most coveted posts in the Service is entirely fortuitous' S. P. X (1922), *Further Employment of Ceylonese in the Public Service*, p. 3.

87 *Ceylon Civil Lists*, 1930. Only the important acting appointments have been included. The abbreviations used are as follows: D. J. - District Judge; G. A. - Government Agent; A. G. A. - Assistant Government Agent; O. A. - Office Assistant. For a similar comparison see S. J. Tambiah, 'Ethnic Representation in Ceylon's Higher Administrative Services, 1870-1946', *University of Ceylon Review*, XIII, No. 2 and 3, 1955.

PAUL PIERIS		R. N. THAINE	
5 Mar. 1919	Acting D. J. Colombo	22 June 1920	G. A. Uva Province
15 April 1920	Acting D. J. Kandy	4 Apr. 1923	Food Controller and Principal Collector
26 July 1921	D. J. Kandy		of Customs
1 Oct. 1928	Public Trustee (seconded for service)	1 Dec. 1923	G. A. Western Province
		18 Oct. 1925	Acting Colonial Secretary
		30 Nov. 1925	G. A. Western Province

It is clear from the above that whereas Thaine was able to obtain a Government Agency in 1920, and was in 1923 appointed to the most important of these, that of the Western Province, Pieris had to be content with the relatively unattractive District Judgeship. Nor was Thaine's case exceptional. In 1930, the Government Agents of all the Provinces (all Europeans) were Pieris' juniors in the Service.

The trend was clear. Until the 1920's the government seemed to believe that it was judicious to exclude Ceylonese from positions of administrative authority. And even when agitation in Ceylon made changes inevitable, concessions were granted grudgingly and cautiously. The first Ceylonese Assistant Government Agent, C. L. Wickramasinghe, was appointed to the post as late as 1923 and even then was given Mannar, one of the smallest Districts. It was only in 1931 that he was also to become the first Ceylonese Government Agent.

The gradual Ceylonization of the Civil Service was thus achieved in two stages. The first stage was the deliberate attempt to increase the number of Ceylonese by introducing a Subordinate (Local) Division. This device enabled the government to recruit Ceylonese locally without seriously affecting the Civil Service proper, based on open competition in England. The local recruits were considered inferior to the Cadets selected in England, and since candidates for the subordinate Division were not required to have a University degree there was much truth in this contention. The virtual absence of any local institution for University education until as late as 1921, was a serious obstacle to obtaining local recruits of quality. Besides, it must be remembered that the Subordinate Division was not intended for highly educated men who, if they wished, could enter the Service through the competitive examination in England; such persons, in any case, were a small minority and thus became automatically, privileged beings. The Subordinate Division was established to benefit the increasing number of young men with a modest western education, who nevertheless felt they were entitled to more responsible employment than mere clerkships. Due to this disparity in quality between the Local Division and the Civil Service proper, it was possible, with justification, to allocate only minor appointments to local recruits — a tendency which continued right up to the reorganisation of the Service in 1920. The first stage in Ceylonization was therefore a gradual increase in the proportion of local recruits, who were confined to subordinate positions.

The unification of the Service in 1920 began the second stage of Ceylonization. The abolition of the Local Division and the establishment of a unified service, removed, at least in theory, the inferiority attached to local recruits. Besides, there was now no built-in mechanism to keep Ceylonese in subordinate positions. When the Service was integrated, it became inevitable that many Ceylonese would, in the course of time, rise to positions of authority. Mobility, however, was not unconditional and Ceylonese were channelled mainly to the legal branch of the Service. But cracks in the structure began to appear in the 1920's partly due to the agitation by the western educated elite for greater employment of Ceylonese in the higher grades of the Public Service. Although Ceylonese were increasingly given revenue posts in the 1920's, the transition was a slow one. Even in 1930 practically 80% of the appointments in Grade III and above (the positions of power and responsibility in the Civil Service) were still held by Europeans.

The practice - as ex-officio members - of the Colonial Secretary, the Government Agent of the Western Province, and a civil servant who was the Secretary to the Commission, added to the differences within the Commission. These officials were bound to be more aware of secular considerations in education and probably for this reason, the Colonial Secretary and the Secretary in particular were accused of acting arbitrarily by the clergymen. Their presence in the Commission was also objected to on the ground that unlike clergymen they had no idea of what education was about. But the secular differences among the representatives of the various Christian denominations - during the debates

1 This article is substantially based on material gathered during their term - The Politics of the Government of Ceylon concerning education and religion, 1882-1885 - submitted for the D. Phil. degree in Oxford University in March 1966.

2 Governor Sir Hercules Robinson in reporting the Legislative Council of the East India Company to the Council to consider reforms in education in 1855 had stated that the Sub-Committee would effect "the well-being and happiness of future generations", and would be gratefully remembered "years to come". Ceylon Observer, 19 December 1855.

3 C. O. 3737. Minutes of the Legislative Council, 17 October 1885.

4 C. O. 3744. Report Legislative Council Committee, p. 244.

5 C. O. 3744. Report Legislative Council Committee, Appendix. See views of Louis Hill - The Deputy Queen's Advocate, Galle, and the Reverend S. G. Gnanapavan, Trincomalee.

6 Ibid. p. 70 ff.

7 Ibid. The Reverend S. G. Gnanapavan.

8 Ibid.

1865 And The Changes In Education Policies¹

by L. A. WICKREMERATNE

In the study of education policies in the second half of the nineteenth century the period 1865-1885 is of vital importance. It marked a clear break with the past - although exaggerated by contemporaries - and it laid the fundamental principles of educational development which remained unaltered throughout the nineteenth century.²

By 1865 dissatisfaction with the Central School Commission which had been smouldering for some time, had come to the surface.³ The Central School Commission which had been established by the Government in 1834 to regulate education, had at first consisted of Anglican clergymen living in Colombo.⁴ In 1841 the Commission had been remodelled to include nonconformist and Catholic clergymen in the hope that this would lead to greater progress in the spread of education. In the event, however, bitter sectarian differences manifested themselves and questions of policy were settled not according to principle, but according to the views of this or that faction that was able to dominate the proceedings of the commission.⁵

The presence - as ex-officio members - of the Colonial Secretary, the Government Agent of the Western Province, and a civil servant who was the Secretary to the Commission, added to the differences within the Commission.⁶ These officials were bound to be more aware of secular considerations in education and probably for this reason, the Colonial Secretary and the Secretary in particular were accused of acting arbitrarily by the clergymen.⁷ Their presence in the Commission was also objected to on the ground that unlike clergymen, they had no idea of what education was about.⁸ But the sectarian differences among the representatives of the various Christian denominations - barring the Baptists

1 This article is substantially based on material abstracted from my thesis - *The Policies of the Government of Ceylon concerning education and religion, 1865-1885* - submitted for the D. Phil. degree in Oxford University in Michaelmas, 1966.

2 Governor Sir Hercules Robinson in apprising the Legislative Council of the fact that a Sub-Committee appointed by the Council to consider reforms in education in 1865 had finished its work, remarked that the scheme proposed by the Sub-Committee would affect "the well-being and happiness of future generations", and would be gratefully remembered "years to come". *Ceylon Observer*, 19 December 1867.

3 C. O. 57/37. Minutes of the Legislative Council, 14 October 1865.

4 C. O. 57/44. Report Legislative Council Committee, p. 345.

5 C. O. 57/44. Report Legislative Council Committee, Appendix. See views of Louis Nell the Deputy Queen's Advocate, Galle, and the Reverend S. O. Glenie Chaplain, Trincomali.

6 *Ibid.* p. 70 ff.

7 *Ibid.* The Reverend S. O. Glenie.

8 *Ibid.*

who were not given a seat in the Commission because their educational activities were negligible — were so great as to prevent the Commission from splitting into two clearly demarcated factions.

Moreover the Commission met only once a month and this fact in itself predetermined the tempo of its operations.⁹ Matters which required an immediate decision were put off and even the recommendations which the Inspector of Schools had made were ignored.¹⁰ The Colonial Secretary who was the President of the Commission, and the Government Agent of the Western Province were key officials of the Government who could not give their undivided attention to the Commission.¹¹ Purely routine matters which could have been handled by the Secretary as well as vital questions of principle encumbered the Commission.¹² The Government's directive in 1855 that the Commission should leave routine administration to the Secretary was ignored because the clergymen in the Commission were jealous of the Secretary's influence.¹³

Other weaknesses too impaired the effectiveness of the Commission. For one thing it lacked a focal point of responsibility.¹⁴ The Colonial Secretary was obviously the most important member of the Commission. But decisions were reached by majority vote and it was possible that the Commission could reach a decision which was unacceptable to the Government thereby embarrassing the Colonial Secretary who was a member of the Executive Council. Secondly, the Commission was an unpaid body. Often vacancies which occurred in the seats for the Christian denominations, and even in the seat for an unofficial member of the Legislative Council could not be filled. From 1862 there is no record of a Roman Catholic member of the Commission.¹⁵ In 1865 the seats of the Anglican, Wesleyan, and that of the Unofficial member of the Legislative Council remained vacant.¹⁶ In the circumstances it was not surprising that the Colonial Secretary could wield an unusual degree of influence. The missionaries for their part responded but feebly to the Commission which was consistently refusing to give financial assistance to their schools other than on conditions which severely restricted religious teaching.¹⁷

As one might expect the Commission had a poor record. In 1867 when the Commission submitted its final report it was found that since 1840 the Commission had been able to establish only 64 boys' schools and 22 girls'

9 C. O. 57/44. Rept. L. C. Comm. p. 345 ff.

10 *Ibid.*

11 *Ibid.*

12 *Ibid.* Appendix. See views of John F. Dickson who was the Secretary of the Commission

13 *Ibid.*

14 *Ibid.*

15 Sessional Papers 1862, no. 2, p. 14.

Sessional Papers 1863, no. 7, p. 50.

Sessional Papers 1865, no. 2, p. 14.

16 *Ibid.*

17 See p. 89 of this article.

schools, although the money made available to the Commission by the Government had increased by as much as over £ 12,656 during the same period.¹⁸ To make matters worse, W. J. Sendall, the Government Inspector of Schools had been devastatingly critical in his reports.¹⁹ Sir Hercules Robinson the then governor who in forwarding the Report of the School Commission for 1865 to the Colonial Office, drew particular attention to Sendall's description of the product of the Commission's English schools as "the unhappy victims here of fatal half measures, there of misguided zeal and mistaken philanthropy".²⁰

Robinson also referred to a general impression in the Island that the Government's efforts in education were misdirected and that the Government was beginning to have doubts about "the large sums of public money" spent on education.²¹ It was characteristically Muthu Coomaraswamy – a key figure of this period who represented the Tamils in the Legislative Council – who gave positive expression to these misgivings when in 1865 he moved a resolution in the Legislative Council calling upon the Government to appoint a Sub-committee to investigate education.²² Under the chairmanship of Richard Morgan, the Queen's Advocate, this Committee submitted its report in 1867 having gathered a mass of valuable evidence by circulating a questionnaire dealing with all aspects of educational policy.²³

The Sub-Committee recommended that the School Commission be abolished and that instead, as in the presidencies of India, a single Director of Public Instruction responsible to the Government should be appointed.²⁴ On the question which had significant implications for the future – whether the Director should be assisted by a Board – the Government was divided.²⁵ Robinson, the Executive Council, and the School Commission urged that the Director should be assisted by a Board consisting of the representatives of all races and religions in the island, provided these representatives were not ministers of religion.²⁶ It was also stipulated that the Director should consult the Board on all matters of principle and that in the event of a difference of opinion the Executive Council should be consulted.²⁷ Those who favoured the creation of a Board feared that a single Director would be susceptible to the influence of pressure groups.²⁸ An Unofficial member of the Legislative Council sarcastically remarked that a Director who was able to act judiciously on his own must possess "the wisdom

18 Robinson to Granville, 113 of 9 October 1869, enclosure 4 for Twenty Fifth Report of the Central School Commission. See Blue Book of Ceylon for year 1868.

19 *Ibid.*

20 Robinson to the Duke of Buckingham and Chandos, 210 of September 1867. See Blue Book of Ceylon for year 1866.

21 *Ibid.*

22 C. O. 54/432. Robinson to the Duke of Buckingham and Chandos, 9 January 1868.

23 C. O. 54/416. Robinson to Carnarvon, 267 of 16 November 1866. See enclosure 2.

Also C. O. 57/44. Rept. L. C. Comm. Appendix A.

24 C. O. 57/44. Rept. L. C. Comm. p. 346 ff.

25 C. O. 54/432. Robinson to the Duke of Buckingham and Chandos, 9 of 14 January 1868 See enclosure 4.

26 *Ibid.* C. O. 57/42. Minutes of the Executive Council, 17 December 1867.

27 *Ibid.*

28 *Ceylon Observer*, 19 December 1867, gives account of debate.

of an archangel".²⁹ Coomaraswamy himself declared that a Director of Public Instruction in India who followed educational developments in Ceylon closely had told him that a Director unassisted by a Board was not suitable for Ceylon.³⁰ But Morgan succeeded in persuading the Legislative Council to vote for a Director of Public Instruction who was not fettered by a board.³¹ What probably swayed the Council was the awareness that in the School Commission responsibility for educational decisions had been diffused.³²

It was no doubt because of this decision that in the period after 1867 the Department of Public Instruction was able to make adjustments in the implementation of educational policies to suit changing conditions thereby giving a certain permanence to the great policy decisions of 1867. In the event too the gloomy forebodings about the concentration of power in the hands of a single official were falsified. Both Sendall, who became the Director of Public Instruction in 1872, and Charles Bruce who held the post from 1878 to 1882, showed that although they sympathised with the educational efforts of the missionaries, they could well resist missionary pressures. Bruce in particular was so scrupulously impartial in the implementation of the grant-aided scheme that the missionaries unreasonably accused him of being hostile towards them.³³

But the real achievement of the Sub-Committee was that it defined clearly the fundamental aims of educational policies following a comprehensive survey of the state of education in the island. It declared unequivocally that the Government was obliged to educate the people especially as there was a gulf in the standards of "civilization" dividing the rulers from the ruled.³⁴ As it was plainly impossible to educate all classes of the population to the same level, the problem was to define priorities. According to the Sub-Committee the main object of the Government in education was to provide an elementary vernacular education for every child in the country. It was not the business of the Government to foster classical vernacular education with its "antiquated literature", nor to attempt to achieve the ideal of universal elementary education through the English language.³⁵ The Sub-Committee which quoted Indian Education reports, believed that it was difficult for the Ceylon child to acquire even a modicum of English which would be necessary for elementary education. Instead it declared that the Ceylon child with his horizons limited to the boundaries of his village

29 *Ibid.*

30 *Ibid.*

31 Richard Morgan, who was easily the most distinguished Ceylonese of the time, was as the Queen's Advocate, the chief legal adviser to the Government. A member of the Legislative Council he was also a member - a rare privilege for a Ceylonese - of the Governor's Executive Council.

32 C. O. 57/44 Rept. L. C. Comm. p. 68 ff.

33 Annual Letter. T. P. Handy to C. G. Fenn, 4 January 1880, C. M. S. Archives.

34 C. O. 57/44. Rept. L. C. Comm. p. 342.

35 *Ibid.* p. 348.

should be taught the three R's with the rudiments of history and geography.³⁶ The Sub-Committee quoted with approval Bishop C. Bonjean of the Roman Catholic church who declared that the mass of the people should be given an elementary education suited to requirements of "a life of toil".³⁷

But on grounds of practical expediency and abstract principle the Sub-Committee urged the Government to pay some attention to superior education in English as well.³⁸ The Sub-Committee and the Government were considerably influenced by Sendall who ridiculed the idea that the Government might provide universal elementary education but deliberately refrain from establishing higher schools for fear of stimulating a "demand" for higher education.³⁹ Sendall argued that analogies drawn from the laws of supply and demand in economics had no relevance to education especially in an Eastern country where there was no spontaneous demand for education as such. On the contrary it was the duty of the state to stimulate a demand and give the people "a helping hand, to lead them from low to high from high to higher". Sendall believed that in the ultimate analysis elementary and superior education were but two stages in a single process of lifting a people from a state of ignorance to one of enlightenment. He also stressed that it was morally wrong for a Government which was ruling a multi religious population to leave superior English education in the hands of the missionaries.⁴⁰ The Sub-Committee itself urged in addition that the benefits of superior education would filter down to the masses and that the extension of elementary education was itself dependent especially as regards the demand for more teachers on the maintenance of a system of superior education.⁴¹ The Sub-Committee did not add - probably because that fact was so well known - that the maintenance of the superior schools was connected with the requirements of an expanding administration.

Clearly the assumption was that only a minority would require a superior education. Hence the Sub-Committee did not urge the Government to establish new English schools but declared that the Central Schools - superior schools teaching English - which existed in some of the provincial towns, would be adequate.⁴² Moreover superior education was to be confined to the class that could pay high school fees, and throughout this period - in sharp contrast to its policies of doing away with all fees in vernacular education - the Government consistently took the view that those who wanted a superior English education must be prepared to pay for it.⁴³ Indeed, the primary aim of Government educational

36 *Ibid.*

37 C. O. 57/44. Rept. L. C. Comm. p. 347 ff.

38 *Ibid.* p. 344.

39 *Ibid.* p. 343.

40 *Ibid.* p. 343.

41 *Ibid.* p. 343.

42 C. O. 54/432. Robinson to the Duke of Buckingham and Chandos, 9 of 14 January 1868.

43 C. O. 57/50. Sessional Papers 1869-70 no. V p. 91 ff. *Ibid.* p. 126. C. O. 57/73. Rept. Dir. P. I. Appendix A-I

policy in the period after 1867 was to retain this bifurcation with its implied class overtones. But the desire for an English education which paradoxically existed even in areas where the popular enthusiasm for education was lukewarm, was a constant challenge to this policy.⁴⁴

It was in considering the means by which the ideal of elementary universal education was to be achieved that the Sub-Committee defined the place of the missionary societies in the new education set up. It pointed out that the lack of teachers made it impossible to extend vernacular education, although the adoption of certain measures which it proposed could ultimately lead to an increase in the number of teachers.⁴⁵ The Sub-Committee suggested therefore that the Government should secure the co-operation of the missionary societies by providing them with the means of extending their educational operations.⁴⁶ The adoption of a grant-aided system on the lines suggested by the Sub-Committee - the payments of grants to be determined by the results of secular instruction alone without imposing any limitations on religious instruction - put an end to decades of bickering that had gone on between the missionary societies and the School Commission. It also opened a new chapter in the relations between the Government and the missionaries in education.⁴⁷

But in spite of the co-operation of the missionaries the difficulties of realizing the ideal of universal education soon became evident. The Sub-Committee obsessed with the means of securing the co-operation of the missionaries had evidently assumed that if schools were merely established, the people would flock to them. In fact, however, in the backward regions especially in Central and North Central provinces, the people were reluctant to send their

44 Annual Letter. 15 February 1865. C. M. S. Archives. C.O. 57/41. Rept. L. C. Comm. p. 116. Also p. 85, *The Baptist Magazine*, 1869, Vol. LXI, p. 55.

45 C. O. 57/44. Rept. L. C. Comm. p. 350.

46 *Ibid.*

47 The various missionary societies working in the island had for some time been emphasising the need to adopt a system whereby the missionaries would receive government grants for their schools. These demands grew more insistent by 1865 when the Protestant and Catholic missionaries were clearly facing a financial crisis. Consequently they found that although they could maintain the schools which they had already established there was little prospect of expansion. What aggravated the difficulties of the missionaries was their constantly proclaimed unwillingness - on principle - to accept monetary assistance from the government under a grant-aided scheme which the government had begun to enforce after February 1861. The grant rules stipulated *inter alia* that religious instruction was to be confined to the first hour of teaching each day during which time attendance could not be made compulsory. To the Central School Commission which was entrusted with the responsibility of implementing these rules, grants-in-aid on any other basis was tantamount to encouraging proselytisation. To the missionary societies however the all too evident restrictions on religious teaching were wholly repugnant to their basic objectives. See Chapter II of my thesis.

children to school.⁴⁸ If education made any progress at all in these areas it was because of the Government Agents who influenced the people through the headmen and the *Gansabhavas* or Village Councils. The virtual dependence of the Department of Public Instruction on the Government Agents is a significant feature of this period.⁴⁹

The Government might have made its task easier had it devised some means of utilising the indigenous *pansala* schools which were attached to Buddhist temples. But unlike in Burma and India where the modern departments of education used the indigenous schools in rural areas to spread education, in Ceylon religious prejudices among officials and missionaries alike were too formidable a barrier for policy makers to overcome.⁵⁰ Had the Government taken the *pansala* schools in hand, the sum annually voted by the Legislative Council for education might have been more effectively used.

Indeed educational policy was as might be expected influenced by finance. At first however there was no question of cutting the coat according to the cloth. The reforms of 1867 coincided with a remarkable period in the Island's economy. The revenue which was £ 978,492 in 1865 rose steadily and by 1873 it had reached the unprecedented figure of £ 1,290,918. The revenue continued its upward climb until by 1877 it reached £ 1,596,205. But the tide turned and in successive years the revenue steadily declined due largely to the failure of the coffee industry.⁵¹

The annual expenditure for education also increased.⁵² This increase was due largely to the development of the grant-aided scheme. By 1880 however in spite of denials that it was motivated by financial considerations the Government was anxious to control expenditure in education.⁵³ Hence the changes, which came

48 C. O. 57/57. Report on the Nuwara Eliya District, Administration Reports, 1872, p. 74.
C. O. 57/63. Rept. Dir. P. I. 1874, p. 97.

C. O. 57/66. Report on the Matale District, A. R. 1875, p. 53.

C. O. 57/69. Report on the Central Province, A. R. 1876, p. 13.

C. O. 57/79. Report on the Central Province, A. R. 1879, p. 53.

49 The officials of the Department of Public Instruction constantly acknowledged that but for the Government Agents, the petty officials who worked under them and the Village Councils, there would be no schools in many areas. In 1871, the Governor Sir Hercules Robinson, stated that vernacular education could be effectively extended only with the assistance of the *Gansabhavas*. C. O. 57/38. Twenty Second Report of the Central School Commission 1865, p. 85 ff

C. O. 57/79. Rept. Dir. P. I. 1879, p. 20 c.

C. O. 57/82. Rept. Dir. P. I. 1880, p. 25 c.

C. O. 57/82. Rept. Dir. P. I. 1880, p. 19 c.

50 I have dealt with this aspect in some detail in my thesis. See Chapter IV - *The ideal of vernacular education and the Pansala school*.

51 See Appendix.

52 In 1871 a sum of Rs. 253,226.66 was voted for education. By 1875 a sum of Rs. 364,644 was being expended. In 1880 the vote for education amounted to Rs. 502,583. C. O. 57/62. Rept. Actg. Dir. P. I. 1873, p. 127 ff. C. O. 57/66. Rept. Dir. P. I. 1875, p. 119 ff. See also C. O. 57/82. Rept. Dir. P. I. 1880, p. 8 c. Also p. 86 c.

53 C. O. 54/529. Longden to Kimberley, 283 of 27 December 1880.

into force in 1880 - known as the "Revised Code" which Charles Bruce drew up - made the conditions governing grants more strict.⁵⁴ But despite the misgivings of the missionaries who resented any changes in the rules governing grants and who strongly believed that the Government was "obliged" to pay grants for their schools, the Revised Code did not lead to a reduction in expenditure. On the contrary, in 1880 over and above the vote provided by the Legislative Council the Government was compelled to table a supplementary vote of Rs. 45,000, specifically to meet the cost of grant payments.⁵⁵ In seeking the approval of the Colonial Office Longden mollified Kimberley with assurances that he had cautioned Bruce against exceeding the annual vote in future and that he had urged Bruce to defer paying grants to the new schools which the missionaries might establish in anticipation of grants.⁵⁶

Bruce, who was urged by Kimberley to suggest means of reducing expenditure, submitted a series of memoranda which won for him the praise of the Colonial Office and which probably weighed in his favour in his promotion to the post of Colonial Secretary of Mauritius in 1882.⁵⁷ Bruce argued that it was impossible legally to reduce grants to missionary schools if they qualified for them. Instead he favoured a thorough reappraisal of the existing scales of payment.⁵⁸ Like Longden, who privately believed that the grant aided system was farcical as it enabled the missionaries to maintain their schools without committing their own resources, Bruce showed that the grants were far in excess of the strict requirements of the missionaries in education.⁵⁹ He devised a means of ensuring that the Government grant was used by the missionary schools only for the teachers' salaries, school furniture and for books and stationery issued free to the pupils.⁶⁰

The more fundamental proposals made by Bruce however were rejected by the local Government and the Colonial Office. Bruce showed that despite the efforts of the missionaries and the Government since 1869, a vast proportion of the population was left uneducated. ⁶¹ Only 1 in every 34 of the population of 2,758,529 in the Island went to school.⁶² In the North Central Province where there were only 12 schools, the proportion was 1 in 204 and in the Central Province 1 in 123.⁶³ Moreover, although in 1867 the missionaries had claimed that the adoption of a grant-aided scheme would lead to an equitable distribution of schools throughout the Island, by 1880 the majority of the missionary schools as well as the Government schools were found in the Western and Northern

54 *Ibid.*

55 C. O. 54/529. Longden to Kimberley, 284 of 28 December 1880.

56 *Ibid.*

57 See C. O. 54/533. Douglas to Kimberley, 232 of 19 August 1881, for draft of despatch. Kimberley to Longden, 350 of 4 November 1881.

58 C. O. 54/533. Douglas to Kimberley, 232 of 19 August 1881.

59 *Ibid.*

60 *Ibid.*

61 C. O. 54/539. Longden to Kimberley, 194 of 4 May 1882.

62 *Ibid.*

63 *Ibid.*

provinces.⁶⁴ Bruce calculated that if the ideal of universal education was to be made a reality, the Government would have to make provision for the education of 50,000 additional pupils in the period 1880-1890.⁶⁵ He also suggested - evidently hoping that the financial position of the country would improve - that the Government should set aside 5 per cent of the gross revenue for education and this should be the permanent ceiling limit on expenditure.⁶⁶

Longden thought that Bruce's proposals were impractical. The estimated revenue for 1882 was Rs. 13,025,000. Out of this sum the military contribution, interest on loans, and the liabilities incurred by the Government on account of railway construction, absorbed a good slice leaving only Rs. 9,210,925 for the administration as well as for schemes of redevelopment.⁶⁷ Ironically, Longden's simple calculations revealed that the Government was already spending over 5 per cent on education. The education vote for 1882 was Rs. 500,978.⁶⁸ Kimberley thought that the ceiling should be permanently fixed at Rs. 500,000.⁶⁹ Bruce's proposal that a local cess should be levied was also rejected. John Douglas who was acting for Longden during the latter's absence in England, cautioned Kimberley against the proposal.⁷⁰ He feared that a cess would be unpopular and that it might be even evaded. There was also the possibility that the people would construe the cess as a tax designed to aid the missionaries. Kimberley upheld Douglas' objection.⁷¹

Financial exigencies however continued to have their impact. In October 1882 a select committee of the Legislative Council was appointed to review the entire field of public expenditure and to recommend economies.⁷² The Select Committee which gave considerable attention to education, urged that the annual vote should be reduced to Rs. 300,000.⁷³ The Legislative Council supported the Select Committee although Unofficial members with the exception of the member representing the planting interests opposed the proposal.⁷⁴ Ponnambalam Ramanathan who had taken Coomaraswamy's place in the Council forwarded to the Colonial Office an able memorandum criticising the reduction.⁷⁵ He showed that in 1872 a sum of Rs. 300,000 had been sufficient to cover the cost of grants as well as administration costs - including the cost of inspecting the grant schools - of the Department of Public Instruction. The number of

64 C. O. 57/82. Rept. Director Public Instruction. See Appendix E - VIII.

65 C. O. 54/539. Longden to Kimberley, 194 of 4 May 1882.

66 *Ibid.*

67 C. O. 54/539. Longden to Kimberley, 194 of 4 May 1882.

68 *Ibid.*

69 *Ibid.* See minutes, Kimberly to Longden, 219 of 27 June 1882.

70 C. O. 54/533. Douglas to Kimberley, 232 of 19 August 1881.

71 *Ibid.* See minutes. Kimberley to Longden, 350 of 4 November 1881.

72 C. O. 54/546. Longden to the Earl of Derby, 155 of 14 April 1883.

73 *Ibid.*

74 *Ibid.*

75 C. O. 54/546. Longden to the Earl of Derby, 158 of 14 April 1883.

grant-aided and Government schools had been 769. How was it possible, Ramanathan asked, to budget within Rs. 300,000 when the cost of administration had risen to Rs.67,120 and the number of Government and grant-aided schools was 1,237? ⁷⁶

Ramanathan's protest had its effect. In the Colonial Office C. B. Lucas minuted powerfully against the reduction.⁷⁷ Lord Derby in a lucid despatch to Sir Arthur Gordon, who had succeeded Longden, opposed "this sweeping retrenchment".⁷⁸ Indeed his task was made easier by the inconsistencies of the Select Committee which had recommended that the salaries of the Director and the other officials of the Department should not be reduced although it had no qualms about axing the education vote drastically.⁷⁹ Moreover, despite itself the Select Committee had admitted that the reduction of the education vote would paralyse "that excellent system" which had been the result of the reforms of 1867.

APPENDIX

REVENUE OF THE GOVERNMENT OF CEYLON

	£		£
1865	978,492	1876	1,375,888
1866	962,873	1877	1,596,205
1867	969,936	1878	1,543,320
1868	925,265	1879	1,382,688
1869	946,494	1880	1,298,355
1870	1,091,606	1881	1,283,108
1871	1,121,679	1882	1,140,147
1872	1,174,698	1883	1,162,179
1873	1,290,918	1884	1,162,721
1874	1,241,558	1885	1,186,018
1875	1,354,123		

76 *Ibid.*

77 C. O. 54/546. Longden to the Earl of Derby, 155 of 14 April 1883. See minutes.

78 *Ibid.*

79 *Ibid.*

Communalism and Political Modernisation in Ceylon

by S. U. KODIKARA

Recent discussions of political development in the new states have been concerned with the objective conditions of modernisation and in particular with the relation between tradition and modernity in such states. In their important work on the politics of the developing areas, Almond and Coleman had already postulated the culturally mixed character of all political systems, drawn attention to the fact that there is no system which is all-modern, and that every polity contains an admixture of the traditional and the modern. For Almond "all political systems—the developed Western ones as well as the less-developed non-Western ones—are transitional systems, or systems in which cultural change is taking place".¹ This postulate was a cardinal assumption of the theorists of the "Princeton School". Lucian Pye, for example, recognised that in dealing with political processes, it is not possible to rely exclusively on distinctions such as traditional-modern, urban-rural and so on, for "the process of organising sentiments, articulating and aggregating interests, and the orderly extension of participation always entails a combining or fusing of many elements in a people's cultural tradition".² From another point of view, this principle was reiterated by David Apter when he stated that traditional societies are not necessarily static existing in a kind of equilibrium, "enbalméd in a religious framework", and defying all change. On the contrary, in practice, "traditionality in its various forms and patterns is an essential part of the study of modernisation (particularly its political aspects) precisely because it too changes".³ The attempt by the Rudolphs to challenge the assumption that modernity and tradition are radically different may not therefore appear novel, but these writers have sought "to accord tradition a higher priority in the study of modernization than has often been the case in previous analyses of it", and to analyse "variations in the meaning of modernity and tradition and suggest how they infiltrate and transform each other".⁴ These authors point out that studies of American political behaviour have suggested the persistence of such traditional forces as local history, ethnicity, race, and religious community.

The literature focusing exclusively on so modern a society as America tends to contradict the notion that tradition and modernity are dichotomous. It suggests

- 1 Gabriel Almond and James Coleman, (ed.), *The Politics of the Developing Areas*, Princeton University Press, 1960, p. 24.
- 2 Lucian W. Pye, (ed.), *Communications and Political Development*, Princeton University Press, 1963, p. 18. For the heterogeneity of political cultures, see Lucien W. Pye and Sidney Verha, (ed.), *Political Culture and Political Development*, Princeton University Press, 1965, 516. *et. seq.*
- 3 David E. Apter, *The Politics of Modernisation*, University of Chicago Press, 1965, p. 57.
- 4 Lloyd I. Rudolph and Susanne Hoeber Rudolph, *The Modernity of Tradition: Political Development in India*, University of Chicago Press, 1967, pp. 1, 9.

instead that there may be certain persistent requirements of the human condition that tradition, as it is expressed in the past of particular nations, can and does satisfy.⁵

Yet the concept of modernisation presupposes some political systems which are more modern and some which are more traditional than others. There might therefore be some justification for models of political modernity, but these have generally tended to be compounded out of Western experience and show a lingering nostalgia for the democratic polity.⁶ Within the sphere of governmental rule and authority, to be sure, modernisation is recognised to be marked by the degree of specificity of function, the extent of universalistic norms of conduct, and the prevalence of achievement considerations in recruitment. As regards political processes, Lucian Pye identified the following as being "minimum considerations" in the assessment of political modernisation :

- (a) increase in capabilities of the society to mobilise the people in national efforts;
- (b) widening of participation in ways which affect the decision-making process;
- (c) existence of a wide range of interests, all freely represented and well-rooted in the social and economic life of the society as a whole;
- (d) ability to direct social change purposefully, without being buffeted by social forces;
- (e) stability, orderly transfer of power, respect for constituted authority, adherence to legal procedures and a clear recognition of the rights and duties of citizens.⁷

A modern society has been regarded as characterised by a high degree of urbanization, widespread literacy, comparatively high per capita income, extensive geographical and social mobility, a relatively high degree of commercialization and industrialization of the economy, an extensive and penetrative network of mass communication media, and generally, widespread participation of members of the society in modern social and economic processes.⁸ But the paradox, as Apter pointed out, is that while in Western societies modernisation was caused by industrialization, in non-western societies industrialization comes, if at all,

5 *Ibid.*, p. 4.

6 See Chong-Do Hah and Jeanne Schneider, "A Critique of Current Studies on Political Development and Modernisation", *Social Research*, 35:139, Spring, 1968. Despite their reservations regarding models of tradition and modernity, the Rudolphs themselves find certain contrasts "heuristicly useful". *Op. cit.*, p. 3, fn. 1.

7 Pye, *Op. cit.*, pp. 17-18.

8 Cf. Almond and Coleman, *Op. cit.*, p. 532.

as the effect rather than the cause of modernization.⁹ As the Rudolphs put it :

Because Western nations have realized certain objective conditions such as industrialization, urbanization, and literacy before political democracy, they are often assumed to be requisition of it. Such assumptions and inquiries have the effect of limiting the models of modernization to the experience of Western nations. The myths and realities of Western experience set limits to the social scientific imagination, and modernity becomes what we imagine ourselves to be.¹⁰

Besides, a further element of confusion may be added to the discussion of political modernization by the relativity of the term. What is modern "is not necessarily a fixed condition or point in time. What is considered modern today may not still be so regarded next year".¹¹ Nor is modernization equivalent to westernization for although in many colonial territories the processes of modernization began in the pre-independence period under the impact of westernization, the objective of the new states is not the complete acceptance of western civilization but rather the adaptation of selected Western ideas and techniques to indigenous ways of life.

The Rudolphs have argued forcefully that established notions of political modernity might have to be amended and revised in the face of the persistence of traditional forces in the contemporary politics of countries so remotely different as India and the United States of America, and that political modernity, contrary to broadly shared assumptions, may even involve ascriptive and corporate features.¹² For these writers, the exploration of internal variations and potentialities for change within manifestations of tradition provide the clue for the study of political modernity. In this article, we attempt to explore the interaction between traditional forces and modern political institutions and processes in Ceylon, and to ask ourselves whether the Rudolphs' theory has any relevance for the Island.

ELECTORAL DEMARCATION AND COMMUNAL POLITICS

The evolution of parliamentary institutions in Ceylon had a long history in the colonial period. The Island could claim the oldest democratic electorate in South Asia, universal franchise having been introduced in 1931. But the tendency to organise and aggregate interests on the basis of communal loyalties also had its roots in the colonial past. This tendency became pronounced after independence; and the heterogeneity of the political culture, resulting from the divergence between the urban modern subsociety of westernised elements and the traditional mass of the rural population, was accentuated by the fact that interests continued to be articulated in terms of race, religion or language group. Modernization, to be sure, has effected significant changes in social stratification.

9 Apter, *op. cit.*, p. 53 ff.

10 Rudolph and Rudolph, *op. cit.*, p. 7.

11 Knight Biggerstaff, "Modernisation and Early Modern China", *Journal of Asian Studies*, 25:608, August, 1966.

12 Rudolph and Rudolph, *op. cit.*, pp. 10-14.

The diffusion of a free, compulsory, system of education, and the change, introduced in 1956 of the language of administration and, earlier, of the medium of instruction, at once threatened the hegemony of the westernised elite, and gave rise to a rural political elite which has become increasingly influential in the political process. Recruitment to the political elite now proceeded from a broader social base. But this has not been achieved without aggravation of intergroup tensions. The serious communal violence of 1958, and the prevailing atmosphere of distrust and hostility between the Sinhalese and the Tamils, political assassination, attempts to overthrow the constituted government by *coup d'etat*, civil resistance, *satyagraha*, and the increasing resort to government under a state of emergency, are all symptoms of imbalance within the body politic which processes of modernisation have failed to resolve. Ironically enough, as Coleman pointed out, modernisation itself tends to strengthen the forces of particularism, and, though the governing elite might consciously try to foster a sense of national loyalty among the population, near-autonomous communication systems among different communal groups might in fact perpetuate communal cleavage and cultural distinctiveness.¹³

It is generally overlooked especially by those who point to convenient scapegoats for the recent communal discords, that traditional features are built-in to the modern political constitution of Ceylon. The representation clauses of the Ceylon (Constitution) Order-in-Council, 1946, which are in force, provide that:

- (a) electoral areas be demarcated on the basis of one seat for every 75,000 persons and in addition one seat for every 1,000 square miles of area in each province;
- (b) each electoral district should have as far as possible an equal number of persons and delimitation should take account of transport facilities, physical features and the community or diversity of interests of the inhabitants;
- (c) where it appeared that in any area of a province a substantial concentration of citizens were united by community of interests (racial, religious or otherwise) but were different in one or more respects from the majority of the inhabitants of that area, delimitation should make possible the representation of that concentration of citizens;
- (d) multi-member constituencies be established, wherever, desirable to ensure adequate representation of minority interests.

The considerations which underlay the adoption of this scheme have been summarised thus by Jennings: first, it would provide increased representation for the minority communities without introducing communal representation; second, the system would give weightage to the rural population as against the

13 Almond and Coleman, *op. cit.*, pp. 545, 557.

urban population; third, it would give weightage to the (more backward) Kandyan Sinhalese as against the Low-country Sinhalese; fourth, it would give weightage to the backward areas as against the more developed areas. "The communal motive was dominant: that is, the primary intention was to give a greater proportionate representation to the minorities, but the other advantages were foreseen".¹⁴

Constituencies were demarcated with the specific object of securing the return of a minimum number of minority candidates, and indeed, the first Delimitation Commission were able to predict with a remarkable degree of accuracy, the racial composition of the first Parliament, elected in 1947. The balance of communal forces established in the Constitution has been disrupted to some extent by the disfranchisement of the Indian community in 1950, and seats held by Indian Tamils in the 1947 elections have become Sinhalese seats in and after the elections of 1952.¹⁵ Indeed, when in 1959 a new delimitation was carried out, the principle that the resident population (nationals as well as non-nationals) should be taken into account in demarcating seats on the basis of 75,000 persons for each electoral district was retained, though the franchise had been restricted since 1950 to citizens. One result of the 1959 delimitation, which increased the number of elected seats in Parliament from 95 to 151, was to further increase, proportionately, the Sinhalese representatives in Parliament. Thus, while in the 1947 elections the Sinhalese had obtained approximately 71 per cent of the total number of elected seats in the legislature, the figure rose to approximately 78 per cent in the 1956 elections and to 80 per cent in the 1960 and 1965 elections. Ceylon Tamil representation has averaged 12 per cent of elected seats in the legislature since independence, and the Ceylon Moors, approximately, 6 per cent.¹⁶

Another consequence of the disfranchisement of the Indian community is that the principle of equal electoral districts (already modified in the constitution in the interest of minority weightage) has been further compromised. Since the number of seats is determined by the resident population and not by the number of citizens, the average number of voters per electorate is smallest in the

14 Sir Ivor Jennings, *The Constitution of Ceylon*, Oxford University Press, 1949, 3rd ed., 1953 pp. 213-15.

15 The disfranchisement of the Indian Community was due to a constitutional amendment which made the franchise dependent on citizenship. The Indian and Pakistani Residents' (Citizenship) Act, enacted in 1949, prescribed certain qualifications for the grant of Ceylon citizenship to Indians but it was only in 1962 that the claims of Indians for citizenship had been finalised, 134,000 of the 825,000 applicants under this Act being admitted to Ceylon citizenship. A further 300,000 Indians are to be given Ceylon citizenship in terms of the Indo-Ceylon Agreement of October 1964.

16 These figures are to be compared with the following percentages of total population based on the 1953 Census, for the chief racial groups in the island: Sinhalese 69.36; Ceylon Tamils 10.93; Indian Tamils 12.03; Muslims 5.73.

Kandyan areas, where the concentration of Indian residents is heaviest.¹⁷ This imbalance will no doubt correct itself after the citizenship status of the Indian community has been resolved. The operation of Ceylon's citizenship law resulted in 60,000 persons of Indian origin being enrolled in the electoral register at the 1965 general elections, and with the operation of the 1964 agreement, this number will be added to in the course of subsequent elections.

Thus the idea of a communal balance of forces is imbedded in the constitutional provisions for electoral delimitation. The communalization of politics is therefore a necessary consequence of the political system. The organisation and aggregation of interests could be made more effectively on the basis of group loyalties than on the basis of ideology or issues. Such a system could hardly work without stresses and strains in the absence of a basic consensus among the chief communal groups. The lack of such a consensus provides the clue to contemporary politics in Ceylon. For the Sinhalese, the objective conditions of modernization can be realised only when the discrimination and injustices suffered by the Sinhalese Buddhist majority during the period of colonial rule had been redressed and compensated. The continued use of English in the administration and in education was seen as an instrument for the perpetuation of the privileged position of the westernized elite. The minority communities were not responsible for the plight of Sinhala Buddhists, though they had benefitted from the policies of the colonial power. But it was incumbent on the minority communities to understand the problems of Sinhala Buddhists and accept the fact that they had to be solved.¹⁸ The implementation of the Sinhala Only Act and the restoration of Buddhism to its traditional rights as the religion of the majority were therefore the twin pillars of the Sinhalese communal programme. For most Tamils, however, the Sinhala Only policy represented a clear trend of anti-Tamil discriminatory legislation, which had begun with the enactment of the citizenship laws soon after independence, and which must be strenuously resisted if the Tamil cultural heritage was to be safeguarded from the encroachments of the Sinhala renaissance. The 1965 manifesto of the Federal Party insisted: "If the Sinhalese and Tamil people are to enjoy equality and equal opportunities our Tamil language should enjoy parity with the Sinhala language throughout the length and breadth of Ceylon We will never accept Sinhala".¹⁹ Resistance to the Sinhala Only Act and alleged administrative

17 The average number of voters per electoral district, in each of the 9 Provinces in Ceylon is as follows: Western Province 41,000; Southern Province 38,500; North-Western 33,000; North-Central 19,500; Central 24,500; Uva 19,000; Sabaragamuwa 30,000; Northern 29,500; Eastern 24,500. Uva and Sabaragamuwa constitute the Kandyan Provinces, while the Northern and Eastern provinces were the main areas of Ceylon Tamil settlements. These figures are computed from the Report of the sixth Parliamentary General Election of Ceylon. *Sessional Paper 20 of 1966*.

18 For an exposition of the Sinhalese point of view, see the presidential address of Mrs. Bandaranaike at the 15th annual sessions of the SLFP. Reported in *The Ceylon Observer*, 21 July 1967.

19 *Ceylon Daily News*, 6 March 1965. Regulations framed in January 1966 have since made Tamil virtually an official language with Sinhala, in the Northern and Eastern Provinces.

discrimination against Tamils, opposition to colonisation of Sinhalese in Tamil majority areas, demands for regional devolution, a federal state, these are the main elements of the Tamil communal programme.²⁰ Given such basic divergence on fundamental issues, it is not surprising that periods when the Sinhala Buddhist programme was sought to be translated into legislation (as during the regimes of the two Bandaranaiques) should have engendered the greatest communal conflicts, while periods when the communal *status quo* was left largely unchanged (as during 1948-56 and 1965 to the present) should have projected an image of communal harmony.

However, whether communal tensions were ascendant or in abeyance, the communalization of politics has certainly contributed to increased political consciousness and political participation among all communal groups in the island.

BUDDHISM AND POLITICS

Although the constitution has been predicated on the assumption of a balance of communal forces, the dominant motif of contemporary Ceylonese politics is Sinhala Buddhism. Recent experience suggests that individuals, groups, as well as the institutional structures of parliamentary democracy are adapting themselves to the dominant Buddhist ethos. A close link had always existed between the state and religion in the traditional Sinhalese political system. The Sinhalese king became the defender of the Buddhist faith and it came to be looked upon as the king's special duty to uphold the religion and its institutions. It was not merely that, in consequence, the Buddhist *sangha* came to have a deep influence on royal policy, but the continuance of the *Buddha-sasana* was identified with the well-being of the Sinhalese royal family. The now established practice that the Prime Minister (and other incumbents of high office) must offer a tray of flowers at a Buddhist temple after appointment re-establishes at a symbolic level the old connection between the state and the *sasana* in Ceylon. The manner in which since independence, the main Sinhalese political parties have incorporated religio-cultural issues into their originally largely secular party manifestoes is also an indication of the force of the revived Buddhist tradition. Yet Buddhist political interests are not articulated entirely in and through the medium of the political parties acting through parliamentary channels. As intellectual leaders of the village community and repositories of the traditional culture of the Sinhalese, the *sangha* have become deeply involved in issues of contemporary politics.

²⁰ There is however, no political homogeneity within minority ethnic and religious groups. While language politics will continue to divide Sinhalese and Tamils, there is disagreement among Tamils on other demands posed by the Federal Party, such as federalism, regional devolution, a Tamil university, and so on. The political allegiance of Tamils is divided between the Federal Party and the Tamil Congress, the latter standing for greater collaboration with the Sinhalese. Other Tamil parties are likely to come up in the near future. The political support of the Muslims is fairly evenly divided between Sinhalese and Tamil parties; a new political organisation calling itself the *Dravida Munnetra Kazhagam* is already challenging the hegemony of the Ceylon Workers' Congress among Indian plantation workers who have been registered as Ceylon citizens.

Perhaps the most important fact about the contemporary political role of the *sangha* in Ceylon is their tendency to be divided in allegiance to the political parties but to demonstrate an impressive corporate unity on certain political and social issues. Since, unlike Christian churches, the *sangha* did not have an ecclesiastical hierarchy or a central organisation to exact political conformity, monks were free to support the political parties of their choice. Sectarianism within the *sangha*, based on caste, accentuated the diversity of their political outlook, with the high-caste *bhikkus* of the *Siam nikaya* tending towards political conservatism, and the *bhikkus* of the *Amarapura* and *Ramanya nikayas* (consisting largely of members of minority castes like the *Karawa*, *Salagama* and *Durawa*) being more disposed towards political and social change. Since 1947 *bhikkus* have played a prominent part in every general election but two,²¹ campaigning for the one or the other of the main political parties. At the 1947 elections, the contest was between the United National Party (UNP) on the one hand, and several Marxist parties on the other. The slogan "religion in danger" was therefore used against the Marxists, and *bhikkus* were brought out in support of UNP candidates. Since then, this slogan has recurred at various times during elections; but it is a commentary on the increasing importance of secular concerns within the *sangha* that the slogan has tended to lose much of its force, not only because the *sangha* are themselves divided on it, but also because many *bhikkus* have publicly avowed their belief that Buddhism is in no danger of destruction at the hands of the Marxist parties.

However, what makes the *sangha* politically important is not what divides them but the factors which bring them together and give them a corporate unity. Chief among these factors is the role played by the *sangha* in the recent evolution of Sinhalese nationalism and the resurgence of Buddhism in the island. The rise of the *sangha* as an important political force is associated especially with the election campaign of 1956. The *bhikkus* had participated actively in earlier elections as well, but they had done so mostly in their individual capacities and not as members of specific Buddhist interest groups. In the 1956 election campaign, *bhikkus* for the first time appeared as disciplined electoral agents, acting either in concert with lay Buddhist leaders or amongst themselves, as political groups with specific objectives in view.

The *sangha's* disillusionment with the UNP government of Sir John Kotelawela (1953-'56) found political expression in the formation of pressure groups demanding for Buddhism its "rightful place".²² Two of these were especially

21 The exceptions were the elections of March and July 1960, when the *sangha* refrained from all political activity following upon the involvement of two prominent *bhikkus* in the assassination of S. W. R. D. Bandaranaike in September 1959.

22 The useful account of these events in W. Howard Wriggins, *Ceylon: Dilemmas of a New Nation*, Princeton University Press, 1960. ch. VI and IX, has now been supplemented by Donald E. Smith, "Political Monks and Monastic Reform"; Donald E. Smith, "The Sinhalese Buddhist Revolution"; and A. J. Wilson, "Buddhism and Politics, 1960-65", all in Donald E. Smith (ed.), *South Asian Politics and Religion*, Princeton University Press, 1966.

important: the Buddhist Committee of Inquiry and the *Eksath Bhikku Peramuna* (the United Front of the Buddhist monks, EBP). The unofficial Buddhist Committee of Inquiry was a body of prominent *bhikkus* and Buddhist laymen appointed by the All-Ceylon Buddhist Congress in 1954 to inquire into the state of Buddhism in the country. Its report, published in English and Sinhala in 1956,²³ was a severe indictment of the existing UNP government for its pro-western, pro-Christian orientation, and for its neglect of Buddhist interests. It demanded, among others, the creation of a Buddha Sasana Council, amendment of section 29 of the constitution which gave protection of the privileged position of racial and religious minorities, the state take-over of all government assisted schools and training colleges, the replacement of Sundays with *poya* holidays, the banning of horse-racing, the prohibition of the sale of intoxicating beverages, the termination of the services of Catholic nuns working in government hospitals and making Ceylon a republic. The report was a significant document of the Buddhist resurgence. It became an effective instrument in the hands of the political *bhikkus* of the EBP.

The EBP was itself organised in 1956 by Buddharakhita Thero of the *Siam* sect (who was later implicated in the Bandaranaike assassination) with over seventy-five regional associations of *bhikkus* affiliated to it. It supported the Sri Lanka Freedom Party (SLFP) and its electoral allies (collectively called the Mahajana Eksath Peramuna - MEP) at the elections. The monks of the EBP not only published political literature but addressed meetings and campaigned from door to door with the slogan that a vote for the UNP was a vote for Catholics, and a vote for the MEP a vote for Buddhists.²⁴ The objectives of the EBP were contained in a Declaration of Ten Principles which included demands for the implementation of the Buddhist Commission Report and the institution of Sinhala as the one official language of Ceylon.²⁵ The ten principles were accepted by Bandaranaike on behalf of the MEP during the course of the election campaign.

Whatever divergences might exist within the *sangha* in other respects, *bhikkus* of all castes and political persuasions have been united in their conviction that gross injustices had been perpetrated on Buddhists during the colonial period and that it is a primary duty of independent governments of Ceylon to redress Buddhist grievances and accord to Buddhism its rightful place as the religion of the majority of the people. They were also united in their belief that an essential pre-requisite of according to Buddhism its rightful place was the resumption of the state's patronage of Buddhism, the withdrawal of which, during the colonial era, had led to the present low state of the *sasana*. Making

23 An abridged English version of the Sinhala report was published under the title *The Betrayal of Buddhism*, Balangoda, 1956.

24 Wriggins estimated that about 3000 *bhikkus*, the majority of whom belonged to the Amarapura and Ramanya sects, campaigned actively against the UNP at these elections. Wriggins, *op. cit.*, pp. 347-48.

25 Donald E. Smith, "Political Monks and Monastic Reform", *op. cit.*, p. 493.

Buddhism the state religion found favour neither with the *sangha* nor with lay organisations such as the Buddhist Congress and the Buddhist Committee of Inquiry. Indeed, the latter had strongly affirmed the need for a secular state, and had recommended the creation of a body similar to the Buddha Sasana Council in Burma, in which should be vested the prerogatives traditionally exercised by Sinhalese Kings. In 1957 Bandaranaike appointed a Buddha Sasana Commission to deal, *inter alia*, with the internal discipline of the *sangha*, the management of temple lands and so on. Its report, submitted in 1959, recommended the creation of a Buddha *sasana* Council (a bi-cameral Buddhist legislative body, one chamber of which would be composed of the *sangha*, the other of the *sangha* and the laity combined), the creation of ecclesiastical courts and the creation of a government department to deal with temple property. But such radical changes are frowned upon by the conservative heads of the Siam sect, and so far nothing has come of the proposals.

In other respects, however, the period since 1956 has witnessed the progressive implementation of the main Buddhist demands, such as the enactment of the Sinhala Only Act, the increase of state patronage of Buddhism, the banning of horse-racing, the termination of services of Catholic nuns in government hospitals, the State take-over of assisted schools, and the declaration of *poya* days as holidays.

From ancient times, the prosperity of the *sangha* and the fortunes of the *sasana* in Ceylon had depended on the well-being of the Sinhalese nation. When the Sinhalese nation had been divided among itself, or when it had been subjugated by a foreign power, the *sasana* itself had suffered. While the Buddhist religion had to face considerable hardships during the colonial period, in the pre-colonial era itself recurrent Tamil invasions from South India had posed a serious problem for the Buddha *sasana* as well as for the Sinhala nation. It is not surprising, therefore, that the *sangha* should be deeply concerned with the present integrity of the Sinhala nation, and that it should play its old role of protector of the Sinhala heritage and culture. For the *sangha*, the image was easily evoked of the cultural threat to the Sinhala language posed by the demands of Tamil leaders, and of the political threat to the Sinhala nation posed by the unrestricted grant of citizenship and franchise rights to persons of Indian origin in Ceylon. The Mahanayake Thero (the chief incumbent) of the *Ramanya Nikaya* was exaggerating his case, but expressing a common fear among the *sangha* when he declared:

If the Tamils get hold of this country, the Sinhalese will have to jump into the sea. It is essential, therefore, to safeguard our country, the nation, and the religion and to work with that object in mind.²⁶

When Prime Minister Bandaranaike entered into a pact in 1957 with S.J.V. Chelvanayagam (the leader of the Federal Party) granting certain concessions to Tamils, it was a demonstration of protest by the *sangha* that led to its abrogation.

26 *The Sun*, Colombo, 26 May 1967.

When, in January 1966, the Dudley Senanayake government framed regulations, under the Tamil Language (Special Provisions) Act of 1958, which sought to provide for the use of Tamil in the Northern and Eastern provinces, Buddhist *bhikkus* were among these who denounced the regulations, and a *bhikku* was accidentally killed by police firing against demonstrators. The Mahanayake of the Malwatte Chapter of the Siam sect was among the severest critics of Prime Minister Dudley Senanayake for his government's Indo-Ceylon Agreement Implementation Bill of 1967, which was held to be inconsistent with the letter and spirit of the Indo-Ceylon Agreement of 1964 and the interests of Sinhalese.²⁷

The *sangha* has also been greatly concerned with the danger to Sinhalese interests implied in a party system of government, where Sinhalese political parties (UNP and the SLFP) were perpetually in conflict with each other and one of which might form an alliance with Tamil parties which could be prejudicial to Sinhalese interests. At a meeting of the three sects of the *sangha* at Malwatte Vihara on 25 April 1967, the Mahanayake Theros of Malwatte and Asgiriya *viharas* declared that "the solution of national and economic problems could not be made by a party system of government which subsists on mutual rivalries, hatreds and revenge". It was alleged that due to rivalry among the Sinhalese, minority communities were able to unreasonably advance their interests. Hence, an appeal was made to party leaders to "at least temporarily do away with their greed for power and unite to make an honest endeavour to solve national problems such as those relating to language, economy and the grant of citizenship to Indians resident in Ceylon".²⁸ These appeals were made at a time when the UNP minority government of Dudley Senanayake was being widely criticised, especially by the parliamentary opposition, of neglecting Sinhalese interests on language and the Indo-Ceylon question because of its political dependence on the Tamil parties. In this respect, however, the *sangha* represent a line of thinking which is not absent even in lay circles,²⁹ that is, one based on the assumption that the minorities, if presenting a united front *vis a vis* Sinhalese parties, could effectively hold the balance between them and exert a disproportionate influence on the main issues of political debate.

But this theoretical possibility must be viewed against the context of the objective political situation. Just as individuals, groups, and structures are adapting themselves to a dominant Buddhist ethos, the present outlook of Sinhala Buddhism itself is accommodative rather than aggressive. The teaching and practice of Buddhism has emphasised the virtues of toleration, non-violence and peaceful co-existence and the *sangha* are assertive only to the extent of redressing past wrongs and present grievances of Sinhala Buddhists. Besides, the objective political situation itself places limits on Sinhala extremism. Twice since independence, in March 1960 and March 1965, the general elections did

27 See Press statement of the Malwatte Mahanayake Thero in *Ceylon Daily News*, 18 May 1967, and text of a letter by him to the Prime Minister in *ibid.*, 27 May 1967.

28 See *Ceylon Daily News*, 27 April 1967; *The Sun*, 4 May 1967.

29 See e.g. *Ceylon Daily News*, 2 March 1967.

not result in an overall parliamentary majority for any single party, and the prospect can recur at future elections. The main Sinhalese parties contending for political power are therefore compelled to the conviction that the religio-cultural demands which they advocate may have to be implemented by some future Parliament with the support of the minority parties and groups. In other words, the requirements and processes of modern party politics place limits on the influence of tradition in the political system.

ROMAN CATHOLICISM AND POLITICS

In the realm of Catholic politics, too there appear to be promising trends in the direction of secularization and modernisation.

The Roman Catholic community has always been an influential and powerful political group in the island. Constituting 7 per cent of the total population (Christians as a whole constitute 9 per cent of the total population), Catholics have been well represented in the higher administrative services, in the officer cadre of the armed services, in the professions and in business. Besides, the Catholic Church has had two other sources of influence — extensive holdings in land, and an excellent network of schools. Although Ceylon's constitution does not contain a chapter of fundamental rights, section 29 restricts the competence of Parliament to pass legislation which discriminates against of, favours any racial or religious minority. By section 29 (2) (d), which protects the internal constitution of an incorporated religious body from alteration by acts of Parliament, the Church has enjoyed considerable legal and financial advantages which were not available to the Buddhist religion. The greatest political advantage enjoyed by it in relation to the Buddhist *sangha* however, was its strong ecclesiastical organisation, and the existence of a disciplined priesthood subject to control by the church hierarchy. Not surprisingly, therefore, the Catholic Church was the first of the religious interest groups to organise itself politically. In every general election since independence, the Catholic Church openly opposed Marxist parties, and came out strongly on the side of the UNP. Just before the 1952 elections, the Roman Catholic Archbishop issued a pastoral letter which declared that no Catholic with any Christian conscience could vote for a candidate who belonged to a political creed banned by the Church, whether communism or any other, or who had pledged himself directly or indirectly to an electoral program inimical to God, or who was in sympathy with those who were hostile to the Church.³⁰ Till recent times similar injunctions were given to the faithful by the priesthood through the medium of the pulpit. The Church hierarchy did not favour the principle of a separate political party, but used the Catholic block vote on behalf of a party sympathetic to Catholic interests. Catholic votes have hitherto been cast predominantly on behalf of UNP candidates and constituencies where Catholics predominate have invariably returned UNP candidates. Catholics are settled largely in the coastal belt extending north from Colombo as far as Puttalam. In the nine electorates in this area, all but

30 See Donald E. Smith, "The Sinhalese Buddhist Revolution", *op. cit.* p. 471.

two (Chilaw and Wennappuwa)³¹ have consistently returned UNP candidates at the three general elections held between March 1960 and March 1965. The table below gives the ethnic and religious composition of these electorates, based on figures supplied by the 1959 Delimitation Commission Report. Three recent events, however, have deeply affected the position of the Catholic Church in relation to political parties and provide the background to what would appear to be a revaluation of its political outlook: the take-over of denominational schools by the government in 1961, the attempted *coup d'état* of 1962, and the replacement of Sundays with *Poya* holidays.

ETHNIC AND RELIGIOUS COMPOSITION OF ELECTORATES IN THE
COASTAL BELT FROM COLOMBO TO PUTTALAM

Electorate	RACE				RELIGION				
	Sinha- lese	Ceylon Tamil	Mus- lim	*Others	Budd- hist	Hindu	Islam	Chris- tian	Others
	Per Cent				Per Cent				
Colombo North	55.7	16.6	6.3	21.4	28.2	15.7	9.1	46.9	0.1
Wattala	83.8	5.5	2.5	8.2	41.2	5.7	3.6	41.1	0.4
Jaela	93.0	2.3	0.2	4.5	34.3	2.8	0.4	62.3	0.2
Negombo	76.7	9.8	7.4	6.1	11.8	4.9	8.9	74.3	0.1
Katana	88.7	8.3	0.2	2.8	48.2	1.8	10.3	49.5	0.2
Wennappuwa	93.9	1.8	0.2	4.1	33.1	2.3	0.5	64.0	0.1
Nattandiya	90.6	1.7	3.2	4.5	45.5	3.6	3.4	47.4	0.1
Chilaw	77.9	10.0	5.0	6.2	47.6	10.6	6.4	35.3	0.1
Puttalam	34.7	18.9	41.0	5.4	8.9	9.2	43.1	38.7	0.1

Source: Report of the Delimitation Commission, *Sessional Paper XV of 1959*.

*'Others' include Burghers, Europeans and persons of Indian and Pakistan origin.

The state take-over of assisted denominational schools by the government of Mrs. Bandaranaike in 1961 illustrates the basic issues underlying the communal question and variations in the meaning of modernity. The legislation provided for the state take-over of all grade III assisted schools; Grade I and II schools were to be allowed the privilege of remaining as private non-fee levying schools (or with the right to levy fees provided the consent of parents and teachers had been previously obtained by means of a referendum), but could admit only children of the same denomination as the school. The system of grants-in-aid was done away with and religious instruction was made compulsory

31 Wennappuwa was represented by a Catholic SLFP member between 1960 and 1965, but at the March 1965 general election was won by a UNP candidate. Chilaw voted SLFP in March and July 1960, and UNP in 1965. In addition, in by-elections held in Negombo and Nattandiya since March 1965, the successful candidates have been UNP. The basis of delimitation between the 1947 and 1956 general election was different.

in all schools. Buddhist opinion laid great stress on educational reform as being one of the primary requisites of modernisation in Ceylon. The Buddhist view, as expressed in the Buddhist Commission Report, was that Christian dominance in the field of education had been due to the support of a colonial government which had deliberately discriminated against Buddhists. Consequently, the Christians, forming only 9 per cent of the population, controlled a large segment of education, and most of the leading secondary schools in the island. Since these schools were being maintained by government grants, the cost of Christian predominance in education was in fact being borne by Buddhists who constituted 65 per cent of the population. Hence, the principle of equality and equalisation of opportunity demanded that the state should step in to redress the existing imbalance in education.

The Catholics, too, appealed to principles of equality, minority rights and universal human rights in resisting the take-over. While repudiating the allegations of the Buddhist Commission Report,³² the Catholic Church laid great emphasis on the necessity to train children in a religious atmosphere and against a religious background. It was also alleged that in depriving Catholics of the right to have schools, the take-over legislation violated section 29 (2) (a) of the constitution, which declared: "No such law shall prohibit or restrain the free exercise of any religion", and the Universal Declaration of Human Rights, which guaranteed to parents the right to choose the kind of education given to their children.³³ In a statement issued after the second reading of the Bill, the Catholic Hierarchy of Ceylon opposed the take-over as restricting "the free exercise of the religion of a section of Ceylon citizens", and called upon "all lovers of true freedom in the country to join us in warding off an attack on fundamental human rights".³⁴ The Catholic Church was supported in Parliament by the UNP, the Federal Party and a former Prime Minister W. Dahanayake. The government point of view was expressed by Sirima Bandaranaike in a letter to the Catholic hierarchy.³⁵ The Prime Minister argued that the training of children in a religious atmosphere and in a religious background could not be claimed as a peculiar prerogative of any particular Church or religion, all religious bodies having this paramount duty to perform. The government could not give any preferential treatment to any religious denomination, "especially when it is the State that bears almost hundred per cent of the cost in regard to the so-called "Assisted Schools". Moreover, the Bill did not prohibit any religious organisation from propagating unhampered its faith — indeed, Grade I and II could opt to run as private schools without prejudice to the national free education system, i.e. they could levy fees if a referendum among teachers and parents authorised such a procedure, while this provision also

32 *The Catholic Messenger*, Colombo, 10 and 24 March, 7 April 1956.

33 *Ceylon Daily News*, 31 August 1960.

34 Text in *ibid.*, 29 October 1960; earlier, the Archbishop of Colombo himself, in a message to Catholics, enjoined them to be restrained and act with dignity in their hostility to the measure. Text of message in *ibid.*, 22 August 1960.

35. Text of letter in *ibid.*, 25 October 1960.

met the conditions demanded by Article 26 (3) of the Universal Declaration of Human Rights. Besides, in many other countries, the Roman Catholic Church had accepted without stipulation the system of state education.

On 10 November 1960 the Prime Minister refused to see a delegation of Catholic women who had gathered before her official residence to protest against the Bill.³⁶ Later in the month 500 Catholic families staged a sit-in demonstration, occupying two Catholic schools in Colombo; from here, the agitation spread to the western coastal belt, where Catholic parents moved into about 60 schools to resist the take-over. Catholic students themselves staged a demonstration outside the office of the Lake House Press.³⁷ Direct physical violence between government forces and Catholics seemed inevitable; but the situation was saved by the Indian Prime Minister Nehru's intervention with the head of the Catholic Church in India, Cardinal Gracias.³⁸ The latter undertook a visit to Ceylon, and after he had had consultations with the Ceylonese Catholic hierarchy and members of the government, the *satyagraha* was called off. Nationalisation of schools was made effective in December 1960. The measure had been strongly supported by the Lanka Sama Samaja Party, the Communist Party, the All-Ceylon Buddhist Congress and other Buddhist organisations. In 1961, the government passed legislation to vest in the crown without compensation, all the property of schools taken over under the Director of Education through the Act of 1960.

A further setback was the implication of several high-ranking Catholic army and police officers in the attempted *coup* of 1962. The communalization of politics in Ceylon has not been without its impact on the army. From the early 1950's the island's armed services had been subject to strong criticism from Buddhist interest groups on the grounds of Christian domination of their officer cadre, and demands had been made by organisations such as the All-Ceylon Buddhist Congress that recruitment to the armed services should be made on the basis of a ratio corresponding to the numerical strength of the various religious groups inhabiting the island. The army, in particular, reflected within itself the clash, if not of ethnic, at least of religious loyalties in the island's politics. Until the abortive *coup* of 1962, the army was officered at the higher levels predominantly by Christians, the majority of these belonging to the Catholic faith. Sinhalese Buddhist nationalism, therefore, could not generate any enthusiasm among an important section of the army leadership. Indeed, during the crisis over the schools nationalisation, when the army and police were called out, the Prime Minister was constrained to appeal to the armed services to rise above sectarian loyalties in the solution of an important national issue. The 1962 *coup* was attempted barely two months after this crisis and was engineered by a group of Christian army and police officers. According to one of the *coup* leaders, the plan was to arrest not only the Parliamentary Secretary to the Minister of External Affairs and the ministry's Permanent

36 *Ibid.*, 11 November 1960.

37 *The Statesman*, Delhi, 28 November 1960; *The Hindu*, Madras, 2 December 1960.

38 See E. F. C. Ludowyk, *A Modern History of Ceylon*, London, 1966, p. 260 and n. 16.

Secretary, both of whom had the power to issue orders to the Service Commanders,³⁹ but also leftist leaders and the Acting Captain of the Navy; the army commander, (a Sinhalese Catholic) and the British Air Vice-Marshal of the Royal Ceylon Air Force were to be restrained and prevented from leaving their houses. After these arrests the Governor-General (Sir Oliver Goonetilleke) was to be "coerced" to take over the government.⁴⁰ The involvement in the *coup* of the cream of the army's Christian elite has changed the balance between religious groups in the armed forces.⁴¹ The army commander and the majority of officers at commander level are now Buddhists. Although the Catholic Church was not directly involved in the *coup*, it has certainly lost considerable influence in the armed services as a result of it.

Introduction of the *poya* day as the weekly holiday in place of Sunday was another of the Buddhist demands which the major parties felt constrained to accept and implement. Though included in the Buddhist Commission's list of demands, the *poya* day issue did not become a pressing public question until the middle of 1964. During the 1965 election campaign, both major parties, the UNP and the SLFP, promised to implement *poya* holidays if returned to power, and after its electoral victory in 1965, the UNP carried out its promise with effect from 1 January 1966.

In contrast to its resistance to the schools take-over, the Catholic Church, after an initial hesitance, accepted the change with studied equanimity. Indeed, Church dignitaries even attempted to rationalise their acceptance of a measure which was undoubtedly unpopular with the Christian community generally with the argument that what was important was the observance of the Sabbath, and that this need not necessarily be kept on a Sunday. Yet, the fact that this unpopular measure was enacted not by an SLFP government but by the UNP, which had received the consistent political support of Catholics, was not without influence in determining Catholic attitudes. During the by-election campaign for the predominantly Catholic Negombo constituency, in July 1967, the Catholic Church for the first time adopted a neutral line as between the UNP and the SLFP contestants. In the week preceding the by-election the Catholic organs, *Gnanartha Pradeepaya* and *The Catholic Messenger* carried identical editorials on the subject, "The Negombo Election and Religion", which stated that while it was necessary for the parties to explain their attitudes *vis a vis* Catholics, it was even more necessary for them to publicise their attitudes "on issues involving religion; on their achievements in the economic development of a nation in dire economic straits, on their record of ridding the country of the running sore of corruption; on their accomplishments in the sphere of justice, equality and fairplay to all citizens of the land . . . in a word, let them place before the people their record

39 The Prime Minister, too, had this power, but she was apparently considered to be ineffective to prevent the *coup*.

40 Report in *The Hindu*, 14 February 1962.

41 In August 1963, for example, of 16 senior army officers at commander level, 10 were Buddhist and 6 Christian, 3 of the latter being Catholic. See *H. of R. Debates.*, 1964, Vol. 53, coll. 1048-49.

of actual achievement and performance which can be assessed, rather than dangle before them the bait of religion".⁴²

Interestingly enough, on 8th July 1967, the Minister of State, J. R. Jayawardena, had, on behalf of the Prime Minister and Minister of Education, communicated to the Archbishop of Colombo, the government's intention to permit the levying of fees in private non-fee levying schools in the regulations to be framed in the proposed National Education Bill.⁴³ This attempt to placate Catholic interests did not entirely remove Catholic disillusionment with the UNP; for though the UNP retained the Negombo seat, its majority was reduced by 8000 votes.⁴⁴ In a subsequent by-election for another Catholic majority constituency, Nattandiya, the UNP candidate barely retained his seat, the UNP majority being reduced by over 5,000 votes. While these two by-election results were in part a reflection of a general movement of opinion away from the government due to other factors, such as consumer scarcities and the high cost of living, it is reasonable to infer that they were also an indication of growing Catholic resentment against the government. Indeed, it would appear that the Dudley Senanayake government's failure to implement its promise in regard to fee-levying in private schools has led to a hardening of Catholic attitudes towards the UNP. In December 1967, the Archbishop of Colombo was impelled to write to the Prime Minister communicating his surprise and disappointment in this connection, stating that:

... if no redress is granted even at this late stage, we shall be compelled to take certain steps regarding our schools and other matters that we would not have otherwise contemplated.⁴⁵

The Archbishop later reportedly declared to a deputation of Catholic members of the government parliamentary group that "the National Government has let us down".⁴⁶ In such a context, demands for the formation of a Catholic party have been revived; and although these have been rejected by the Church hierarchy as being divisive of national loyalties,⁴⁷ Church support of the UNP can no longer be taken as a foregone conclusion.

CASTE POLITICS

In their study of the changing role of caste in India, the Rudolphs have suggested how "the establishment of political democracy and competitive partisan politics helped to reinvigorate caste by giving it new functions and structures", and how "caste associations and leaders, under the influence of the continuing dialogue between democratic institutions and processes and those of traditional society, (had) begun to create new and larger forms of consciousness,

42 Quoted in *Daily Mirror*, 10 July 1967; see also *Ceylon Daily News*, 10 July 1967.

43 See *The Nation*, Colombo, 6 February 1968.

44 For the issues involved in the Negombo by-election, see K. P. Misra, "Political Behaviour of the Little Rome", *South Asian Studies*, 3: 20-32, January 1968.

45 Text of letter in *The Nation*, 6 February 1968.

46 *Daily Mirror*, 30 January 1968.

47 See *Ceylon Observer*, 19 March 1968.

organization, and action". At the same time, paradoxically, political parties helped to weaken caste organizations "by articulating and mobilising divisions within them and by translating these divisions into extra-caste norms and structures".⁴⁸ In this sense modern politics appeared to be an instrument for both the revival and supersession of traditional society.

The absence of empirical studies of caste political behaviour precludes us from drawing definite conclusions about the experience of Ceylon in what is assuredly a core area of traditional politics, but certain comparisons and contrasts with caste in India suggest themselves. Caste was not ritualized in Ceylon, as in India, nor, except in the Tamil north, where the caste system corresponded to the South Indian prototype,⁴⁹ was untouchability practised. The Buddhist ethic itself was egalitarian, and the value attached to achievement rather than ascriptive considerations had been stressed by the Buddha himself.⁵⁰ Neither India's caste pluralism, nor the rigidity of her ritual taboos, existed in Ceylon. There was no Brahmin caste even in the Tamil north; in the Sinhalese system, the *goyigamas*, the highest caste, were also the most numerous, constituting about 50 per cent of the population.⁵¹

In India, the constitution and public law gave protection to scheduled castes and backward classes by providing them with reserved seats and privileges in education and employment. In Ceylon, too, the principle of minority weightage includes within its ambit minority castes, and delimitation commissioners have deemed it to be their duty to take account of the caste factor in electoral delimitation. The two-member constituency of Ambalangoda-Balapitiya, for instance was created by the first Delimitation Commission purely on caste grounds. The second Delimitation Commission considered it a pernicious policy to carve out separate electorates for castes "thereby perpetuating their alleged under-privileged status, when it is everybody's desire that class distinctions should disappear". But even this commission could not waive the claims of minority castes for adequate parliamentary representation. It stated, somewhat apologetically:

Where however economic community of interest of certain groups of people coincided with their religious or caste community of interest we have as far as practicable carved out electorates to represent those interests. In other cases, we have given concentrations of the various so-called under privileged classes, a strong voice in the choice of their representatives.⁵²

Thus, caste politics, too, found its sanction in constitutional law. The political mobilisation of castes did not take the structural form of the caste association in Ceylon, as it did in the case of certain castes in India. But there were recognised caste leaders through whom caste interests were aggregated and organised. To

48 Rudolph and Rudolph, *op. cit.* pp. 97-98.

49 See Michael Banks, "Caste in Jaffna" in E. R. Leach (ed.) *Aspects of Caste in South India, Ceylon and North-West Pakistan*, Cambridge University Press, 1969, pp. 61-77.

50 See G. P. Malalasekera and K. N. Jayatilleke, *Buddhism and the Race Question*, UNESCO, 1958, p. 36, *et. seq.*

51 Bryce Ryan, *Caste in Modern Ceylon*, Rutgers University Press, 1953, p. 95.

52 Report of the Delimitation Commission. *Sessional Paper XV of 1959*, pp. 12-13.

win an election a candidate had to belong to the right caste in relation to the constituents of the area, a fact which is carefully considered by party nomination boards. Caste considerations have, perforce, to enter into the calculations of a Prime Minister appointing his cabinet, for caste leaders have to be rewarded for their political support. A leader of a minority caste in office, whether political or administrative, is like a beacon light to his caste fellows. For it is through him that they are able to get a job for a son, a scholarship for a nephew, a contract, and so on. A recent appointee to the Senate, the first member of the *Durawa* caste to be so appointed, was feted by his caste fellows in a triumphal whistle-stop tour from Colombo to his village, a hundred miles south. For some time to come, states R. S. Milne, "it is almost inconceivable that the Prime Minister (of Malaysia) could be other than a Malay".⁵³ In Ceylon, for some time to come, it is inconceivable that the Prime Minister could be other than a Sinhalese and a *goyigama*, apart from being other than a Buddhist. Ascription therefore plays an important part in recruitment to political roles in Ceylon; at the same time, however, caste has enabled especially the traditionally underprivileged elements in the electorate to participate meaningfully in the democratic process. In the Rudolphs' sense of the term, tradition has been modernised.

Marshall Singer's account of the changing political elite in Ceylon is supported, *inter alia*, by evidence of an increasing representation in Parliament since independence of the *Salagama* (cinnamon peelers) caste. He does not wholly accept "the popular contention" that "the SLFP is the party of the lower castes and the UNP is the party of the *Goyigama*". For Singer, the Fourth Parliament "would seem to indicate a general loosening of *Goyigama* control in favour of the lower castes" though "in terms of positions of rank the *Salagama* seem to fare best when the SLFP is in power".⁵⁴ This was written before Mr. C. P. de Silva, a *Salagama* and a prominent member of the two Bandaranaike administrations, crossed the floor to join the UNP. Rather than the simple dichotomy postulated by Singer, it would appear that the political allegiance of caste leaders has an important bearing on the political outlook of castes, and when the allegiance changes, the outlook is also likely to change.

Since the *Goyigama* constitute approximately 50% of the population, and since they are predominantly settled in rural areas, it seems reasonable to infer that both the UNP and the SLFP, neither of which can win an election without a solid base of rural support, have a large following among the *Goyigama* community. Christian voters, among whom *Karawas* (fishers) predominate, have habitually voted UNP. The *Karawa* establishment, in which is found the wealthiest men in the country, is decidedly pro-UNP. However, if our prognosis of Catholic politics is right, there is likely to be a change of the *Karawa* attitude in the future.

53 R. S. Milne, "Political Modernisation in Malaysia", *Journal of Commonwealth Political Studies*, 7: 14, March 1969.

54 Marshall Singer, *The Emerging Elite: A Study of Political Leadership in Ceylon*, (Cambridge, Massachusetts, 1964), p. 65.

Support from other minority castes such as the *Salagama* and *Durawa* (toddy tappers) has alternated between the SLFP and the Marxist Left. These castes are particularly strong along the coastal belt extending south from Colombo to Devinuwara; and the fact that this area has generally since independence returned anti-UNP and especially leftist candidates to Parliament has led writers to believe that the minority castes in this area have voted left.⁵⁵ Indeed, much of the earlier political activity of the Marxist LSSP was concerned with the upliftment of under-privileged castes, and this party, as well as other leftist parties have been the chief beneficiaries of caste protest votes. After its advent to power in 1956, the SLFP, too, gave greater prominence to representatives of minority castes than had been the case before. S. W. R. D. Bandaranaike, for instance, selected a Sinhalese member of a minority caste as one of the six appointed members in the 1956 Parliament, though the earlier practice had been to appoint only members of ethnic minority communities. Yet it is clear that the support derived from the western coastal belt by the SLFP and the left-wing parties is not due entirely to caste protest. This area is also the most highly urbanised, the most literate, and the most westernised of regions in Ceylon. The trade union movement, too, derives its chief support from this region. Secularisation of behaviour patterns as well as caste protest contribute to the strength of the Left in this area. The *Salagama* attitude would appear to have changed with the change in political allegiance of C. P. de Silva. Thus, while caste solidarity had often a determining role in elections, cultural homogeneity within castes, had not proceeded so far as to engender a uniform political outlook for each caste.

CONCLUSION

If the hold of ethnic, religious, and caste communities on political norms and behaviour remains significant in Ceylon, this is so partly because communal politics found sanction in constitutional provisions designed to ensure the political participation of minority groups and a communal balance of forces in the country. We have argued that the first of these conditions—participation—has become an attribute of the political system, but that the second—communal balance—has given way to the notion of a dominant Buddhist ethos, which is finding increasing acceptance among individuals, groups and structures.

In so far as it engendered parochialism, commitment to local ties and group loyalties, communalism conflicted with modernisation. But communal politics also increased political consciousness and allowed minority, especially under-privileged groups, to participate meaningfully in the democratic process. Moreover, achievement considerations did play a part within the boundaries of communal ascription, as evidenced by Tamil contesting Tamil, or two members of the same caste contesting each other at elections, or the major Sinhalese parties doing the same. Whatever view of modernisation one might take, it is clear that the two levels of politics, communal and party, acting and interacting on each other, were both necessary components of the democratic process in Ceylon.

55 See, for instance, Wriggins, *op. cit.* p. 136.

Recruitment to political roles is both ascription and achievement oriented. There is no communal bargain entrenched in the constitution, such as the 4-1 proviso in Malaysia. University entrance, as well as entrance to the public service, was competitive for all citizens; but ascriptive considerations did enter the picture in nomination of candidates for parliamentary elections, appointment of ministers, voting behaviour, and so on.

If we take differentiation and specialisation to be an essential attribute of political modernisation, the most important fact, from the perspective of this article, is the manner in which elements of the traditional role structures are operating concurrently with modern institutions. This applies especially to the role of the Buddhist *sangha* and the pervasive influence of Buddhist interest groups in contemporary politics in Ceylon.

There are, however, trends in the direction of secularization. With the gradual achievement of Buddhist demands, the *sangha* themselves are likely to confine themselves more and more to secular political concerns. The Catholic political outlook itself would appear to be undergoing a process of secularization. It seems likely that the rural Buddhist voter is likely in the future to concern himself less with religio-cultural issues than with those of economic development. Most important, the major political parties have seen the need, whether from the exigencies of party politics or from political convictions, to articulate a national rather than a group consensus. Thus, though modern democratic politics works within the framework of communalism in Ceylon, there is no necessary dichotomy between the demands of the two.

Grain Taxes in British Ceylon, 1832-1878: Theories, Prejudices and Controversies.

by MICHAEL ROBERTS

As in most Asian despotisms, the rulers of Ceylon in the centuries B. C. to the twelfth century A. D. enjoyed the right to a share of the produce from the land; i.e. a land tax. But in succeeding centuries the practice developed whereby the King received the entire yield from certain allotments (called the *muttettu*) in each village, allotments which were cultivated gratis by the villagers, either in acknowledgement of the King's suzerainty or in consideration of the allotments in the village which they themselves enjoyed.¹ This system would seem to have been further complicated by disuse of services and the practice of substituting tithe payments for service,² especially in the Maritime Provinces. The latter was a progression back to ancient practice with the very real difference that it appears to have been limited largely to lands sown with paddy or dry grain.³ When the British acquired the Maritime Provinces in 1795-96 therefore, they received a legacy of service-tenures and taxes on paddy and dry grain.⁴ While these grain taxes⁵ were not unimportant as revenue, the bulk of Government's income derived from its monopoly of the cinnamon trade. Herein lay one important difference from India where the tax on cultivated land was comprehensive and provided a major portion of the revenue. Perhaps just because of this, agitation from official and other articulate sources for the repeal of the grain taxes assumed significant proportions, contrasting with the general acceptance of a land tax in India; while, on the other hand, the establishment of a land tax came under Government's consideration in the mid 1840's as well as the mid 1870's.

1 L.S. Perera, 'Proprietary and tenurial rights in ancient Ceylon', *The Ceylon Journal of Historical and Social Studies*, Vol. 2, January 1959, pp. 1-32.

University of Ceylon, *History of Ceylon*. (Ceylon University Press, Colombo, 1960) Vol. I, pp. 238-40, 374-76, 547-49, 741-44.

2 Technically, the latter amounts to commutation of service but I avoid the term because of the sense in which commutation was used by nineteenth century commentators on land revenue: the share due to Government, which varied with the crop, being commuted into a fixed annual payment in money or in kind during periodic commutation settlements.

3 Only in the Jaffna Peninsula at the northernmost end of the island and, possibly, in the Vanni (lying immediately south of Jaffna) did the British find a land tax in the late 1790's [U. C. Wickremeratne, *British Administration in the Maritime Provinces of Ceylon, 1796-1802*, Ph.D. Thesis, History, (London 1964) p. 71].

4 The Proclamation of 1818 limited taxes on land in the Kandyan Provinces (conquered in 1815) to lands sown with paddy.

5 The term 'grain taxes' in this paper refers to the paddy tax and the taxes on dry grain and does not include the import duties on grain. The latter will be referred to as 'import duties'. But it should be noted that contemporaries often did not make this distinction and were referring to these as well when they used the terms 'grain taxes', 'food taxes' or 'taxes on food'.

Comments on the subject were a mixture of European canons and empirical influence, with a tendency for the European influences to predominate. One such influence was the doctrine of free trade, leading many Britons in Ceylon to treat the grain taxes and the import duties on rice and paddy as one entity, imposts which balanced each other and had to stand or fall together. In actual fact, the import duties had been introduced in 1810 'rather for Revenue than for the express purpose of protection'.⁶ They were increased from time to time until they stood at 7d. per bushel of rice and 3d. per bushel of paddy from the year 1836. Till the late 1830's they yielded less revenue than the grain taxes but the positions had been reversed by 1843. Thereafter, the import duties brought in more revenue, as Table I would illustrate.⁷

TABLE I

	Revenue from the paddy tax £	Revenue from the paddy tax and the taxes on dry grain £	Customs revenue from grain (import duties) £
1840	38,741	42,794	41,270
1850	39,146	42,698	81,122
1860	65,118	70,071	107,717
1870	100,047	107,191	150,408
1876	100,298	106,325	183,953

Of the grain taxes themselves, those on dry grain were limited to the littoral after the Proclamation of 21 November 1818 freed the former Kandyan Kingdom from this impost. As these taxes on dry grain yielded less than ten per cent of the land revenue, our study is largely confined to the paddy tax.

In keeping with some of the motives which led Frederick North, Ceylon's first governor, to establish freehold rights in land in 1802, the tendency in British policy in the early decades was to make the paddy tax uniform and fixed, in the belief that this would provide incentives to cultivators and stimulate agricultural production – theories typical of the Liberal Era. A proportion of one-tenth was eventually chosen as the desirable Government share, hence its application to the Kandyan Provinces in 1815 and 1818.⁸ It was under similar assump-

6. CO 54/487, Robinson to Granville, No. 184, 17 August 1870, Minute by Treasurer, G. Vane, 23 July 1870.

7. It will also be clear that the dry grain taxes brought relatively little revenue, £ 4,053 in 1840 and £ 7,144 in 1870. Figures are from *Sessional Paper XVI of 1877*, Report of the Commissioners appointed to inquire into the Taxes on Home-Grown Grain and the Customs Duties on Imported Grain, 30 October 1877, Appendix VII, p. clxv. This report is cited hereafter as *Grain Tax Comm. 1877*.

8. In 1818 the paddy tithe was reduced to one-fourteenth in the Kegalla and Sabaragamuwa Districts as a reward for their loyalty during the rebellion of 1817-18. The Proclamation of 1818 also exempted temple lands and lands held by the principal headmen in the Kandyan Provinces from any form of taxation. In the Maritime Provinces there were greater complexities and the tithe on private lands varied from one-tenth to one-half but was usually one-tenth.

tions that a commutation system was applied.⁹ Such ideas and forms were common to British India as well. Though there were differences, the Indian situation had enough similarities to provide valuable lessons for Ceylon. But this source of experience was rarely drawn on. References to Indian examples are conspicuous by their absence in most local, official discussions on land policy in the period under review. The principles and theories they employed were British rather than British-Indian.

1832 - 1846

The Colebrooke-Cameron Commission and its recommendations were of some importance in this sphere and promised even more than they achieved. Colebrooke (who reported on the administration and revenues) spent the better part of the period 1829-1831 in Ceylon and had at his disposal the rudimentary experience of the pioneering commutation settlements effected by an experienced district officer named George Turnour in some parts of the Kandyan Provinces. In any event he was not a stranger to the East or its fiscal problems. As an artillery officer he had seen service in Ceylon and India in the early part of the century and accompanied the Raffles' expedition to Java in 1811.¹⁰ The four-five years he spent in Java and Sumatra would have been particularly useful in that it made him familiar with Raffles' reforms. The measures taken by Raffles themselves were founded on experiences in India and on contemporary English ideas. They leaned towards the *ryotwari* system and sought to establish Western forms of administration, a money economy and free enterprise rather than a system based on 'indirect rule', barter and compulsory services.¹¹ Such experience and strands of thought were augmented by the several economic theories under discussion in Britain in the early nineteenth century, theories with which Colebrooke was not unfamiliar.¹² His reforms, as a whole, were a blend of the realist

9 For details on the points made in this paragraph see my article 'Grain Taxes in British Ceylon, 1832 - 1878: Problems in the field', *The Journal of Asian Studies*, Vol. XXVII No. 4, (August 1968) pp. 818 - 17, 822 - 32. Paddy land under commutation was liable to a fixed annual payment whether cultivated or not. This was collected by Government personnel. In the 1820's and 1830's payments in kind were accepted but thereafter they had to be in cash. These settlements were revised periodically. The most widespread mode of collecting the grain taxes was called the renting system, the right to collect the Government share being auctioned to the highest bidder, who collected it from the field in kind. A method employed in the Kandyan Provinces from 1815 to the late 1820's and early 1830's was the *aumani* system, under which Government personnel collected the share from the fields (in kind) in those years in which there was a crop.

10 In 1803 he was ordered to the East Indies. In 1805 he was in Ceylon, in 1806 in Malabar, returning to Ceylon in 1807. In 1809 he was sent back to India. He served as Deputy Quarter-master General in Java from 1811 to June 1813 when he was promoted major and sent as Political Agent and Commissioner in Palembang, Sumatra. He returned to Java in 1814 and thereafter to India in 1816 where he participated in the Maratha and Pindari Wars, (G. C. Mendis, ed., *The Colebrooke-Cameron Papers*, Vol. 1, (O. U. P., London, 1956) p. xxxii fn.

11 See J. Bastin, *The Native Policies of Sir Stamford Raffles in Java and Sumatra: an economic interpretation* (Clarendon Press, Oxford, 1957) *passim*.

12 See CO 54/121, Colebrooke to Hay, 24 December 1832 and his memorandum of 1 May 1832.

and the doctrinaire. In his fiscal proposals the mixture was muddled and not wholly integrated, while the weightage was on the side of the doctrinaire. His theoretical premises in this sphere were not, as so commonly assumed, Utilitarian. Vijaya Samaraweera has shown that his inspiration derived from the writings of a relatively obscure political economist named the Reverend Richard Jones.¹³ And Jones, whose most notable work was *An Essay on the Distribution of Wealth and on the Sources of Taxation*,¹⁴ was distinctly anti-Utilitarian in his thinking. On the question of land revenue, for instance, he challenged the Ricardian theory of rent and preferred to limit the demands of the government upon the land, therefore favouring the redemption of the land rents - an argument which has Whiggish overtones.

Turning to Colebrooke's specific proposals, one discovers an antipathy on his part to customs duties. Citing the stimulus which Ceylon's trade in certain products such as coffee had derived from the abolition of the export duties levied on them, Colebrooke sought the "progressive abolition" of customs tariffs. This implied a repeal of the import duties on grain. Facing deficit budgets however, Colebrooke made these an exception and recommended their continuance till circumstances permitted their abolition.¹⁵ He nevertheless perceived that indirect taxation was less burdensome to the inhabitants and less expensive to Government than direct taxation:

when property is minutely subdivided, and the people indigent, the collection of any direct tax from a great number of small proprietors or tenants is attended with greater expense and inconvenience than that of an equal amount by means of duties on the articles consumed by them.¹⁶

His hostility was directed at the paddy tax in particular as being "objectionable from its undue pressure on one branch of agriculture, and that of the first importance to encourage, also from the extensive establishments required for its collection, and from the vexatious interference of the revenue farmers and native headmen". He was wholly opposed to the renting and *aumani* systems of collection and considered that Turnour's commutation system was far too dependent on the zeal of individual civil servants besides being impracticable in districts where the crops were uncertain. He suggested a permissive scheme for redeeming the paddy tax through instalment payments

13 Vijaya Samaraweera, *The Commission of Eastern Enquiry in Ceylon, 1822-1837; A Study of a Royal Commission of Colonial Inquiry*, (Oxford University, D.Phil. dissertation in History, 1969) chapter iv and Vijaya Samaraweera, *Colebrooke's Views on Agriculture and Land Revenue*, mimeographed paper, University of Ceylon, Ceylon Studies Seminar, '69/70 Series, No. 2, pp. 18-26.

14 Only the first part on "Rent" was published (in London, 1831). His collected works have been edited by W. Whewell, *Literary Remains of Richard Jones*, (Cambridge 1859). Two of his pamphlets are also of relevance to our discussion, viz: *A Few Remarks on the Proposed Commutation of the Tithe* (London 1833) and *Remarks on the Manner in which Tithe should be Assessed* (London, 1838). The information above is based on Samaraweera, *ibid.*

15 G. C. Mendis (ed.), Vol. I, (1956) pp. 83, 112.

16 *Ibid.*, pp. 83, 108-13.

over a twenty-year period. In his view redemption had many virtues. Following Jones, he argued that it would encourage capitalists to apply themselves to rice culture and lead to increasing prosperity. In contrast to experiments with commutation settlements and tenurial reform, he felt that it would not necessitate any tinkering with the complex tenurial system which existed.¹⁷ In addition, he noted that he would have recommended a tax on all cultivated lands had he not opted for redemption, for he was against a discriminatory tax on one class of land. This latter comment was not consistent with his opposition to the principle of direct taxation but it was more in the nature of a passing remark. In any event (as he mentioned in subsequent correspondence in England), he saw that the collection of a general land tax from "a mass of very poor occupiers" was highly troublesome and likely to cause hardship.¹⁸ Earlier, he alluded to this point briefly in his Report on Revenues and, in an implied reference to the rebellion of 1797-98, concluded that it would be "unpopular and could not prudently be revived".¹⁹

Redemption received support from the Secretary of State in London as well as the Government in the colony. It was accepted that the paddy tax was discriminatory and unfair in principle and a hindrance to "the natural application of capital to land."²⁰ A scheme permitting a redemption payment of ten times the money assessment under the existing commutation settlement was provided for administratively in 1835. The redemption payment could be made at once or in instalments of not less than one-fourth; if the latter, the annual commutation tax would be levied till the final instalment was paid. The scheme would appear to have been confined to *paraveni* (hereditary) lands. Its application was initially limited to the Central and Northern Provinces, though its wider extension was envisaged.²¹ For a while the redemption scheme received

17 *Ibid.*, pp. 80-85; quotation from p. 82. See also Colvin R. De Silva, *Ceylon under the British Occupation, 1795-1833, Vol. II*, (Colombo Apothecaries Ltd., 1942), p. 383.

18 CO 54/121, p. 537, Colebrooke - Hay, 28 December 1832. The correspondence which the Commissioners had with the Colonial Office on their return to Britain is of great importance but has not been investigated in detail as yet. On the grain tax question, Cameron differed from Colebrooke. He regarded the abolition of Government's salt monopoly as a reform of greater priority. He was against redemption as "an improvident alienation of the public property" and preferred a lightly assessed land tax under a commutation settlement. His thinking would seem to follow orthodox Utilitarian lines. The "controversy" between the two on this subject runs into numerous memoranda. See CO 54/121 and CO 54/145.

19 G. C. Mendis (ed.), Vol. I, (1956) p. 83.

20 *Ibid.*, Goderich - Horton, 23 March 1833, pp. 263-64. White, *Manual of the Province of Uva*, (Govt. Press, Colombo, 1893) Appendix M, Col. Sec's Circular of 6 April 1834 and Govt. Advertisement of 21 May 1835, pp. 159-60.

21 For the details above see *idem.* and *Sessional paper VIII of 1890*. Alleged Promise by Government to abolish the Paddy Tax, Enclosures 5 to 16 conveying extract from letters and circulars in the years 1834-40. In the Northern Province the operation of the scheme appears to have been limited to the Jaffna District. It did not find favour. Government received only £ 75-17-8 in redemption payments in this district. See *Sessional Paper XXX of 1876*, pp. 13-14, 31.

warm support from important quarters. In 1840 the Colonial Secretary in Ceylon, P. Anstruther, looked on the prospect of the paddy tax being extinguished as a "great advantage to the Colony" because it would bring grist to the Government mill by encouraging agriculture, reducing the costs of establishment, and eventually making good the initial loss of revenue. He also hoped that it would encourage settlers from India. In London, James Stephen and Vernon Smith endorsed this policy without qualification (though briefly).²²

A rough yardstick of the extent to which the scheme of redemption was utilised during its (short) period of operation is the Government yield of £ 18,329.²³ In later years a critic held that only the richer landlords used this opportunity of redeeming the paddy tax but one should be cautious in accepting this statement till the registers are examined.²⁴ One unconfirmed source placed the acreage redeemed at 21,000.²⁵ In the District of Matale 1,662 acres out of a total of 9,761 acres (including 834 acres of temple fields) in the "commutation books" of 1871 are indicated as redeemed; in short, 17 per cent of the paddy land had been redeemed in Matale District.²⁶ This supports a latter-day Government Agent's conclusion that the redemption scheme was adopted only to a limited extent,²⁷ while indicating that the scale of redemption was not wholly insignificant. The *Blue Book* for 1841 has the following note regarding the options given to the paddy landowners of the Central Province at the end of 1835 after the expiry of the previous commutation settlement :

[A] notice was issued that the assessment might either be renewed for a term of twenty one years, or that the tax might be redeemed in perpetuity by paying ten years purchase of the commuted annual tax. The permission to redeem was availed of to some extent in 1836, 1837, and 1838. In 1839 few proprietors had recourse to this privilege. The number has since been on the increase and it is probable that in future the advantage will be duly appreciated and more generally secured.²⁸

The paddy landowners of the Central Province, however, were not given the chance of "securing this advantage" further. Around 1842 Government reversed its policy radically, quickly, and quietly. Redemption was jettisoned.

22 CO 54/185, Anstruther to Under-Secretary of State for the Colonies, 23 November 1840, Encl., Report on the present condition of Ceylon by Anstruther and Minutes by Stephen and Smith, 28 and 30 November 1840 respectively.

23 *Grain Tax Comm. 1877*, Appendix VII, p. clxv.

24 A. M. & J. Ferguson, *Taxation in Ceylon* (Observer Press, Colombo, 1890) Report of a General Meeting of the Cobden Club, 15 February 1890, C. S. Salmon's speech, pp. 5-6.

25 A. M. Ferguson, *The Ceylon Directory*, (Observer Press, Colombo, 1863) p. 88. *British Parliamentary Papers*, [cited as B. P. P. hereafter], Reports from Committees Vol. XII (1850), Second Report from the Select Committee on Ceylon, Capt. J. Forbes's evidence, para. 6826.

J. H. Starey, *The Paddy Tax in Ceylon* (Colombo, 1890) p. 4.

26 *1871 Administration Reports*, Matale, R. Massie, Appendix A, p. 59.

27 *Sessional Paper VIII of 1890*, *op. cit.*, G. A., C. P. - Col. Sec. No. 33, 10 January 1890.

28 *Ceylon Blue Book 1841*, introductory note on land revenue under "Revenue".

It was found "very impolitic," said Philip Wodehouse a few years later.²⁹ This was a vague and tactful way of saying that it was found "to diminish the revenues" Government received.³⁰ The origins of this important reversal of policy remain clouded. It would appear to have been done without reference to London, a remarkable step if it were true. In later years it was stated that the decision came from London itself.³¹ In view of Stephen's comments in 1840 this is surprising, though the decision was applauded in the mid 1840's by a metropolitan committee styled *The Committee appointed for the Review and Consideration of the Colonial Reports on the Finance and Commerce of Ceylon*. It is probable that the initiative was taken by the administrators in Ceylon. A decade later Ward was entirely convinced that the redemption scheme had been "a grave error."³²

There are other signs of a hardening attitude in the 1840's. There was an inclination to build up a rationale for the grain taxes and the import duties. Tennent utilised the idea of state-overpropriatorship, saying that "a land tax [was] but the realisation of a principle with which the Cinghalese [sic] universally [were] familiar - that the soil [was] the undisputed property of the Crown," that both chena land and mudland were cultivated "on sufferance," and taxes on them were but rents.³³ C.R. Buller argued that the paddy tax was "entwined with the peoples] prejudice" and accepted as "just fair and reasonable"; more paddy would not be grown if the tax was abolished; on the contrary, it was a "stimulus to action".³⁴ By some queer logic Wodehuse supported the paddy tax by arguing that unless Government had an "immediate interest in the extension of cultivation or in the proper management of the land, the natives themselves [would be] very great sufferers [because they] could do nothing in common".³⁵ But the needs of revenue were clearly the main consideration. Faced with a demand from some doctrinaires in the early 1840's for the immediate abolition of the import duties, a Select Committee of the Legislative Council rejected the idea on the ground that the revenue was necessary for the extension of public works. They pointed, quite validly, to the fact that costs of transport raised

29 *B. P. P.*, *op. cit.*, Wodehouse's evidence, 21 June 1849, p. 132. Wodehouse was a senior Civil Servant.

30 *Reports on the Finance and Commerce of the Island of Ceylon and correspondence relative thereto*. [hereafter abbreviated to *R. F. C.*], C. R. Buller [G. A., Central Province] - Col. Sec., No. 577, September 1846, p. 134.

Buller's letter indicates that further redemption was prohibited in 1842 and this is supported by R. W. D. Moir's statement that no (new) redemptions appeared to have been effected later than 1843, (*Sessional Paper VIII of 1890, op. cit.*). Also see T. A. P[ieris], "The History, Topography and Statistics of Kandy", *Young Ceylon*, Vol. III (January 1852) p. II.

31 *Ceylon Hansard, 1876-77*, 20 December 1876, The Governor, Gregory's speech, p. 218.

32 *Sessional Paper VIII of 1890, op. cit.*, Encl. 16, Col. Sec. - G. A., C. P., No. 219, 9 June 1856, p. 7.

33 *R. F. C.* [Tennent's Report], 22 October 1846, pp. 92, 98, 99.

34 *R. F. C.*, C. R. Buller - Col. Sec., No. 577, September 1846, p. 134.

35 *B. P. P.*, *op. cit.*, p. 132.

the price of rice in the interior far more than did the import duties or the paddy tax. They agreed that the paddy tax had a discouraging effect but considered abolition an impossibility unless one substituted a land tax to provide for the loss of revenue.³⁶

The anti-abolitionists of the 1840's also took the obvious step of attacking the theoretical nature of the abolitionist viewpoint by stating that European ideas did not hold true in Oriental countries. Nevertheless, the Colonial Office had its doubts. When it was suggested (from Colombo) that an assessment should be levied on town-dwellers so as to finance urban police forces, its officials noted that the cumulative effect of taxation in Ceylon "implied a pressure . . . which according to European views [was] fatal to the accumulation of Capital, to the growth of industry and to the improvement of the people". They were ready to admit that such conclusions might be wrong, but requested "a distinct explanation of the compatibility of such public burthens with the great ends of good Government".³⁷

By the time this directive reached Ceylon, a comprehensive review of Ceylon's fiscal structure was under way. Officials considered the existing system a hindrance to the development of the colony. A land tax was to be the basis of the new changes and "the grand source of future revenue".³⁸

The chief apostle of reform was James Emerson Tennent. His scheme of taxation received strong support from the new Secretary of State, Earl Grey. Though food taxes were anathema to Britons of his day and though he was himself an ardent free trader, Grey denied that direct taxation was injurious in its effects in Eastern countries: the masses needed and consumed so little that it was the only method of taxing them; such taxation was necessary if they were to support "those institutions and that machinery of government . . . (so) essential to progress, and even to the maintenance of civilized society"; direct taxation was "conducive to [the] true welfare" of the native peoples in that it served as a means of prodding them into exertion.³⁹ Less theoretical in their premises than those of the doctrinaire abolitionists his views were nevertheless oversimplified and carried too far. And far too rigidly held.

In pressing for a land tax both Whitehall and the Government of Ceylon were clearly mindful of the fact that land revenue was the backbone of Indian finances. But there was a substantial body of reasoning behind this proposal,

36 CO 54/198, Campbell - Russell, No. 129, 1 September 1842, Printed Encl., *Report of a Select Committee of the Legislative Council appointed to report on the Expediency or otherwise of reducing the Import Duty on Grain.*

37 CO 55/85, Stanley - Campbell, No. 435, 11 November 1845.

38 CO 54/226, Campbell - Grey, No. 60, 4 November 1846.

CO 54/203, Campbell - Stanley, No. 34, 16 February 1843; and Printed Encl., *Report of a Select Committee appointed by the Legislative Council to report in what manner the necessary funds for the extension of roads within the colony can best be raised*, 9 December 1842. This report is also available as *Sessional Paper VI of 1862.*

39 CO 55/91, Grey - Torrington, No. 305, 24 October 1848.

a blend of Liberal principles and practical considerations. Some followed Colebrooke in protesting that a tax on paddy alone was unjust and restrictive: "a rent charge falling exclusively, or most heavily, on paddy must check the [extension of] that cultivation", argued William Strachey of the Colonial Office;⁴⁰

A land tax [had] ever been the foundation of Eastern finance and [was] never objected to by the people; and . . . a fair . . . land tax [based] upon sound principles would not only, in all probability, admit of the abandonment of many objectionable taxes but would conduce in other ways to the prosperity of the country,

said the metropolitan committee reporting on the finance and commerce of the island.⁴¹ The tax was to be an acreable tax and Tennent sang the praises of a fixed and uniform tax as "the best stimulus to exertion by securing to [the cultivator] the benefit of his own capital and improvements".⁴² Though they implied that the cry against food taxes was an European concept alien to the tropics, it is evident that those who favoured a land tax were prone to rely on theoretical premises themselves.

There were also arguments based on conditions in Ceylon. One concerned a vital problem of the day. Confronted by numerous claims to forest and *chena* land⁴³ on the part of villagers, besides surreptitious or barefaced encroachments, Government was struggling to preserve its title to extensive areas of land. It was felt that a general land tax would discourage such claims as well as the speculative land-buying by European capitalists, thus achieving two goals at one stroke. Eyeing the tax-free lands of the headmen, Government also saw in the proposed general land tax an ideal cover under which to bring these lands within their financial fold. There were genuine humanitarian considerations as well. Officials were convinced that the peasants suffered great oppression under the renting system and sought to free the peasantry from their burdens by substituting the land tax, which was to be collected by Government officials.⁴⁴

40 CO 882/1, No. I, *Memorandum on the Land Revenue of Ceylon*, William Strachey, 29 April 1847, pp. 8, 11. Strachey was appointed Precis Writer at about this time. Having had experience with the East India Company he was consulted on many subjects. As precis writer he was supposed to cull the essence of problems recurring in a mass of papers, but his initiative and ability soon led him to assume the role of general adviser, particularly on financial matters.

41 R. F. C., [Colonial Office Committee Report], 13 April 1847, p. 19.

42 *Ibid.*, [Tennent's Report], 22 October 1846, p. 92.

43 *Chena* or *hena* or *hen* is land on which a form of shifting cultivation on the slash and burn method is practised. It is non-irrigable and not mudland. Those who resorted to it were generally not nomadic but had settled villages and often possessed arable land as well.

44 *Ibid.*, pp. 67-68, 91-92, 96.

CO 882/1, No. X, *Commercial Policy, Abolition of Export Duties, Imposition of New Taxes*, (by Tennent), n. d., p. 13. These citations are largely from Tennent whose views represent the consensus of Government thinking in the 1840's. Many of these points had been raised by officials before he arrived in Ceylon. Not all officials were agreed. "I would remove the taxes on grain of every kind", wrote the Treasurer, (R. F. C., *Observations on the present taxes and those proposed to be substituted*, F. J. Templer, July 1846, p. 132).

Middlemen-farmers-of-the-revenue were never a popular breed with Britons of the age; there was ample evidence of renter misdeeds; but they were also disliked on principle. There was also a desire to balance Government favour. Tennent felt that undue attention had been paid to the European commercial interest and wanted to redress the balance. Convinced (falsely) that a reduction in the import duties would automatically reduce the cost of living for the masses by reducing the price of rice, he wanted a land tax substituted for the import duties. The Committee appointed by the Colonial Office even strayed into illogicality: a land tax would necessitate a survey and settlement of boundaries and titles; such measures would be a great boon; one must therefore establish a land tax.

Though the difficulties of imposing a land tax were manifold (and, one should have thought, obvious) the administrators of the day had few qualms about imposing one. They disagreed with Colebrooke's belief that it was not prudent to reintroduce a land tax. Not that they ignored the presence of local prejudices. They merely waved them aside: Government had only to handle the measure "with great firmness and delicacy" and there would be little difficulty.⁴⁵ The authorities in Colombo were patently optimistic as to its acceptance and even more so with regard to its practicability. The Colonial Office showed relatively greater realism in raising doubts about its practicability while giving assent to the general principle.⁴⁶ This was probably due to William Strachey who viewed Tennent's Report with caution: "The report neither rightly estimates the force of usage in Ceylon, nor the extent of innovation it proposes to introduce. Usage must be held to have the force of law in an Asiatic country, and in matters of taxation more under a despotic than a representative government".⁴⁷

Optimism in Ceylon was seen at its worst on the crucial question of a survey which few considered difficult or costly. Events were to prove otherwise. It is a measure of local incompetence that so much time and labour was spent on considering general principles without exploring the ground first.

In other respects too, the correspondence reveals a striking ignorance of local conditions by the men on the spot. Tennent's Report was marked by

45 CO 54/226, Campbell - Grey, No. 60, 4 November 1846.

In imposing several new taxes such as the dog tax, gun tax, etc., two years later they acted with such "firmness and delicacy" that a minor rebellion broke out in Colombo and a few Kandyan Districts. When this burst on the surprised officials, they reacted by suppressing the rebellion with undue firmness, if not wantonness. During the inquiry that followed Tennent and Wodehouse showed little delicacy in the manner in which they maligned each other. See K. M. de Silva (ed.), *Letters on Ceylon 1846-1850, The Administration of Viscount Torrington and the "Rebellion" of 1848*. (K.V. G. De Silva & Sons, Ceylon, 1965), *passim*.

46 CO 54/226, Campbell - Grey, No. 60, 4 November 1846, Minute by Strachey, 14 January 1847.

47 CO 882/1, No. 1, Memorandum on the Land Revenue of Ceylon, *op. cit.*

several factual errors.⁴⁸ He (and others) laid great store on a fixed acreable land tax rather than a graduated one. But as Strachey pointed out, there were a great many differences in the forms of land tenure, besides other problems, and to rely on "one uniform and unqualified answer" to such problems, as Tennent proposed, was clearly impossible.⁴⁹ Much stress was laid on the fact that the paddy interest would be benefited by the abolition of a vexatious impost. Yet Tennent planned a land tax of 2s. 9d. to 3s.⁵⁰ This would apply to paddy lands as well. It is hard to see how the peasants would have benefited. True, they would not have had to cope with renters and fluctuating demands, but the tax was not lighter and they would have had to pay up in bad years as well. What was worse, garden produce and coconuts would also bear the tax, and so - to use a phrase that was current in the 1870's - the land tax represented a tax on the villager's curry as well as his rice. Neither would planters have taken kindly to it. The abolition of the import duties might possibly have reduced production costs but a land tax was a more obnoxious burden than an export duty on coffee, especially as it would tax uncultivated lands. It is not surprising that some planters opposed the scheme.⁵¹ It could also be argued that Tennent and others were reasoning on inapplicable European premises in believing that abolition of the import duty would reduce the market price of rice and increase its consumption. As official defenders of the import duties in the 1870's argued, the rice trade was monopolised by the Chetties who would maintain the price at existing levels and pocket the difference.⁵²

Within a couple of years circumstances in Ceylon forced Torrington to admit that Government had under-rated "both the difficulties of such an undertaking and the time necessary for its accomplishment".⁵³ He had treated Simms

48 This is evident to any modern student. But it says much for Strachey's perception that he noticed some of them. Tennent complained that Strachey felt "that a project of so great an importance as a land tax had been rashly suggested upon crude and incorrect data", and found "unbecoming pretensions to novelty, merit and superiority, and ignorance of the Indian system on which it professes to be modelled and a still more culpable ignorance of the actual condition of Ceylon", [CO 54/238, Torrington - Grey, No. 98, 9 September 1849, Encl., Tennent - Grey, 8 September 1847]. Tennent reiterated some of his erroneous facts and Strachey again disproved them, [*Ibid.*, Memo by Strachey, 1 November 1847].

49 CO 882/1, No. I, Memorandum on the Land Revenue of Ceylon. *op. cit.*

50 R. F. C., [Tennent's Report], 22 October 1846, p. 98;

51 CO 54/247, Torrington - Grey, 8 March 1848, Encl., Ackland - Grey, 11 February 1848. For the views presented by the European unofficials in the Legislative Council, the newspapers (particularly *The Ceylon Times*), and such institutions as the Ceylon Chamber of Commerce see K. M. de Silva's "The Abortive Project of a Land-Tax for Ceylon, 1846-8. A Study in British Land Policy in Ceylon" in *JCBRAS*, Vol. XI (1967) pp 66-69.

52 *Sessional Paper XXIX of 1878*, Papers re Grain Taxes, No. 1, Gregory - Carnarvon, No. 15, 9 January 1877, pp. 4-5.

Other officials were also convinced that reduction of the duty would not effect either consumption or wage rates, for e.g. R. F. C., Report on the Revenue & Taxation of Ceylon by the Auditor-General, H. Wright, 3 August 1846.

53 CO 54/247, Torrington - Grey, No. 57, 16 March 1848. Torrington was Governor from 1847-1850.

lightly when the Surveyor-General stated that with a staff of fifty it would take thirty-two years to complete a detailed survey for revenue purposes,⁵⁴ but he was forced to admit that "a general Survey and Settlement of Ceylon" was very difficult. The biggest obstacles were "the peculiar features of the country", "complicated tenures and infinite subdivision of properties," and confusion and contests regarding ownership.⁵⁵ Besides, the coffee depression of 1847-48 put additional burdens out of the question. Government even abolished the export duty on coffee so as to aid the coffee interest. The application of a land tax was postponed for the future.⁵⁶

1848 - 1876

In the 1840's, then, an assortment of theoretical and practical considerations influenced discussions on the paddy tax and the import duties. This mixture of considerations continued to influence individuals in later decades as well. Abolitionists in Britain usually argued on theoretical premises. Those in Ceylon had practical considerations in support of similar arguments. The issue was *not* a struggle between the men on the spot and those in Britain. Differences of opinion existed within each quarter and also between each group of reformers. The supporters of the land tax, those in favour of redemption schemes, and those for the total abolition of food taxes had some common ground, but also differed in approach and objective. The advocates of the land tax were abolitionists with regard to the import duties but not with regard to the paddy tax; they sought to extend the assessment on paddy land to all lands. Colebrooke's scheme of redemption, on the other hand, pertained solely to the paddy tax and implied gradual abolition with compensation to Government; but the universality of abolition depended on the ability of landowners to meet the demands of redemption and it is probable that in practice the scheme would, even if it stood for long, only have reduced the area under the paddy tax. The total abolitionists were of the root and branch school and directed their fire against both imposts; but it is noticeable that they made their principal target

54 CO 54/240, Torrington - Grey, No. 150, 8 November 1847 and Encl., Simms - Torrington, 6 October 1847.

55 CO 54/252, Torrington - Grey, No. 221, 11 December 1848. These arguments were foreshadowed in a speech made by the Auditor-General, C. J. MacCarthy, in the Legislative Council on the 5th November 1847, itself a reflection of previous discussions in the Executive Council. For these reasons K. M. de Silva contends that the Government of Ceylon had been moving towards a postponement and abandonment of the scheme well before the opposition of the European commercial interest was aroused. In short, their criticisms were, at best, of secondary causal importance in the decision to shelve the project of a land tax, [K. M. de Silva, *op. cit.*, pp. 65, 69].

56 The policy discussions on the question of a land tax are treated in much greater detail in K. M. de Silva's paper in the *JCBRAS* cited earlier, an article which appeared in print subsequent to the drafting of my essay. There is no fundamental difference of opinion in our views on this subject.

the repeal of the import duties rather than the paddy tax. Individuals in both the mercantile and official sectors belonged to this school of thought.⁵⁷ The animus against the import duties reflects the strength of free trade principles.

For all the support they were able to muster, the efforts of the abolitionists came to grief on the rock of revenue-needs. A practical-minded and active governor, Sir Henry Ward, for instance, agreed that the import duties were "bad", but wondered how Government could give up £ 80,000 annually at a time when large additional expenditure on roads, wharves, steamers and railways was called for. He argued that even in England the needs of the State were such that taxes on articles of general consumption had to be retained and that rice was the equivalent of these articles in oriental countries from which little could normally be drawn through indirect taxation.⁵⁸ At this time, the import duties were yielding more than the paddy tax and Government was not disposed to part with this source of revenue lightly.

In 1864 the Government Treasurer, of all people, thought otherwise and attacked the paddy tax as well as the import duties. In his view the grounds on which both imposts had been defended on earlier occasions were nullified by the prosperous state of the finances; while the recent and extraordinary rise in the cost of living had not been followed by a proportionate rise in wages, so that these taxes pressed severely on the poorer classes.⁵⁹ His was a minority voice in the Executive Council of the day. The acting Governor agreed that the staple food of the people should not be taxed unnecessarily but defended the imposts vigorously. He argued that wages were continually increasing, that only small sums were taken from each individual and that it was inexpedient to relinquish the only means by which Government taxation reached the mass of the people.⁶⁰ Throughout this period, articulate opinion believed that the people of Ceylon were lightly taxed, the *per capita* taxation being variously calculated at around 3-6s. per year.⁶¹ These computations may well have been true

57 CO 54/315, Anderson [Governor from 1850-55] - Grey, No. 15, 13 January 1855. *B. P. P.*, Reports from Committees, Vol. VIII, (1851) Third Report, Anstruther's evidence, 5 July 1850, paras 736-37.

CO 54/315, Elphinstone - The Secretary of State, 15 March 1855, Encl., Memo on Ceylon.

CO 54/409, East India and China Association - Cardwell, 27 February 1865.

58 Department of National Archives, Ceylon, Lot 4/58, Grey - Ward, No. 2, 19 April 1855, Minute by Ward, n. d.

CO 54/315, Ward - Russell, No. 15, 8 June 1855.

59 CO/394 O'Brien - Cardwell, No. 265, 30 November 1864, Encl., [Dissenting Minute on para. 21 of the Executive Councillor's Minute of 28 November 1864], F. Saunders, 28 November 1864. The Minute of the Executive Council pertained to the constitutional agitation of 1864 following upon the question of Ceylon's military contribution. It was a reply to the arguments of the un-official Councillors who had resigned in a body from the Legislative Council. For reasons which need not be specified here, the question of the extent to which the people were taxed was brought into the controversy.

60 CO 54/394, O'Brien - Cardwell, No. 265, 30 November 1864.

61 *Overland Ceylon Observer*, 24 January 1871.

CO 882/1, No. X, *Commercial Policy, Abolition of Export Duties, Imposition of New Taxes*, (Tennent). n. d., pp. 6, 8.

CO 54/457, Robinson - Granville, No. 184, 17 August 1870, Encl. 4, Minutes by the Col. Sec. (Irving) and Queen's Advocate (Morgan), July 1870.

(though even 4s. was probably a big sum for an indigent peasant).⁶² It was also a convenient belief for those who wished to retain the paddy tax and import duties.

In 1867-68, having tolerated these sources of revenues for two decades, Strachey suggested that they should be reduced. This was not due to sudden pangs of conscience. In previous years the need for public works and the attempt to make the island bear the whole of its military expenditure had been responsible for his acquiescence. The question of the military expenditure had been a particularly vital consideration. The British Treasury could not have found a more ardent defender of its military economy than Strachey. He was instrumental in implementing a newly formulated imperial policy to reduce military expenditure by getting colonies to take on as much of the responsibility as possible; and he was behind the pressure for a larger military contribution from Ceylon.⁶³ That task had been completed in 1867. The finances of the island remained buoyant. Ergo, a reduction of taxes was called for. An "abundant revenue furnishes no argument whatever for liberal expenditure so long as that revenue is raised by objectionable modes of taxation"; said the despatch to Ceylon.⁶⁴ The objection was of patently English texture. The authorities in Ceylon picked on this at once and made the obvious point that such principles were not applicable to Ceylon. Robinson said that the question was how to reach the people by way of taxes and how the authorities were to provide for their "government and improvement" if the people were exempt from taxation. The grain taxes, the import duties and the salt monopoly together (£ 302, 402 in 1866) formed one-third of Ceylon's revenue. The paddy tax was traditional and acceptable to the people. There was no feasible equivalent. Government had been searching for an alternative for the last thirty years. A land tax "would be wastefully expensive in consequence of the minute subdivision of property amongst the Cingalese (*sic*)", was likely to "give rise to much dissatisfaction and opposition throughout the country"; and was not feasible without a time-consuming and costly survey.⁶⁵ The import duties had little bearing on the price of rice in comparison with the costs of transport to the interior, and it would be far wiser for Government to try and reduce the price by improving communications.

62 In the absence of detailed village-level studies I make no comment on the views expressed at various times on the relative weight of taxation on the people, beyond indicating its influence on policy.

63 CO 54/367, MacCarthy - Newcastle, No. 37, 13 February 1862, Memo by Strachey, 1 November 1862.

64 CO 54/415, Robinson - Carnarvon, No. 228, 12 October 1866, Draft [by Strachey] of despatch, Buckingham & Chandos - Robinson, No. 70, 17 March 1868. Also see Strachey's minute dated 27 January 1867. It is relevant to note that in 1865 Strachey had met a petition objecting to the import duties, grain taxes and the military contribution with the point that the "grain taxes" were retained on "purely colonial grounds" and were not considered obnoxious in Ceylon, [CO 54/409 East India & China Association - Cardwell, 27 February 1865, Minute by Strachey, 4 March 1865].

65 CO 54/438, Robinson - Buckingham & Chandos, No. 118, 23 May 1868.

Many of these arguments had been paraded by officials in earlier years and remained highly relevant. But what was particularly perceptive was a point raised by Robinson:

It appears to have been generally taken for granted that the import duty on rice is the first tax which should be remitted or reduced, but I am unable to acquiesce in the fairness of such a conclusion. If both the import duty on rice and the tithe on grain of local growth could be reduced together it would doubtless be a great boon, but if this were impossible I should be disposed to give priority of relief to the local cultivator.

The Colonial Office did not press the issue further.

Surprisingly, Strachey forgot about this correspondence and raised the whole issue again in 1870, concentrating once more on the import duties rather than the paddy tax and reasoning on much the same lines.⁶⁶ Robinson retorted with a lengthier report backed by individual minutes from members of the Executive Council, which included at this stage three able men in Morgan, Douglas and Irving. The latter two were fresh to the colony and could not be accused of having any ingrained prejudices in favour of the imposts. Most members were adamant that any reduction of the import duties would have little or no influence on the price of rice and that even if this occurred only the townsfolk, the immigrant estate workers, and the planters would benefit from such a reduction. John Douglas felt that it was wiser to prevent famine through irrigation works rather than be obliged to work out palliative measures after such occurrences, while Major-General Rennie argued that money was being used on reproductive works which would boost revenue so as to enable remission later.⁶⁷ For the rest the arguments were similar to those employed in 1868. Robinson's Minute included a sharp rebuke to the Colonial Office for their "total misconception of the conditions and requirements of the Colony and a forgetfulness of the obligations contracted by the local Government with the full knowledge and sanction of the Secretary of State". The shafts went home. Herbert and the Earl of Kimberley were completely satisfied. Herbert was convinced that there was no large financial surplus that could be spared, that taxation was not oppressive, that it was not practicable to replace the paddy tax and import duties with a tax that was

66 CO 54/453, Robinson - Granville No. 54, 9 February 1870, Minute by Strachey, 20 April 1870 and draft [by Strachey] of despatch, Granville - Robinson, No. 121, 21 May 1870. This was occasioned by the large surplus of 1869. Sometime prior to this date, he criticised the import duties as bearing on the "Ceylon labourer's wages" and calculated that the labourer paid 10s. 6d. a year or roughly 4 - 5 weeks wages because of this tariff, [CO 54/450, Treasury - Sandford, 14 May 1869, Memo by Strachey, 9 July 1869]. His calculations and premises were erroneous but his humanitarianism cannot be denied.

67 CO 54/457, Robinson - Granville, No. 184, 17 August 1870; and Enclosures, Minute by the Governor; Minutes by the Queen's Advocate, Morgan, 2 July 1870; by the Col. Sec., H. T. Irving, 29 July 1870; by the Auditor-General, John Douglas, 20 July 1870; by the Treasurer, G. Vane, 23 July 1870 and by Major-General Rennie, 3 August 1870.

less objectionable, and that a reduction of the import duty "would in effect be a further bonus to the Coffee Planters".⁶⁸ The Earl of Kimberley wrote:

I concur entirely in the views of the Governor and his Council. Where the taxation is not oppressive (which it cannot be said to be in Ceylon) in an Asiatic country, I believe it to be more advantageous to expend a surplus in public works than to reduce taxation. In a country like England where the progress of a nation depends on private enterprise and where Government is not more enlightened than the people, the conditions are wholly different.⁶⁹

Discussion and Amendment, 1876-1878: James Alwis, Landowning Interests, Government, and Colonial Office

The subject raised its head once again in 1876 when the paddy tax and the import duties attracted the criticisms of enthusiasts of the Cobden Club in Britain and also drew comment within the circles of the elite in Ceylon. A British journalist familiar with Ceylon, William Digby, even went so far as to draft a lengthy pamphlet, entitled "The Food Taxes and [the] Revenue Farming System of Ceylon", which does not appear to have seen print;⁷⁰ while the Member for Rochdale in the House of Commons, Potter, raised the issue in correspondence with the Governor, Gregory. An unofficial member of the Legislative Council named James Alwis eventually tabled a motion in the Legislative Council requesting the appointment of the commission to examine the "taxes on food" and to inquire whether a general land tax could be substituted and, if not, whether it was possible to substitute a better mode of collection for the renting system. While phrasing his request thus, Alwis categorically and whole-heartedly opposed a land tax in his introductory speech. His long disquisition is of considerable relevance to the subsequent history of the subject. He argued that a tax on the produce was traditional and acceptable and criticised the two abolitionist arguments that the duties and the tax were unequal in their pressure and responsible for much hardship. European principles were not applicable to Ceylon. He had never heard peasants utter a word against the paddy tax but only against the way it was collected. A land tax, on the other hand, would be objected to. It was a violation of the Proclamation of 1818 which had limited the tithe to lands sown with paddy. It would bring previously untaxed gardens, chenas, etc. under taxation and would, in effect, be a tax on the curry as well as the rice. The force of usage (quoting Strachey) had to be respected in the East. A land tax would lead to a repetition of the incidents of 1797-98 and would only be collected "at the point of a bayonet". The land-tax was impracticable in any event without a survey. Neither was it fair to place additional burdens on the coffee-

68 *Ibid.*, Minute by Herbert [the Permanent Under-Secretary of State], July 1870.

69 *Ibid.*, Minute by Kimberley, 16 October 1870.

70 Part of the Digby MSS unearthed by Mr. James T. Rutnam of Baron's Court, Guildford Crescent, Colombo 7 and available in photostat at the Department of National Archives, Ceylon. The title page indicates that it was intended for publication by Cassell, Pelter and Galpin of London, Paris & New York in 1876, while the author was meant to be anonymous as "A Honorary Member of the Cobden Club". As far as I am aware it was never published but there are some doubts on this point - see *The Ceylon National Review*, Vol. II, No. 6, (May 1908) p. 173.

planters, who had done so much for Ceylon. He agreed with the abolitionists, however, in regarding renting as "utterly indefensible" and proposed that commutation should be substituted.⁷¹

The irony of it is that Alwis raised a question and answered it in the same breath; and that the conclusions reached by Government in the investigation that followed were substantially the same as his. Alwis's role in these few years was of great consequence. He had the esteem of Sir William Gregory, carried weight with the Colonial Office, and was to be quoted as an authority by official defenders of the paddy tax for years to come.⁷² He was a member of the Grain Tax Commission appointed as a result of this motion, the others being A. N. Birch (Colonial Secretary), J. F. Dickson (Government Agent of the North Central Province), Richard Cayley (Queen's Advocate) and several individuals who were not attached to the Public Service: Harry Dias, George Wall, Muttu Coomaraswamy, Mudaliyar J. A. Perera and Loku Banda Dullewe.⁷³ The conclusions reached by this Commission were based on 77 replies to a questionnaire they circulated, the 77 comprising 25 European officials, 3 Ceylonese officials (all named de Saram) above the headman rank, 2 Europeans and 7 Ceylonese who do not appear to have been public servants, and 40 chiefs and headmen. These details are of pertinence because one of the major issues concerns the extent to which the mass of peasantry⁷⁴ accepted the paddy tax and objected to a land tax. This question in turn hinges on the extent to which district officers could discern the feelings of the peasants. Since a hierarchy of headmen and an aura of authority intervened between Government Agents and peasants it is doubtful if many had their ear to the ground. This being so, can the views of the headmen be regarded as a barometer of peasant opinion? That they knew conditions at the grass roots cannot be doubted but how far did interests of their own colour their answers? It is known that they received a commission on the collections of the paddy tax and therefore had a strong personal interest in the retention of the tax;⁷⁵ but this would not affect their advice when the issue was whether a land-tax should replace the existing grain taxes, for they would continue to receive commissions. There was a more potent factor however. Many chiefs and headmen owned property, including much that was not

71 *Ceylon Hansard 1876-77*, 20 December 1876, James Alwis's speech, pp. 209-14. Note that his motion was in lieu of a motion originally proposed by another unofficial Councillor, M. Coomaraswamy, which asked for information on the extent to which commutation had been availed of in the island, (pp. 41-42). Alwis's name is sometimes spelt D'Alwis or de Alwis.

72 *Sessional Paper XXIX of 1878*, Papers relating to Grain Taxes, No. 1, Gregory - Carnarvon, No. 15, 9 January 1877, p. 7, and No. 3, Hicks-Beach - Longden, No. 147, 9 July 1877, p. 15.

73 C. P. Layard, Government Agent of the Western Province, was also nominated but went on leave soon afterwards and hardly participated in the discussions.

74 The term is used generically to refer to the smallholding landowners, owner-cultivators, tenants, cultivators, and other agricultural labour. It does not include the traditional aristocracy and the owners of extensive property.

75 *Sessional Paper III of 1892*, Despatches relating to the Proposed Abolition of the Grain Tax, No. 1, Havelock - Knutsford, No. 25, January 1891, p. 4.

paddy land. On the Commission itself Wall, Alwis, Perera, Dias, Coomaraswamy and Dullewe were either large landowners or belonged to relatively wealthy landowning families. As recorded in Ferguson's *Ceylon Directory* for 1880-81 the extent of plantation property in the hands of four of the Ceylonese (or their heirs) named above is illustrated in the table below.⁷⁶

	No. of Properties	Extent	Extent			
			Uncultivated	Coffee	Coconut	Cinnamon
Alwis	19	2,500	?	—	2,250	250
Coomaraswamy	1	200	?	—	200	—
Dias	8	1,711	852	—	697	162
Perera	3	142	?	—	142	—

In the instance of many of the participants in the investigation of 1877-78, therefore, a greater or lesser portion of their family property would have been free of a direct tax. In short, an untaxed indigenous landed interest with ulterior considerations was in a position to influence the findings of the Grain Tax Commission. The categorical accusation made by George Wall in 1891 raises this suggestion to the level of near-certainty. As part of his pungent and brilliant attacks on the paddy tax and the anti-abolitionists, and with reference to the years 1877-78, he accused the "untaxed agriculturists" and Alwis in particular of making "[a]ssiduous efforts" to poison the minds of the people and to make them believe that a land tax would be ruinous in its effects.⁷⁷

In such circumstances a further question arises for debate, though the answer can only be tentative: when the agitation for the abolition of the taxes on grain by substituting a land tax was coming to the force, did James Alwis show Machiavellian skill in assuming its leadership and presenting a motion apparently neutral, if not favourable, which he then proceeded to destroy and re-direct? did he so channel the agitation that the wind was taken out of its sails? A letter sent by Alwis to William Digby suggests an answer in the affirmative. In this letter,⁷⁸ so early as the 13th September 1876, Alwis wrote:

I fear any agitation in Parliament on the food supply will lead to consequences which will not suit the colonists. It is a great Evil; but the remedy will be attended with greater evil.

76 Compiled from the Estate Directory by Misses R. Kalleel and M. de Silva working under my direction in connection with a study on elite formation in British Ceylon. The statistics in the Ferguson Directories are not complete or comprehensive. In the section on coconut plantations the extent under cultivation is not always specified. The figures for J. A. Perera are probably an underestimate. The proprietors "J. Perera", "Mudlr. J. Perera" and "John Perera" named in the Directory probably refer to him as well. This would mean an addition of four properties covering 1,045 acres. Coomaraswamy was the brother-in-law of Ponnambalam Mudaliyar of Colombo - a wealthy landowner. Alwis's will indicates that by the time of his death, on the 5th of July 1878, he had an interest in or owned 40 properties. (See copy of will from the District Court, Colombo, No. 1679, Testamentary, with James T. Rutnam of Colombo).

77 *Sessional Paper III of 1892, op. cit.*, Wall - Havelock, 15 April 1891, p. 95 and Remarks on the Report of the Select Committee on "The Grain Tax Ordinance, 1878" by Wall p. 136

78 Digby MSS with James T. Rutnam, the facsimile of this letter being reproduced in Yasmine Gooneratne, *English Literature in Ceylon 1815-1878* (Tisara Prakaskayo: Dehiwala, Ceylon, 1968) p. 136.

It seems likely that the word "colonists" refers to the European planters and traders in Ceylon, and not to the people of the colony, Ceylon. In contemporary thinking the only "remedy", or alternative, was a land tax. On this reading Alwis appears to be telling Digby, obliquely, that the outcome of any agitation in Britain against "the food taxes" would be detrimental to the British planting interest in Ceylon.

The European planters did not need any advice on this point. With the exception of such individuals as George Wall, they resolutely opposed any meddling with the paddy tax, powerfully assisted in this line by the *Ceylon Observer* run by the Fergusons.⁷⁹ George Wall found very little support when he tabled a motion before the Planters' Association which condemned food taxes as impolitic and the renting system as oppressive, and demanded a more equitable alternative.⁸⁰ In doing so he argued that it was not incumbent on the Association to suggest concrete alternatives and that wrongs had to be condemned on principle. He also made it clear that his motion had deliberately avoided reference to such a debatable point as a land tax. In circumstances in which the Grain Tax Commission had sought the opinion of the Planters' Association on the question whether it was "advisable or practicable to substitute a general land tax for the [existing] taxes on home grown and imported grain,"⁸¹ Wall's detour was hardly realistic. The Planters' Association, modifying a more drastic counter-motion, ultimately resolved that any alteration in the paddy tax would not be feasible or advisable.⁸²

Alwis and the indigenous landlord and plantation interest, therefore, had powerful allies in their resistance to a general land tax. The latter's relative influence on Government policy remains to be seen. Though the European planting interest was an influential pressure group, it should be noted that the formal views of the Planters' Association did not reach Government till mid-August 1877,⁸³ whereas the reasoning which coloured Government's ultimate decision was already foreshadowed in a despatch sent by the Governor, Sir William Gregory, in January 1877. This does not preclude the possibility that, before January, the planters used the channels of social chit-chat open to them to convey their hostility to the measure—unfortunately a line of influence not

79 They were not opposed to alterations in the modes of collecting the paddy tax.

80 *Proceedings of the Planters' Association for Ceylon for the year ending 16th February, 1878*, (Ceylon Times Press Company, Colombo, 1878), pp. 50-60 on a general meeting, 12 July 1877.

81 C. M. Lushington, Secretary to the Commission - The Chairman, Planters' Association, 26 February 1877, (*Ibid.*, App. p. x).

82 *Ibid.*, pp. 57, 59. The first counter-motion read: "That this Association is unaware that the natives of Ceylon complain of hardships imposed on them through the paddy tax, and are unable to recommend any change to Government. They consider that the present import duty on rice is the simplest way of raising revenue from all classes of the community".

83 *Ibid.*, App. pp. xi - xii.

readily susceptible to historical verification. In the second place, one has to ascertain the extent to which practical considerations influenced Government on this occasion. We have seen that such difficulties were of primary importance in the abandonment of a land tax scheme in the late 1840's.

However selfishly motivated, Alwis and the headmen were not misleading in their principal contentions. The land tax schemes proposed from time to time would have imposed an additional burden on all landowners, big or small. To prove this the nature and amount of the land tax has to be elaborated on. The land tax suggested in the 1840's was to be 2s. 9d. or 3s. per acre uniformly on uncultivated and cultivated land. A scheme which the Surveyor-General, Captain Fyers, proposed in 1869 envisaged a uniform rate of 3s. per acre on cultivated land (including pasture), but also mentions the need for different rates between lands cultivated regularly and those cultivated intermittently, besides a lower tax on uncultivated land.⁸⁴ In the mid-1870's however, Government was convinced that a uniform land tax was unfair and that a uniform tax of a sufficient amount to cover the loss of revenue following abolition would injure the peasantry. The land tax mooted under Gregory was to be a graduated one: 5s. on tea, coffee and cinchona land, 3s. on cinnamon, tobacco and coconut land, 2s. 6d. on paddy land and 2s. on gardens and land sown with other grains. In every one of the suggestions paddy land would have continued to bear as much taxation as before.⁸⁵ What is pertinent here is that the cultivators and landowners of 1877 did not comment on the substitution of a land tax in general but on a graduated land tax involving more or less the previous tax on their paddy land plus additional taxes on their gardens, chenas and coconut land. Let us take a simple hypothetical example of a peasant family in the Central Province with an acre of paddy land, half an acre of garden land, two acres of *chena* and a quarter acre of coconut land and compare the manner in which they would have fared under the graduated land tax proposed by Government in 1877 with conditions under the existing commutation system. Assuming an average yield of twenty

⁸⁴ *Grain Tax Comm. 1877*, Capt. R. E. Fyers (Surveyor-General) - Col. Sec., 21 August 1869, pp. xxxvi - viii. Fyers gave evidence before the 1877 Commission as well and continued to argue for a land tax.

⁸⁵ Tennent remarked that his land tax was believed to be on par with the average tax per acre of paddy land at that time, [*R. F. C.*, (Tennent's Report), 22 October 1846, p. 98]. Gregory stated that under the existing system the paddy tax averaged about 4-5s. per acre under the renting system and considerably less under commutation, [*Sessional Paper XXIX of 1878*, Gregory-Carnarvon, No. 15, 9 January 1877 p. 8]. One is not certain how these calculations were reached. With uncertain acreage statistics it is difficult for present-day students to compute figures on the taxation per acre without doing intensive regional research.

bushels of paddy at 10-12 fold on the paddy land,⁸⁶ the paddy tax collected through commutation would have been in the region of 5s. 4d. under the rates of commutation prevailing after 1864 (taking the maximum).⁸⁷ Under the land tax contemplated in 1877 the total due from the family would have been 8s. 3d. If the half-acre of garden was solely devoted to native coffee it would have been 9s. 9d. This is what Alwis meant when he used the picturesque shorthand, a tax on the curry as well as the rice. Obviously circumstances would vary according to the individual extents of land: those with little but paddy land would not find the incidence of taxation much different; and those with larger extents of non-paddy land would feel it the most. It is not surprising that the peasantry preferred to retain the paddy tax when confronted with an alternative of this nature. Alwis, then, was not misrepresenting matters on this point. Ulterior interest and the general interest happened to coincide.

Nor was he any less wrong in considering the land tax impracticable. This issue hinged on several subsidiary points, particularly on whether it could be effected without an islandwide cadastral survey. On virtually every one of these subsidiary points, the civil servants presented conflicting opinions. The majority, however, agreed that a land tax was impracticable. It is difficult to conclude otherwise. Rather than enter into a great mass of detail to illustrate such a verdict a few general points should suffice: the prolific number of smallholdings and such complicated tenurial practices as undivided proprietorship posed great problems; precise assessment was impossible without surveys and even then it was difficult in the face of the differences in sowing extent per locality.⁸⁸ Many of these problems applied to taxation of paddy fields as well. But paddy taxation had the immediate past to rely on. It was far more difficult to assess garden and coconut land, especially when such lands were interspersed. Even an uniform land tax was well-nigh impossible without a survey and a survey was expensive and time-consuming.

86 For average yields E. Elliott, "Paddy Cultivation in Ceylon during the nineteenth century", *Tropical Agriculturist*, Vol. 37, (November 1911) p. 394 is particularly useful. Also see A. M. Ferguson, *Summary of useful information regarding Ceylon*, Observer Press, Colombo, 1865) pp. 8-9; and H. T. S. Ward's article on "Irrigation" in A. Wright's (ed). *Twentieth Century Impressions of Ceylon*, (Lloyd's Greater Br. Publication Co., London, 1907) p. 172. On this subject however one has to have one's fingers crossed because it is beset with pitfalls. For one thing it is difficult to work out averages in a country where the sowing extent varies from locality to locality and product to product. For another the acreage statistics have always been putrid: even today, the tendency is to overestimate the land under paddy from 15-50 per cent in excess; this means that the yields are underestimated, [E. R. Leach, *Pul Eliya A Village in Ceylon* (C. U. P., London, 1961) p. 172].

87 Only the paddy land would be taxed. The acre of paddy included under our example would produce 20 bushels and would have been liable to a tax of 2 bushels. At the commutation rate of 2s. 8d. this equals 5s. 4d.

88 For an appreciation of these difficulties see *Sessional Paper II of 1892*, Report on the Grain Tax Revision of Udakinda by A. M. Ashmore, Grain Commissioner and Gananath Obeyesekere, *Land Tenure in Village Ceylon A Sociological and Historical Study*, (C. U. P. 1966) pp. 114-19.

The report of the Grain Tax Commission, the despatch sent by Gregory in January 1877 after Alwis's motion, that by Longden in connection with the Commission's Report and a memorandum written by A. N. Birch in May 1878 convey the main features of opinion and policy within the Government of Ceylon in 1877-78.⁸⁹ While Gregory agreed that the paddy tax was "indefensible in principle" both he and the others laid a great deal of stress on a theory that had been enunciated by Tennent but had lain dormant since; namely, that the paddy tax was in reality a rent rather than a tax, implying that it was defensible in principle. Birch denied that the paddy tax retarded the cultivation of rice while all were agreed that the repeal of the import duties would only benefit rice-traders and the coffee planting interest. All were convinced that the import duties and grain taxes could not be abolished without affecting Government's programme of public works, especially that of irrigation. Birch added that even if the revenue continued to expand and permitted abolition, it would be better to spend the surplus on irrigation. It was concluded that abolition was not possible without alternative sources of revenue. For some unspecified reason, it was "universally acknowledged" that the only substitute was a land tax.⁹⁰ This was considered desirable in principle but rejected as politically inflammable and impracticable, though considered advisable at some future date. The paddy tax had to remain. But the intolerable system of farming the taxes was to be replaced by a system of commutation. As the revenue from dry grain was small and commutation was not practicable in the case of such crops, the taxes on dry grain were to be abolished.

Alwis had carried all his points.

What is even more remarkable is the tenacity with which the Government of Ceylon refused to look at any alternatives other than the land tax. This was a measure of their diehard orthodoxy. Wall was even more severe in his condemnation and declared that Government made the renting system "a scapegoat to bear all the evils of the tax and . . . to save it from the doom that had hung over it for half a century".⁹¹ This criticism has much truth in it, but Wall fails to explain how he came to add his signature to the report of 1877. It was out of character for him to have abstained from a dissenting minute if he disagreed.⁹² Wall

89 See *Grain Tax Comm. 1877* and *Sessional Paper XXIX of 1878*.

90 *Sessional Paper XXIX of 1878*, No. 1, Gregory - Carnarvon, No. 15, 9 January 1877, p. 6 and Encl. in No. 3, Memorandum by A. N. Birch, 7 May 1878, p. 17.

91 *Sessional Paper III of 1892*, Despatches relating to the Proposed Abolition of the Grain Tax, Remarks on the Report of the Select Committee on "The Grain Tax Ordinance, 1878" by Wall, p. 136.

92 In his book, *The Grain Tax in Ceylon* (Colombo, 1890), p. 20, Wall alleges that the official members were instructed "to save the tax for the sake of revenue at any cost", that the officials overawed and persuaded the unofficials through their more intimate knowledge of the subject, and that the unofficials were so anxious to end "the flagrant and demoralizing abuses of the renting system" that they were willing to "concede anything else". This explanation is lame and unsatisfactory.

evidently could not resolve his dilemma. Wholeheartedly opposed to the grain taxes on humanitarian grounds, he never came to grips with the question of alternative sources of revenue and would appear to have been less than lukewarm towards a land tax - not unnaturally for a proprietor of several coffee estates and architect of one of the most notable agency houses of the time, George Wall & Company.⁹³

As remarkable perhaps was the unquestioned manner in which the bulk of opinion within and without the administrative services treated the paddy tax and the import duties as Siamese twins which had to stand or fall together. This was the result of anti-protectionist ideas and (in the 1890's at least) was buttressed by an unshakeable conviction that Free Trade and the Cobden Club so dominated Whitehall that it was futile acting in opposition to their principles.⁹⁴

Officials in the Colonial Office of the day were not that doctrinaire. Their comments reveal a refreshing pragmatism.

The minutes written on the subject⁹⁵ as it moved up the hierarchical ladder of the Colonial Office merit attention. Francis Round, a classics graduate from Balliol and a Clerk of eight years experience, noted that while the total revenue had increased by 40 percent in the last seven years a good proportion of this increase had been used on ordinary expenditure and not solely on public improvements. The buoyant revenue, therefore, had encouraged a lack of economy and the emphasis on maintaining revenue at its existing level was exaggerated. As the revenue yielded by the grain taxes in the past twelve years had remained stationary in contrast to other sources of revenue, they must have retarded the cultivation of grain. Therefore the taxes were not economically expedient. Being discriminatory, neither were they just. But a land tax was not admissible because costly in collection. Round was inclined to abolish the grain taxes, "mere loss of Revenue" being inadequate ground for opposing a change that would give relief where it was due. On the other hand, the veteran Clerk, Cox, was of the opposite view and agreed with the Government of Ceylon on every point. Robert Meade, the Assistant Under-Secretary of State for the Colonies, felt that compulsory commutation amounted to a land tax on rice growing lands and might pave the way for a cautious introduction of a general land tax, and that insufficient attention had been paid to Colonel Fyers'

93 For instance, see columns 3 and 4 in the estate directory in Ferguson's *Ceylon Directory* for 1875; for ownership see pp. 720, 721, 744, 748, 758.

94 *Sessional Paper III of 1892*, Despatches relating to the Proposed Abolition of the Grain Tax, Minute by the Auditor-General, G. T. M. O'Brien, 12 November 1890, p. 48; O'Brien - Havelock, 28 January 1891, p. 84, and P. Ramanathan's speech in the Legislative Council, p. 57.

95 CO 54/509, Longden - Carnarvon, No. 86, 18 December 1877, Minutes by Round, 21 January 1878; by Cox, 22 January 1878; by Meade, 5 March 1878; by Herbert, 8 March 1878; by Hicks-Beach, 21 April 1878.

scheme of a cheaper, rough and ready survey. But while thus inclined to favour a land tax he stated that the Colonial Office could not insist on one when the men on the spot declared that it was politically explosive. He shared Round's opinion that an expanding revenue justified the remission of taxation and on this ground agreed to the suggestion from Colombo that the taxes on dry grain be repealed. In effect he agreed to continue the paddy tax under a commutation system. He was not opposed to direct taxation on principle: "in a comparatively under-developed and uncivilized country it is manifestly impracticable to apply those economic doctrines in their integrity which are applicable to different races and if Mr. Potter were not a man of only one idea he might (?) alter (?) this". R. G. W. Herbert revealed a similar approach in seeing "no well-grounded objection" to taxes on food: if food taxes were heavy they should be reduced just as any other taxes that were burdensome in their incidence should be, but the "taxes on the food of the poorest classes in Ceylon seem[ed] to be very light" and as acceptable and inoppressive a method of taxation as could be devised; the greater part of Britain's revenue and that of other countries was raised by duties and taxes on the solid and liquid food used by the poorer classes; such a fiscal system was quite just; Ceylon had no reasons to be treated exceptionally. He agreed with the recommendations made by the Government of Ceylon and suggested that in the near future they might find it safe and convenient to put a small land tax on some classes of land which were able to bear it as well as the paddy lands. Finally Sir Michael Hicks-Beach minuted: "I see no objection to a tax on food. As Mr. Herbert remarks, much of our revenue here is so raised. But in selecting articles of food for taxation, it is better to take those which are least necessary. Thus the greater part of our taxation on food falls on 'intoxicating liquors'". He accepted the view that the paddy tax could not be repealed without a substitute and that a land tax was not a suitable one, but felt that little attention had been paid to other possible substitutes such as increased taxes on wine, spirits and tobacco. Endorsing previous suggestions that A. N. Birch, who was on leave in England, should be consulted, he proposed that Birch should report on the question of other alternatives. If the grain taxes had to continue, he was in favour of the change in the mode of collection. In contrast to Meade and Herbert, he was against the abolition of the taxes on dry grain because he saw no reason why cultivators of dry grain should have special privileges (forgetting that coffee, coconut and other producers had a like privilege) and why government could not try commutation in this sphere too.

This body of opinion in the Colonial Office presents several features which need emphasis. In keeping with their pragmatic outlook the officials limited their comments to grain taxes and passed over the import duties, which the Ceylon Government had decided to retain, in silence. The silence was significant: the Siamese twins were not inseparable. They also revealed a cautious distrust of innovationism.⁹⁶ In contrast to tendencies so pronounced in

⁹⁶ This was seen a year later as well. In arguing against the repeal of the taxes on dry grain a young Clerk named C. P. Lucas wrote: "in an Eastern community . . . the people themselves too often prefer abuses to which they are accustomed to advantages the novelty of which they are startled", [CO 54/519, Longden - Hicks-Beach, No. 185, 12 May 1879, minute dated 30 June 1879].

the 1830's and 1840's, they were disinclined to make hasty changes and risk doing violence to parochial prejudices. In keeping with such cautiousness, political considerations counted for much. However much Meade desired a land tax, he was resigned to doing without it because the spectre of popular discontent was raised. This was standard reaction: questions of security generally had a pronounced influence on policy decisions in the Colonial Office where new taxes were involved. Indeed, it was perhaps the stronger because fiscal changes in Malta had aroused popular discontent just at this time.⁹⁷ As not uncommon in the case of peculiar local problems, moreover, the Colonial Office was guided by the men on the spot and refrained from pushing its own ideas too far. Nor is it so surprising that they revealed streaks of ignorance. None of them seemed to realise that a commutation system was already in partial existence (Meade certainly did not) or realised its implications, while Hicks-Beach failed to grasp the fact that commutation of the dry grain taxes had been rejected in Ceylon as impracticable. But the main problem was not dependent on local knowledge. It demanded some simple logic. This was provided by Hicks-Beach. He questioned one of the basic assumptions prevalent in Colombo, that the land tax was the only substitute. This was a line of inquiry which could have led to the abolition of the grain taxes. It was largely because Sir Arthur Havelock pursued this route so incisively and resolutely in 1890-92 that the taxes were abolished. It is therefore of considerable significance and is perhaps the most salient feature of the Colonial Office minutes in 1878.

Hicks-Beach's suggestion placed the ball at Birch's feet. Birch resolutely and blindly kicked it out of the ground. In a long memorandum which examined alternative sources of revenue, he contended that there was no substitute which would bring an equivalent amount of revenue⁹⁸ and argued very strongly for the retention of the paddy tax and the extension of irrigation works through the revenues it yielded. In step with the Government of which he was part, Birch insisted on the existing pattern of things. One need only point to the relative ease with which Havelock found alternative sources of revenue thirteen years later to establish this criticism. It is true that Havelock treated the grain taxes and the import duties as separate entities, abolishing only the grain taxes and having to make good the sum £50,000,⁹⁹ whereas Gregory, Birch and their associates

97 See quotation from Herbert's second minute dated 22nd May 1878, *infra*, p. 32.

98 In the Colonial Office minutes references were largely to "the grain tax" though the phrase "taxes on food" was used by Herbert. Indeed, Round referred to the grain grown in the Island yielding approximately £106,000. It is clear that the twins had been parted. In effect, the Colonial Office were only looking for £106,000 from alternative sources. But they did not make this clear. Birch was thinking on the lines of the traditional Siamese-twin concept and seeking £290,000 from new sources.

99 Stamp duties by means of succession and legacy duties Rs. 75,000

Revised customs tariffs (import duties) Rs. 285,000

Increased salt duty (at monopoly rate) Rs. 140,000

Rs. 500,000 = £ 50,000

Accounts were kept in £. s. d. till 1870. Figures from *Sessional Paper III of 1892, op. cit.*, Knutsford-Havelock, No. 45, 12 February 1892, p. 146. Havelock had to raise only £50,000 and not £100-110,000 because it had already been decided (by a Select Committee of the Legislative Council in 1890) that assessments should be pruned; the reduced income from the paddy tax was estimated at £50,000.

sought to make up £290,000 in revenue. But Havelock had originally planned to raise an estimated £110,000 and had up his sleeve, as a reserve source of revenue; the idea of a uniform land tax of 18 cents (roughly 4-5d) per acre likely to yield £100,000.¹⁰⁰

The Colonial Office bowed to Birch's views and accepted most of the recommendations from Ceylon, a decision reinforced by the difficulties encountered by tax reforms in Malta:

I think Birch's minute shows that it would not be expedient to attempt any increase of the import duties for the purpose of providing an equivalent for the Grain duties and taxes.

Looking to what has already occurred in Malta and to the probability that the Ceylon people will be equally indignant if an attempt is made to shift their burdens, I would proceed very cautiously even with the commutation of the Grain taxes. It is not impossible that the nation may mistrust the objects and doubt the beneficial results of such commutation.

..... As a matter of policy, I am clearly of opinion that Malta is enough to have on hand at one time and I would temporize by expressing to the Governor the general result of the Sec. of State's consideration of the subject,

concluded Herbert.¹⁰¹ The only change pertained to a relatively minor point: the suggestion that the taxes on dry grain should be abolished was referred back for further investigation – a needless step in view of the consideration given to the subject in Ceylon and the small sum (about £6,000 – 7,000) at issue.

In 1878, therefore, Ordinance No. 11 abolished the renting system and introduced compulsory commutation throughout the island, renewed attempts to abolish the import duty and grain taxes on the part of the Cobden Club being dismissed with the valid observation that they were "distant observers".¹⁰² Under this Ordinance cultivators could choose between annual commutation and crop commutation, the former involving payment of a fixed sum annually, the latter involving payment in those years only in which a parcel of land produced a crop. Once made, the choice was to be final. Assessments were entrusted to specially appointed Civil Servants styled Grain Commissioners who were given the power themselves to make a choice between annual and crop commutation where cultivators hesitated in doing so, and to decide who should be deemed owners for taxation purposes in cases of doubtful ownership. Under annual commutation, assessment was to be based on the average annual yield of a parcel

100 *Ibid.*, Havelock - Knutsford, No. 25, 18 January 1891, pp. 2, 5-6; and Havelock - Knutsford, No. 166, 6 May 1891, p. 107. As an alternative to the land tax he also considered the idea of a uniform tax of 75 cts. (1s. 6d.) per acre on all paddy lands.

101 CO 54/509, Longden - Carnarvon, No. 86, 18 December 1877, Minute by Herbert, 22 May 1878.

102 CO 54/517, Longden - Hicks-Beach, No. 32, 27 January 1879.

of land in the previous fourteen years (wherever possible), less ten percent. Crop commutation was to be founded on the averages of those years out of the previous fourteen in which crops had been produced.

Annual commutation under Ordinance No. 11 of 1878 differed from that prevailing earlier in that it was compulsory (and therefore more extensive) and in that assessments were to be based on more detailed investigation in the field by European staff officers. Crop commutation, however, differed in principles. It was more flexible and liberal and did not insist on payment in years when there was no crop or the land lay fallow. Another provision with the liberal intention of protecting the peasantry was the stipulation that parcels of land yielding less than three-fold the sowing extent (8 to 9 bushels per acre) could not be brought under crop commutation.¹⁰³ The rate of commutation was to be based on the local value of paddy in the preceding seven or fourteen years. Appeals against decisions taken by the Commissioners could be made to Government Agents within one month or civil actions against Government could be entered into within six months.¹⁰⁴ Once a district had been brought under commutation in this manner Government intended revising the agreements after seven years but considered that longer periods could be allowed "once a balance (was) struck between not diminishing the revenue and not pressing on the cultivator".¹⁰⁵

Since this system meant detailed assessment work it could only be brought into operation gradually. The change is said to have contributed towards the tragic tales of starvation in certain districts in the early and mid 1880's¹⁰⁶ which in turn influenced the decision to abolish the grain taxes completely in 1891-92. But the distress largely occurred in Nuwara Eliya and Badulla Districts within the Central Province, districts in which commutation settlements were undertaken according to the previous system and not under Ordinance No. 11 of 1878.¹⁰⁷ These issues constitute the final chapter - a complex and long drawn out episode - in the history of the grain taxes and remain outside the scope of this study.

103 In practice it proved "a dead letter", at least in Sabaragamuwa [*Sessional Paper III of 1892, op. cit.*, Encl. in one of Havelock's despatches, Reply of the G. A. Sabaragamuwa, H. Wace, 22 September 1890, p. 33].

104 C. S. Salmon, *The Crown Colonies of Great Britain*, (London, 1886) pp. 140-42. Obeyesekere (1966) pp. 112-14 and Appendix pp. 297-98 which gives Ordinance No. 11 of 1878 in full.

With regard to the dry grain taxes, cultivators had to provide the authorities with 15 days' notice of reaping the crop so that headmen could assess it before it was cut. If no notice was given, a cultivator could be fined the full value of the land so cultivated.

105 *Sessional Paper XXIX of 1878, op. cit.*, Longden - Hicks - Beach, No. 86, 18 December 1877.

106 Obeyesekere (1966) pp. 112-129.

107 *1886 Administration Reports*, Nuwara Eliya, C. J. R. Le Mesurier, A. G. A., [1887], p. 37A.

Sessional Paper XV of 1889, Grain Tax Commutation. Badulla had been separated into the Province of Uva in 1886 and was brought under Ordinance No. 11 of 1878 in 1887. The Central Province was brought under the Ordinance in 1888. after most of the distress had occurred.

Appraisal

While there is much criticism that can be levelled against the renting and commutation systems of collecting land revenue,¹⁰⁸ the very existence of a paddy tax can be questioned, particularly in view of the precarious and unremunerative nature of rice cultivation, a fact known to contemporaries by the 1860's if not earlier.¹⁰⁹ From Colebrooke onwards many contemporaries did challenge the paddy tax. Due to European preconceptions, there was singular unanimity – even among defenders of the tax – in regarding it as abhorrent in principle. The paddy tax withstood all these attacks. Faced with the realities of Government, the authorities in Colombo were not ready to give up a useful source of revenue. Their defence was openly one of expediency. In the 1840's, the revenue was needed for public works, with the accent on roads. In the 1850's and 1860's it was for public works in general. The emphasis was gradually shifting, however, and in 1877-78 and the 1880's it was largely for irrigation works. The Colonial Office, with pragmatism not uncommon to it, followed the lead given by Colombo. The justification was cogent but there were some awkward implications. By the 1880's irrigation works and the "paddy tax" were so linked in the popular mind that ardent defenders of the paddy tax argued that abolition of the tax would justify termination of Government irrigation projects, while Ceylonese came to believe that this would occur.¹¹⁰

While admitting the usefulness of the objects to which the money was put, one can seriously question the assumptions and prejudices under which the authorities (and others) defended the paddy tax. Much of the trouble arose from the fact that the battle was fought in a no-man's land pitted with free trade notions which influenced the forays of abolitionists as much as the crossfire of anti-abolitionists. The former were far too prone to concentrate on the import duties rather than the paddy tax though the latter could be attacked more justifiably on practical grounds. Even more unfortunate was the manner in which Government's line of defence depended on the argument that the two were an inseparable entity. Only Robinson and a few other defenders had the insight to see that it was the paddy tax which should be reduced or repealed first, if it came to a choice. But this smacked of protection and was criticised as such, even by those in the defending camp.¹¹¹ The insistence on treating the

108 See my "Grain Taxes in British Ceylon, 1832-1878: Problems in the Field", *The Journal of Asian Studies*, Vol. XXVII, No. 4 (August 1968) pp. 818-22, 826-29, 833-34.

109 CO 54/404, Robinson - Cardwell, No. 134, 16 September 1865, Encl., 1864 Administration Report, Matara, C. Liesching, A. G. A., 7 February 1865. L. Ludovici, *Rice Cultivation, Its Past History and Present Condition: with suggestions for its improvement*, (J. Maitland & Co., Colombo, 1867) pp. 126-29.

110 John Ferguson, *Ceylon in 1896*, (Observer Press, Colombo, 1896), pp. 12-14 with reference to Gordon's period of administration in Ceylon (1882-90). *Sessional Paper III of 1892*, op. cit., Sub-Encl., Translation of the Leading Editorial of the *Lakrivikirana* of 17 January 1890, p. 11.

111 A. M. & J. Ferguson, *Taxation in Ceylon with special reference to the Grain Taxes*, (Observer Press, Colombo, 1890), *passim*.

import duties and the paddy tax as inseparables reflects an obstinate capacity to think in blinkers. Neither in their origins¹¹² nor in their effects, as abolitionists argued in the 1890's, did these sources of revenue have any economic relation. The protection which the import duties were said to afford was fictitious; relatively little Ceylon-grown paddy was taken to market; the trade in imported rice was monopolised by the Chetties and the abolition of the tariffs would not have affected the price of rice.¹¹³ Falsely based though it was, this outlook was of some consequence. Taken together the import duties and paddy tax amounted to £230,631 in 1866 and £284,251 in 1876, of which the former represented a much larger portion, £125,457 and £183,953 respectively. It is obviously easier to consider the reduction or abolition of a smaller source of revenue.

This leads us to the defenders' second great fallacy. They believed that there was no other means by which they could raise an equivalent revenue. This was very important because the needs of revenue were a vital consideration and abolition was considered impossible without substitute sources of revenue. The only alternative considered seriously by officials in Ceylon was a land tax. In 1848 practical difficulties forced them to postpone this idea for the future. Thereafter they were firmly convinced that a land tax was not feasible "as yet". Nevertheless it remained a great desideratum in their minds. Even while favouring the retention of the import duties and the paddy tax, the Grain Tax Commission of 1877 stated that a land tax should replace these imposts in the future. On each occasion the future came, languished, and passed on; there was no cadastral survey; the land tax remained a castle in the futuristic air.

As conceived by most contemporaries a land tax was certainly not practicable. Even the light and uniform assessment kept in view by Havelock in 1891 was a doubtful proposition from the operative point of view. But Government could easily have emulated Havelock at an earlier date and looked further. Coffee could have borne an export duty.¹¹⁴ What Lord Salisbury said of India in his famous minute of 1875 is apposite here:

it is not in itself a thrifty policy to draw the mass of revenue from the rural districts where capital is scarce, sparing the towns where it is often redundant and runs to waste; . . . as [the country] must be bled, the lancet should be directed to those parts where the blood is congested, or at least sufficient, not to those which are already feeble from want of it.¹¹⁵

112 See *supra*, p. 116.

113 Also see *supra*, p. 129.

114 There was an export duty on coffee till 1848 when it was abolished during the depression of that year. In 1857 export duties were established to finance the Colombo-Kandy railway and abolished once the debt was met.

James Steuart was talking sense in criticising the fact that the producers and exporters of Ceylon were inadequately taxed [*Notes on Ceylon and its affairs during a period of thirty years ending in 1855*, (Private, London, 1862) p. 75], and it is significant that one or two officials considered that the coffee interest could bear greater taxation, [*Grain Tax Comm. 1877*, Appendix, Nos. 17 and 23, Replies from H. H. Cameron and A. A. King, A. G. A's, pp. xxvii and xlvi respectively]. Once the coffee leaf disease had brought ruin to the industry (1880-85) such an export duty would not have been feasible but, even in 1878, ruling circles had not realised that doom lay ahead.

115 B. M. Bhatia, *Famines in India*, (Asia Publishing House, New Delhi, 1963) p. 23.

Neither was the paddy tax particularly wise from the point of view of Government's time, or its image. Under the commutation system in particular, headmen and staff officers were brought into contact with the peasantry in a manner which bred friction and unpleasantness, even though it helped the staff officers to learn more about the country and its people than they might otherwise have done. This was not a problem peculiar to Ceylon. But the point is that in Ceylon, as in other countries, the European official was supposed to be a paternal despot. Paternalism was difficult to reconcile with that of tax gatherer. Collecting land revenue, moreover, demanded considerable time and attention. Without his land-revenue duties a zealous official would have had that much more time for less odious and possibly more fruitful enterprise.

A case for the abolition of the paddy tax could also be built on its practical effects on the state of paddy cultivation and on the condition of the people. While some abolitionists argued against direct taxation on the theoretical ground that it retarded improved methods of production, some residents in Ceylon went further and attributed the "unsatisfactory state" of rice culture to this tax and its consequences.¹¹⁶ This was wholly denied by such officials as A. N. Birch and Governor James Longden and instances were cited in proof of this contention.¹¹⁷ It is of some relevance that in Madras under the *ryotwari* system high assessments prevented both the improvement and the extension of cultivation.¹¹⁸ But the Indian peasants were generally subject to a tithe of one-sixth to one-half their produce unlike those in Ceylon who were liable to forfeit one-tenth. In Ceylon it is probable that technical factors such as the unsuitable distribution of rainfall, inadequate irrigation works and poor strains of seed paddy rather than the paddy tax were primarily responsible for the stagnant state of paddy culture. Evidence suggests, however, that the tax made an unsatisfactory state of affairs even more unsatisfactory. Paddy cultivation was a precarious occupation in most parts of Ceylon. In several districts the paddy crops were insufficient for subsistence and the populace had "to eke it out" by resort to a form of shifting cultivation, known as *chenaing*.¹¹⁹ Some villages were wholly dependent on *chena* culti-

116 *The Examiner*, 21 September 1867, Report of the Sub-Committee of the Agricultural Society, September 1867.

The Colombo Observer, 8 November 1866, Letter to the editor from "A Colonial Conservative".

117 *Sessional Paper XXIX of 1878. op. cit.*, Memo by Birch, 7 May 1878, pp. 17-18 and Longden - Hicks-Beach, No. 86, 18 December 1877, pp. 11-14.

R. F. C., C. R. Buller - Col. Sec., No. 577, September 1846, p. 134. This was associated with the view that paddy tax was "a stimulus to action". Cf. Madras in the time of Thomas Munro. The authorities believed that high assessment would lead to improved cultivation, N Mukherjee, *The Ryotwari System in Madras, 1792-1827*. (K. L. Mukhopadhyay, Calcutta, 1962, p. 255.)

118 Mukherjee, (1962) pp. 255, 259, 264-65, 269, 278-79.

119 1868 *Administration Reports*, Nuwara Eliya, C. Liesching, A. G. A., 29 April 1869, p. 50. *ibid.*, Sabaragamuwa, Appendix, Extract from letter, F. R. Saunders (Jr.), A. G. A. - G. A., Western Province, No. 411, 26 August 1868, p. 69.

vation.¹²⁰ A district officer named Le Mesurier put the matter succinctly: "the abolition of the inland paddy tax would give the poor agricultural classes so much more rice to eat. They do not grow enough for their own consumption, much less for sale; and the share they now give the Crown would then go into their own stomachs".¹²¹ As several Ceylonese who favoured its abolition argued, paddy culture generally left no margin for profit or taxation and the paddy tax ate into a peasant's capital, leaving little room to build up reserves.¹²² It would appear that it also compelled the cultivator to sell his paddy far below its price while he was pressed for money to pay the tax.¹²³ It was a tax on the producer and not on the consumer. Making every allowance for exaggeration in the picture drawn by George Wall in his book, *The Grain Tax in Ceylon*, there is little doubt that the tax aggravated peasant indebtedness and undernourishment, both of which existed in the 1870's though the extent and degree is uncertain.¹²⁴ Several witnesses before the Grain Tax Commission even stated that certain mudlands were left uncultivated partly because of this impost and because their owners lacked capital.¹²⁵ Under the commutation system there was the further influence of evictions, which led to the abandoning of certain fields that had been regularly cultivated.¹²⁶ The paddy tax, therefore, had a pernicious influence.

This meant that the paddy tax worked against one of the prime aims in Government policy of the time, the policy of providing the peasantry with stimuli towards increased agricultural output.

It should be the study of the Government to render paddy cultivation as attractive, lightly burdened and profitable to the mass of the people as possible. The advantages accruing directly and indirectly to the State both in a political and social point of view, from the extension of cultivation, are not commensurable by a mere money standard,

wrote a district officer named Thomas Steele in 1872.¹²⁷ This survey of government policy has shown that officials sought to make the paddy tax lighter and more attractive. The commutation system was undertaken with this idea. The

120 *1870 Administration Reports*, Service Tenures Commission, J. F. Dickson, 29 April 1871, p. 286 fn.

121 *Sessional Paper III of 1892*, *op. cit.*, Havelock - Knutsford No. 114, 5 April 1891, Encl., C. J. R. Le Mesurier (A. G. A., Nuwara Eliya) - Havelock, 3 April 1891, p. 91. Havelock called special attention to this paragraph.

122 Ludovici, (1867) pp. 125-26.
Ceylon National Association, *Report of the Committee on the Grain Tax*, (Colombo, 1890) p. 7.

123 *Ibid*, p. 6.

124 Wall, *The Grain Tax in Ceylon, being a letter addressed to the Chairman of the Cobden Club*, ("Ceylon Independent" Press, Colombo, 1890) pp. 4-5, 12-15, 19, 29-30, 33.
M. W. Roberts (1968) pp. 827, 833.

125 *Grain Tax Comm., 1877* Resume of Answers, Question 3, p. 14.

126 *1886 Administration Reports*, Nuwara Eliya, C. J. R. Le Mesurier, A. G. A., (1887) p. 37A.

127 *Sessional Paper II of 1872*, Reports on the working of the Paddy Cultivation Ordinance (No. 21 of 1867), Report of the A. G. A., Hambantota, T. Steele, 25, July 1872, p. 20.

redemption scheme went further and sought the virtual extinction of the paddy tax. Even the attempts to curb chena cultivation in the 1860's stemmed in part from a desire to force the peasantry to adopt more "permanent" forms of cultivation such as paddy culture.¹²⁸ Nevertheless, the "money standard" intervened harmfully. Some officials were unduly concerned with niggardly accountancy. The redemption scheme was abandoned once Government found itself losing revenue. Inheriting a traditional tax that was acquiesced in by the people, Government was loth to give it up. In other words, reliance on this source of revenue was in conflict with its efforts to encourage cultivation and effect "a vast improvement in the prosperity and happiness of the people."¹²⁹ Thomas Steele sermonised in vain.

It would seem reasonable conjecture to consider that some of the shortcomings in policy arose from the belief that the paddy tax was readily accepted by the people. The fact that the mass of the peasantry were patient and slow to complain was forgotten. The fact that the headmen, for the most part, had an interest in maintaining some form of tax on the land¹³⁰ was lost sight of. Till the 1880's officials remained content with this comfortable fact of seeming acquiescence on the part of the peasantry. They did not probe deeper. They even permitted the notorious defects in the renting system to persist unremedied. They reclined on the deck-chair of tradition. In persisting with a policy *quieta non movere* they failed to see that while the peasants chose to lie acquiescent, some lay prostrate.

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- 128 *Sessional Paper XV of 1873*, Papers relating to the Cultivation and Survey of Chena Lands, Introduction (by Gregory), p. 5.
Governors Addresses, Vol. II, Address of the Legislative Council in reply to the Governor's Opening Address, 24 August 1864, p. 49.
- 129 CO 54/282, Anderson - Grey, No. 175, 8 November 1851.
- 130 See especially *Sessional Paper III of 1892*, *op cit.*, pp. 3-4.

Some Thoughts on Linguistic Redundancy

by M. W. S. DE SILVA

Looking at redundancy in relation to what are known as deep structures—depending, of course, upon the definition given to the concept of depth—a transformational generative grammarian would want to derive many redundancy features through transformational rules; to a systemic linguist, statements involving redundancies would exhibit a very high degree of delicacy; anyone working on linguistic universals, dealing with marked and unmarked categories, would find it expedient to handle redundancies in terms of marking. All this is when redundancy features are examined in terms of one descriptive theory or another. In this short paper, however, I do not wish to examine the grammatical status of redundancy, nor its relevance to information theory, but propose to make a few observations on the function of redundancy in the actual use of natural languages.

Elementary notions of redundancy imply that languages have more features, more characteristics, more bits, than are absolutely necessary for communication. One can chop off every third, or fifth, or sixth, or even random ones from among the consonants occurring in a given utterance and still make oneself intelligible. Taking this to an extreme, one is able to distort sound sequences in such a way as to produce riddle-like expressions which are intelligible to those who are aware of the mechanism of distortion employed in each case. The fact that certain sequences are distortable or transferable in a phonological sequence means that the number of phonological elements involved and the order of these elements are full of redundancy. Moving over to grammar, we meet English expressions like "he goes" where singularity is stated twice or Hindi expressions like "meerii laḍkii nahii aatī" where feminine gender is stated three times. These are grammatical redundancies. There are other kinds of redundancy which will be introduced later in this paper.

C. F. Hockett, in his *Course in Modern Linguistics*¹ discusses redundancy under four headings: information theory and phonology, the theory of secondary associations, linguistic change and writing systems.² Referring to redundancy at the phonological level, Hockett says, "If all mathematically possible arrangements of the phonemes of a language actually occurred, then the degree of clarity in articulation which would be required to prevent misunderstanding would be humanly impossible . . . There are always stringent limitations on the arrangements in which phonemes occur in utterances, so that there is always a measurable amount of redundancy; rough computation shows that the measure of redundancy in English is approximately 50% and there is some reason to believe that this

1 C. F. Hockett, *A Course in Modern Linguistics*, Macmillan, 1964.

2 Hockett, *op. cit.*, pp. 87ff., 296ff., 421, 440, 456, 540.

figure holds for languages in general".³ In his chapter written to J. Greenberg, ed. *Universals of Language*,⁴ Hockett maintains this 50% hypothesis as one among the half a dozen universals he sets up. Hockett's mode of measurement is not explicit, but even if we accept his 50% hypothesis, that as much as 50% of the elements occurring in linguistic events is redundant is nothing to be bemoaned. Because of redundancy phenomena we are able to comprehend linguistic events without paying any great attention to every articulation that is made.

It is known that many a grammatical category is expounded (or realized) in natural languages in a multiplicity of places, as, for instance, the category of number in "he goes" versus "they go" in English. These are redundant realizations. Certain categories, on the otherhand, are expounded in single slots only, (or, to put it in structuralist terms, there is no evidence in the syntax of the language for setting up such categories). What is important, however, is that where a category is not expounded in a multiplicity of places, other redundancy devices are employed by the language in order, as it were, to redress the balance. In the English expressions "I go, we go, they go", the category of person is not expounded in more than one place and does not constitute redundancy. (In English person on the whole is redundantly realized only marginally as in "I am" as opposed to "he is"). The lack of syntactic differences here within the terms of subject-verb agreement is compensated for by the availability of a cluster of reflexive pronouns which are marked for number and person from among which an obligatory selection has to be made. Thus we have expressions like "I go *my way*", "We go *our way*", "They go *their way*" etc. This is an example of the introduction of redundancy elsewhere in order to compensate for the lack of redundancy realization with respect to a particular category in the language. Unlike in English, gender, number and person in Hindi are redundantly realized, and redundancy phenomena are adequately built into the concordial system in this way. Thus, "meerii ladkii kaam kartii hai", "meeraa ladkaa kaam kartaa hai" etc. Redundancy requirement having been taken care of in this way, Hindi does not find it essential to employ a cluster of reflexive pronouns out of which a selection has to be made; the one reflexive *apnaa* suffices. Thus, "meerii ladkii *apnaa* kaam kartii hai", "meeraa ladkaa *apnaa* kaam kartaa hai", etc. These examples from English and Hindi illustrate how a balance is maintained in redundancy phenomena: this in fact supports Hockett's view that the amount of redundancy in languages tends to remain static.

To illustrate how a balance is maintained in redundancy phenomena within the internal structure of language a further example is given below from Sinhalese and Hindi. Sinhalese incidentally is a uniquely diglossic language⁵ in which the grammar of the literary variety appears at the surface to be very

3 *op. cit.*, p. 89.

4 J. Greenberg, ed., *Universals of Language*, MIT Press, 1963, pp. 1-22.

5 On Sinhalese Diglossia, see my "Effects of Purism on the Evolution of the Written Language", *Linguistics* 36, 1967;

"Sinhala sähitya bhāśāvē anāgataya", *Taranga* 7, 1963;

"Nūtana sinhala gadya sähityayē bhāsāva", *Sähitya Dinaya*, 1963;

and J. W. Gair, "Sinhalese Diglossia", *Anthropological Linguistics*, 10. 8. 1968.

different from that of the colloquial variety. Like Hindi, Literary Sinhalese maintains a redundant realization of such categories as number and person. In Colloquial Sinhalese these categories are not realized in a redundant manner. In other words, Literary Sinhalese is more like Hindi and Colloquial Sinhalese more like English (although this comparison holds good only for the present exemplification). In Literary Sinhalese and in Hindi the concordial relationship between subject and verb is inflectionally indicated in both places, and exhibits redundancy. Like Hindi, (and as to be expected according to the previous paragraphs), Literary Sinhalese employs one reflexive pronoun which is not marked for any particular category. In both languages, then, the use of redundancy in concord is coupled with the use of a neutral reflexive pronoun. The Literary Sinhalese equivalent of Hindi "apnaa" is "tamaagee". (There are other lexical variations of "tamaagee" like "svakiiya" but these have no separate grammatical status). "tamaagee" (or "svakiiya") does not change for gender, number, person, etc. In Colloquial Sinhalese, however, concordial markers are not used in a redundant manner. In this variety the equivalents of "I go, we go, you go, she goes, he goes, they go" etc. have the same verb form. The "loss" or "absence" of redundancy here is compensated for by the introduction of a grammatically varying cluster of reflexive pronouns: this phenomenon is identical with the equivalent phenomenon in English. In Colloquial Sinhalese, the first person, sg. reflexive is "magee" first person, pl. is "apee", second person, sg. is "oyaage", etc. etc. These cases tend to show that in the historical evolution of languages the loss of redundancy in one place or category with reference to a parent language or one language in contact is likely to be reintroduced in another area as a matter of compensation.

The compensatory devices for loss or absence of a particular type of grammatical redundancy are not necessarily brought to bear through other grammatical redundancies alone as the above examples might convey. Such reintroductions may at times be through lexical load. Pali, for instance, has lost a number of grammatical markers that were available in Sanskrit, and from this point of view Pali shows a great deal of grammatical "simplification". This simplification in Pali is, however, compensated for in lexical repetitiveness: notice such expressions as "sandassesi samaadapesi samuttejesi sampahansesi" for "instructed" or "devataa... ekamantam atthaasi ekamantam thitaa kho saa devataa" and so on and so forth. Redundancy burdens may in this way be shifted from grammatical complexes to lexical complexes. It may be mentioned in passing that this phenomenon which may be called *redundancy shifting* is a necessary operation in linguistic history, and that no account of the history of a language is complete which does not provide adequate information on such compensatory shifting. The importance of this phenomenon for the study of universal features in language is obvious.

The foregoing observations pertain to what might be referred to as *structural redundancy* in both descriptive and historical perspectives: although redundancy is a necessity in languages and languages tend to reintroduce lost

redundancies in one way or another, languages also have a tendency to disallow undue redundancy burdens. The factors behind what grammarians call "right hand deletion" are a case in point. The avoidance of the repetition of the word "I" in joining the three sentences "I went home" "I had my supper" "I went to bed" to produce "I went home, had my supper and went to bed" is a simple example of this process of right hand deletion. That the word "I" which is a necessary constituent of each of the three sentences joined together is not repeated in the compounded form is a kind of avoidance of undue redundancy.

Although these cases all go to support the hypothesis that the proportion of redundancy in languages tend to remain static (by means of one device or another), it must be emphasised that this more or less static degree of redundancy is not to be measured with reference to the internal structure of languages alone: Hockett's hypothesis seems to advocate that the static proportion of redundancy operates in terms of the internal structure alone. It seem to me that the redundancy factors in the internal structures of languages can be markedly reduced without violating the efficiency of communication if and when the non-linguistic correlations of the utterance such as the situational context are clearly indicated. In this way, redundancy seems to fluctuate not only within the internal layers of language but also between internal and external layers relevant to the speech situation or speech act in question. Examples to illustrate this view point will follow.

Creole languages are good examples to illustrate the warfare between two opposing tendencies in languages, one to achieve efficiency and the other to achieve understandability. As J. Lyons has pointed out in his *Introduction to Theoretical Linguistics*, "Languages, as they develop through time and "evolve" to meet the changing needs of the societies that use them for communication, can be regarded as homeostatic (or self-regulating) systems, the state of a language at any time being "regulated" by two opposing principles. The first of these (which is sometimes referred to as the principle of "least effort") is the tendency to maximize the efficiency of the system . . . : its effect is to bring the syntagmatic length of words and utterances closer to the theoretical ideal. The other principle is "the desire to be understood": it inhibits the shortening effect of the principle of "least effort" by introducing redundancy at various levels. As a consequence, it is to be expected that the changing conditions of communication will tend to keep the two tendencies in balance".⁶

I now wish to move on for a moment to newspaper Headlines as a particular variety of language. Newspaper headlines are good examples to illustrate the zero-information content of a number of grammatical categories or terms in grammatical categories in certain situations. The non-use of the past tense form or the progressive form of the verb in English headlines is no

6 L. Lyons, *Introduction to Theoretical Linguistics*, CUP 1968, p. 90

impedement to the understanding of the substances of a given line. When, in dealing with the topic of Britain's entry into the European Common Market, headlines often say "De Gaulle says Non", we refrain from interpreting this sentence as a habitual present tense form (notwithstanding the habitual nature of "non" in the case of this particular gentleman!). It is true that all newspaper headlines are not unambiguous in isolation even within the context of Headlines. The paragraphs that follow the headline act as situational constructs which enable the reader to disambiguate the purport of the headline. "Flying plane kills doctor" (Times, U. K., Nov. 27, 1968) is an example of ambiguous headlines. Such headlines are, however, disambiguated by the paragraphs that follow. I must hasten to add that only a small proportion of headlines are actually ambiguous in this way. The point I am trying to make is that when situational constructs are designed or the situation is made clear, grammatical markers of natural languages, especially those with discontinuous realizations (and others), become less significant for the information out-put, and thereby take the shape of redundancies of yet another type.

In British Universities, applicants for admission as undergraduates are interviewed by the respective departments in order to assess their suitability to the course involved. During the past five years I have had the occasion to interview several hundred such candidates who wished to major in linguistics. I have a stock question which I ask every one mainly to test their wits (though not to test their suitability to read linguistics, which I test by saner means). I tell them, an Eskimo who knows very little English comes to the University Campus and sees me in front of my department building. He sees me on three occasions and speaks to me each time. The first time he walks to me and says "me town going bus where stop tell"; the second time he comes to me and says "me brother rat kill"; the third time he walks to me, shows me a dead rat and says "me brother rat kill". These are three different occasions, and each time I am a stranger to the Eskimo. I then ask the candidate "what did he mean by "me town going bus where stop tell"? Every candidate says that I must have shown him to the bus stop. Then I ask the meaning of the second utterance, "me brother rat kill". Most candidates say that the Eskimo's brother has killed a rat; very few would say that it is ambiguous and might also mean that a rat killed his brother. Then I give the third utterance, "me brother rat kill", made to the accompaniment of the holding out of a dead rat. They all agree that Eskimo's brother has killed this rat that is being exhibited.

There are many factors which make the "but-stop" utterance comprehensible. Likewise the "rat kill" utterance made with a dead rat in hand is more comprehensible than the same without a dead rat in hand. It may not be as clear as the "but-stop" utterance but that everyone agreed on its meaning is significant. One factor that makes those two sentences comprehensible (one way or another) is the presence of situational information. By "situational information" I mean clues that allow one to make one and only one situational construct. In sentence 2, which is "me brother rat kill" which allows no situational information, one is at a loss to comprehend the information that the Eskimo is attempting to convey. Did his brother kill a rat? (If so, what?). Or, was his

brother killed by a rat? (a story worth listening to!). Maybe it is this latter he was attempting to say. But, none of my candidates thought of it as a possible interpretation. The moral of this exercise is as follows: in interpreting ungrammatical utterances which are low in situational information, people tend to map them with grammatical ones so as to allow the ungrammatical aspects to emerge as the smallest possible distortion of the grammatical. Notwithstanding the use or non-use of deictics, the nearest grammatical order of "me brother rat kill" is "me brother kill rat" but not "rat kill me brother" etc. etc. A reconstruction of an ungrammatical sentence in this way so as to map it with the nearest possible grammatical does not always yield the desired information. It is a truism that understanding depends on how the listener constructs his own sentences corresponding to the speaker's sentences; but, where the utterance is grammatically deviant, such reconstructing and mapping is not sufficient, and the understanding depends largely on unambiguous situational information. When the situational information is sufficiently provided, the mapping of the ungrammatical with the listener's grammatical becomes possible and accurate. The corollary is equally true: from the speaker's point of view, when the situation is loaded, most grammatical markers become redundant with reference to situation. Where the situation is not clear, most, if not all, of the grammar is imperative for the conveyance of the correct information. Although, with a loaded situational information content, grammatical devices become redundant, the reverse is, however, not true, for many a perfectly grammatical sentence can be ambiguous if the situational information is nil. From this we may generalize that extra-linguistic correlation take precedence over intra-linguistic relations in the distribution and determination of redundancy phenomena. If one sets up a hierarchy as situation, grammar, phonology, one may even generalize that once a higher level in the hierarchy is loaded the markers of the level below tend to be redundant. It is because of loaded situational criteria that baby-talk, foreigner-talk, and indeed all varieties of pidgins and creoles have become intelligible language types. This phenomena may be named *inter-level redundancy*.

In the foregoing paragraphs I have discussed a number of aspects of redundancy and its function: *structural redundancy obtaining at the phonological and grammatical levels, the relevance of redundancy to communication, the nature (and significance) of redundancy shifting within each level as well as between levels in order to maintain a more or less static redundancy load, and the implications of redundancy in terms of the hierarchy of levels of linguistic description*. In conclusion, I propose to make some observations on *the function of redundancy as a mark of varieties differentiation*. I shall examine this with reference to diglossic behaviour, of which Sinhalese is the best example. It is widely known that Literary Sinhalese is different from Colloquial Sinhalese in both phonology and grammar, although these differences may be handled as belonging to the surface only. The general tendency is not to use the grammar of the colloquial language in serious writings. I shall attempt to show how the special characteristics of the literary language may be interpreted as redundancy phenomena with reference to the spoken variety of the language.

Viewed in its own rights Literary Sinhalese has a case for being treated as having the categories of gender, number and person as syntactically relevant categories. From a structuralist standpoint, an independent analysis of the spoken language does not allow for stating these categories in that way. These are in fact only some of the categorial differences between the two varieties. But there is an interesting point to remember which is very relevant to the present thesis: although Literary Sinhalese is never spoken except when reading, even the most illiterate speakers of Sinhalese are able to listen to and understand the language of, say, newspapers, without being impeded by the grammatical peculiarities of the type mentioned above. It is assumed that this intercomprehensibility is brought about by the redundant nature of the apparently extra categories in the literary variety. If the two varieties are viewed as varieties of the same language, then these extra characteristics in the literary variety may be interpreted not as extra categories but as extra exponents of the same categories: from this point of view, these extra exponents of categories, or extra markers, may be interpreted as redundancy factors.

Where two varieties are socially accepted as varieties of the same language, with the intercomprehensibility factor mentioned above, one begins by identifying both varieties as varieties of the same language. Instead of setting up two grammatical systems, then, the same grammatical categories will naturally be set up for both varieties: these categories are, then, realized (or expounded) in a smaller number of markers in one variety (Colloquial, in this case) and in a greater number of markers in the other (Literary, in this case). The factor of redundancy operates in the variety in which the categories have a greater number of exponential correspondences. As far as Sinhalese is concerned, most categories are uni-exponential in colloquial and multi-exponential in literary. It is because the multi-exponential realization of categories in the literary language involves redundancy that the grammatical shape does not impede the understanding of literary texts.

In treating varieties which are grammatically different on the surface as varieties of the same language, then, the factor of redundancy is stated as a demarcative characteristic. This introduces a new dimension of redundancy. The notion that redundancy operates at a given level is an old one and has been applied to the study of particular languages, particular varieties, at particular times. Here I am introducing redundancy as a mark of varieties differentiation. In diglossic situations, the apparent access in number of the membership of categories or in the exponential criteria, obtaining in one variety as opposed to the other which is more restricted on those lines are, then, redundancy criteria from a communication point of view.

In treating Literary Sinhalese as characterised by redundancy in exponential criteria I have assumed that the spoken language is the norm or the *grid* in terms of which the literary language is understood. This does not, however, mean that the "shorter" grammar is always the norm. If the understanding of the variety with a shorter grammar depends on an added supply of situational criteria that variety is not the grid. From the point of view of many other

varieties of English the grammar of the language of newspaper headlines is shorter, but the meaning of the headline rests largely on the exposition that follows which contains situational constructs for the headlines. Headlines is therefore not the grid variety in English.

The concept of a grid variety in terms of which other varieties are to be comprehended grammatically is useful if such varieties are viewed as constituting the same language. I view literary and colloquial Sinhalese as varieties of the same language: these two varieties are socially accepted as belonging to the same language and they are mutually comprehensible; even the illiterate people who cannot perform in the literary language are able to listen to and understand it without being impeded by the grammatical peculiarities involved. I admit it is not an easy task to measure understanding: I believe understanding is negative in so far as no positive measurement of accuracy in understanding is possible. Positive measurement can only be made of misunderstanding, for areas of misunderstanding are more easily accessible, and understanding has to be diagnosed through misunderstanding. In some one thousand cases of tests conducted with a view to observing if illiterate people misunderstood literary texts (from newspapers and novels) because of the grammatical peculiarities involved I had no clue whatsoever to prove that these peculiarities impeded understanding. Notice that I leave lexis untouched: lexical differences are many between any two varieties. Any lack of understanding in my test cases was due to lexical difficulties, and once more common lexical items were used in place of the more Sanskritic or unknown ones that purport of the text passages was understood by every person tested: they were able to answer questions based on the passages read to them not more than two, or at most three, times. Newspaper headlines, on the other hand, consist of a grammatically reduced variety in relation to the grid variety. Where a variety is grammatically reduced, extra situational criteria are brought in for communication. This is not so in the case of Colloquial Sinhalese. The redundancies in the literary variety are *not* created by the need for constructing deliberate situations on paper.

It seems to me to be correct to assume that in comprehending the literary form in languages like Sinhalese, people ignore the "added" redundancy phenomena in that form of the language. From this point of view and from the standpoint of the spoken language the extra grammatical criteria in the literary variety may be regarded as superimposed characteristics. These theoretically superimposed and thereby really redundant phenomena in the literary language constitutes the "second dimension of redundancy", namely, its demarcative function. They constitute a second dimension because they are over and above the normal characteristics of redundancy which obtain in any variety of language: in terms of the "grid" they are in effect "created" redundancies.

The increased redundancy factor in Literary Sinhalese adds little to the grammatical mechanism which the Sinhalese person employs in understanding his language. It is my conjecture that in diglossia, the high variety as a rule presents an increased grammatical (systemic) complex while the low variety

presents an increased lexical (set) complex. I do not however propose to go into this notion in the present paper. The concept of redundancy is used here to refer to the increased systemic complexes and not to the set complexes.

Redundancy factor between varieties creates hybridisms. Just as two languages coming into contact with one another can result in the creation of pidgins and later creoles, even so two distinct forms of diglossia can invariably create a third variety, or more exactly, a number of third varieties, which constitute pidgin-like or creole-like forms, the properties of which are not systematically statable. This kind of hybridism created by people in their attempts to perform in the high variety without having gained a full mastery of it is known in Arabic as well as in Sinhalese. It is neither the low variety nor the orthodox high, and has a tendency to fluctuate so heavily that no systematic statement can be made of it. Hybridism both in diglossia as well as in creole formation is very much linked with the redundancy factor. It is the result of attempts to perform in varieties which have redundancy phenomena in terms of the grid variety of the individual or the community. The process involved is that the redundancy phenomena are partially observed and partially not, now observed here and now observed there, now coinciding with orthodox high and now violating it. Here again I refer to the grammatical and phonological redundancies between varieties, and not to the lexical distinctions.

CEYLON STUDIES SEMINAR

UNIVERSITY OF CEYLON.

This seminar is organized by some members of the Faculty of Arts, University of Ceylon, with the object of stimulating research and encouraging interdisciplinary thinking.

Participation at the seminar is by invitation. Those outside the University engaged in research in the social sciences are invited to submit their research papers for discussion at the seminar. Those wishing to attend should apply to the Director, Ceylon Studies Seminar. The seminar is held at the Department of Sociology, University Park, Peradeniya.

The following papers have been presented in the period October 1968 to March 1970

- 1 "Sinhalese-Tamil Relations and the Problem of National Integration" *A. J. Wilson*
- 2 "Gajabahu and the 'Gajabahu Synchronism'" *Gananath Obeyesekere*
- 3 "Land Settlement Policy in Ceylon; A Tentative Appraisal" *Rainer Schickele*
- 4 "Millennialism in Relation to Buddhism" *Kitsiri Malalgoda*
- 5 "The Rise of the Karavas" *Michael Roberts*
- 6 "Ceylon and Malaysia: A Study of Professor S. Paranavitana's Research on the relations between the two regions" *Leslie Gunawardena*
- 7 "Indians in Ceylon: Problems and Prospects" *S. U. Kodikara*
- 8 "The Sources pertaining to the History of British Ceylon" *Michael Roberts*
- 9 "Monetary-stabilization Policy in Underdeveloped Economic Systems: A Critique" *D. M. Kannangara*
- 10 "Religious Symbolism and Political Change in Ceylon" *Gananath Obeyesekere*
- 11 "The Alleged Retrogression in the Techniques of Paddy Cultivation in the Central Highlands resulting from the Waste Lands Legislation and the Growth of Plantations in British Ceylon: A Critique of the de Silva-Hewavitharana Hypothesis" *Michael Roberts*
- 12 "Lancarote de Seixas and Madampe; A Portuguese Casado in a Sinhalese Village" *Chandra R. de Silva*
- 13 "Colebrooke's Views on Agriculture and Land Revenue" *Vijaya Samaraweera*
- 14 "The Urban Fringe of Colombo: Some Trends and Problems concerning its Land Use" *W. Percy T. Silva and Kusuma Gunawardena*
- 15 "Dutch Agrarian Policy in Maritime Ceylon, 1766 - 1796" *Vamadeva Kanapathypillai*
- 16 "Buddhism in the Ethics of Sinhalese Villagers: Theory and Practice" *Richard F. Gombrich*
- 17 "Temple Lands and Rājākāriya: The Kandyan Lankātilaka Raja Maha Vihāraya" *Hans-Dieter Evers*
- 18 "The Sacred and the Profane in a Buddhist Rite" *H. L. Seneviratne*

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NOTICE TO CONTRIBUTORS

The Editors welcome articles based on research in the social sciences. While the emphasis will be on Ceylon, articles of general interest on South and Southeast Asia will also be considered for publication. Contributors are requested to send articles intended for publication in the January issue before 1 July of the previous year and those for the July issue before 1 February of the same year. Each contributor will receive free twenty five off-prints of his article. Manuscripts, books for review and all related inquiries should be addressed to the Editor.

Manuscripts should be typed on one side of the sheet only, in double spaced typing, leaving margins of about two inches for editorial purposes. Articles should not normally exceed 15,000 words in length. References and foot-notes should be given in a numbered list at the end of the article. Maps and line drawings should be sent in their final form ready for the printer.

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