

93



PUBLIC ADMINISTRATION IN CEYLON

THE ROYAL INSTITUTE
OF INTERNATIONAL AFFAIRS
London: Chatham House, St James's Square, S.W.1
New York: 542 Fifth Avenue, New York 19

Toronto *Bombay*
Melbourne *Wellington* *Capetown*
OXFORD UNIVERSITY PRESS

PUBLIC
ADMINISTRATION
IN CEYLON

by
SIR CHARLES COLLINS, C.M.G.
Late of the Ceylon Civil Service

*Published in co-operation with the
International Secretariat, Institute of
Pacific Relations*

London & New York
ROYAL INSTITUTE
OF INTERNATIONAL AFFAIRS

The Royal Institute of International Affairs is an unofficial and non-political body, founded in 1920 to encourage and facilitate the scientific study of international questions.

The Institute of Pacific Relations is an unofficial and non-political body, founded in 1925 to facilitate the scientific study of the peoples of the Pacific Area.

Both the Royal Institute of International Affairs and the Institute of Pacific Relations are precluded by their rules from expressing an opinion on any aspect of national or international affairs; opinions expressed in this book are, therefore, purely individual.

350.05493

COL

First published 1951



PRINTED AND BOUND IN GREAT BRITAIN
BY ROBERT MACLEHOSE AND COMPANY LIMITED
AT THE UNIVERSITY PRESS GLASGOW

CONTENTS

PREFACE	vii
I. PRE-BRITISH TIMES	1
Early History and Administration	2
The Portuguese Period	5
The Dutch Period	6
II. ADMINISTRATION BY BRITISH EAST INDIA COMPANY	11
III. CEYLON A CROWN COLONY	21
IV. CONSOLIDATION OF EARLY COLONIAL ADMINISTRATION	38
V. ADMINISTRATION OF THE KANDYAN PROVINCES	
The First Period	46
The Rebellion of 1817-18	47
The Second Period	48
VI. THE PERIOD 1818-32	52
VII. THE COLEBROOKE COMMISSION AND REFORMS OF 1832-3	
The Unification of Ceylon	57
Legislative and Executive Councils	59
Provincial Government	61
Legal Changes	62
Land Policy, Compulsory Service, etc.	63
Monopolies and Trade	65
Financial Proposals	66
The Public Service and Service Conditions	68
General	70
VIII. ADMINISTRATION UNDER THE CONSTITUTION OF 1833	
Political and Administrative	71
Economic Development	74
The Public Services	75
The Rebellion of 1848	77

Contents

CHAPTER	PAGE
IX. THE PERIOD OF EXPANSION, 1850-1910	
The Early Years	81
Economic Expansion	82
Local Government Institutions	86
Education and Health	90
Expansion of Government Departments	94
The Civil Service	99
The Clerical and Similar Services	103
The Headmen System	104
Political Advance	106
X. THE CONSTITUTIONS OF 1912, 1920, AND 1924	
Constitution of 1912	112
Constitution of 1920	115
Constitution of 1924	117
XI. THE DONOUGHMORE CONSTITUTION	
The Object of the Constitution	123
The Scheme	124
The Constitution in Operation	129
Progress Under the Constitution	131
Movement for Further Reform	133
XII. THE SOULBURY CONSTITUTION	136
Formation of the Constitution	137
Fully responsible status within the British Commonwealth of Nations	141
XIII. THE PUBLIC SERVICES DURING THE ERA OF REFORMS	144
XIV. CONCLUSION	150
BIBLIOGRAPHY	155
INDEX	159

PREFACE

ON the eve of my retirement from the Civil Service of Ceylon I was invited by Chatham House to undertake the preparation of a study of the past British Administrative system in Ceylon and its evolution. It was to be a contribution towards a further study of the requirements of efficient public administration in the countries of Eastern Asia which has been projected in the international research programme of the Institute of Pacific Relations, and in which Chatham House is collaborating. I found the proposal congenial, as I had spent some thirty-eight years in the public service, partly in provincial administration, judicial and other offices, and partly in the Secretariat in Colombo. During my many happy years in Ceylon I came into close contact with members of the Legislative and Executive Councils and of the Finance Committee, and later with the Ministers and Members of the State Council and many other people, the friendship of whom I cherish as one of my most precious memories.

My study takes the form of a historical account of public administration in British times in Ceylon. It is not a full history of the British period, as many matters have only been lightly touched upon and only where they have some bearing on public administration. Restriction of space has also made it necessary to omit or to deal only briefly with such matters as economic and material development and the like. I hope, however, that it will prove useful to those who are interested in the history and development of the Island generally, and especially to those whose particular interest is in the development of public administration.

I received much help in the preparation of the book from the Government Archivist in Ceylon, Mr J. H. O. Paulusz, and from the Assistant Government Archivist, Mr S. A. W. Mottau. Mr Kcegel, now of the Ministry of Posts and Telecommunications, helped me by working out some important figures which

Preface

I could not obtain in England. I would also wish to thank Sir Paul Butler for encouragement given at the commencement of the work, and the staff of Chatham House, who have always been most helpful. To Sir Andrew Caldecott I owe a special meed of thanks, as he kindly read through the manuscript and made some most useful suggestions. Last, but not least, I would acknowledge the help given me in various ways by my wife during the preparation of the book.

WEST HORSLEY,
August 1950

viously been free of tax). Andrews himself afterwards considered the coconut tax too heavy, but since it had been imposed, the Madras Government refused to reduce it, considering that it should not be beyond the means of the owners of the trees. Colonel Stuart heard of these proposals and in a letter as early as 7 June 1796 to the Government of Fort St George, said that he anticipated trouble if Malabar headmen were brought in, and explained that though there might be some ultimate advantage to the people in such a scheme, it would be much against the interest of the chief headmen and would be strongly opposed by them. The Madras Government however approved the scheme when it was proposed by Andrews.

The proposals were put into operation by two proclamations, the first dated August 1796, taking away the powers of the *mudaliyars* and other headmen, and the second dated 1 September, imposing the tax on coconut trees and abolishing service tenures. The result of this was to cause a ferment in the country, and serious rioting broke out, which needed military operations to put down. The *mudaliyars* naturally did little to prevent the spread of the trouble, and the Kandyans, particularly in anticipation of an expected attack by a French force helped the rioters in various ways.

The rioting was at its height at the end of the year when Colonel Stuart was transferred from Ceylon and was succeeded by Major-General Doyle, who took exactly the same view of the troubles as Colonel Stuart had done. In fact he was so impressed by the futility and impropriety of the coconut tree tax that he suspended its collection; but he was instructed from Madras to continue it. The rioting became very widespread and it was some time before it was controlled. Meanwhile Lord Hobart, Governor of Madras, had come to the conclusion that a mistake had been made, and decided to order a general inquiry into Ceylon matters. A committee was appointed by a minute of 9 June 1797, and consisted of Brigadier-General de Meuron, Robert Andrews, and Major Agnew. Before the committee could meet Major-General Doyle and his successor had both died, and the Government of Madras decided that de Meuron

CHAPTER I

Pre-British Times

CEYLON is a tropical island lying to the southeast of India, from which it is separated by Palk Strait and by the Gulf of Mannar. Though comparatively small, (25,332 sq. miles) it is a land of diversity—diversity of peoples, scenery, climate, and religions. It has a rich history and traditions reaching back through many centuries recorded in its ancient chronicles. All these matters have naturally had an important bearing on its administrative systems.

The northern half and the coastal belts are comparatively flat, but the interior in the south is mountainous, the highest point, Pedrutalagala, near Nuwara Eliya the hill sanatorium, being 8,300 ft. above sea-level. The most conspicuous, and the most renowned and revered mountain in Ceylon is, however, Adam's Peak (about 7,400 ft.). The north central and the south-eastern areas form a dry zone, with less than 50 in. of rain a year. In these areas irrigation is necessary for cultivation, and they contain considerable tracts of paddy lands where such facilities are available. In other parts of the dry zone there is little cultivation, and the ground is generally covered with forests and jungle, interspersed with small areas where the latter has been cleared for *chena* (periodic cultivation).

The population of Ceylon at the present time is estimated at about 7 million (the figure at the census of 1946 was 6,685,605). Of this number nearly 5 million are Sinhalese, either Low-country or Kandyan. The former, living mainly in the coastal areas of the west and southwest, number rather more than 3 million; the remainder, the Kandyan, live in the central parts. The Sinhalese, who came to Ceylon originally from the north of India (the valley of the Ganges), have their own language, and are mainly Buddhists. Next in number to the Sinhalese are the Ceylon Tamils who live in the north and the east, and total

Public Administration in Ceylon

about 860,000. They are a Dravidian Tamil-speaking people from the south of India and are Hindu in religion. Approximately 700,000 Indian labourers work on the tea and rubber estates. There are about 70,000 other Indians, including Indian Moors.

Ceylon has also about 400,000 Ceylon Moors, who, in the first instance, came to trade, but are now settled in all parts of the island and exist as a separate community. They are Muslims and speak Tamil. The Burghers, who are of Dutch descent, form another community of roughly 40,000 people. There are also a few Malays, descendants of members of the Malay regiments of Dutch and early British times. It is estimated that 4,500,000 of the population are Buddhists, 1,500,000 Hindus, over 400,000 Muslims and about 600,000 Christians. The latter are drawn from all communities except the Moors and the Malays. Numerically, the Roman Catholic Church is by far the largest among the Christian Churches.

EARLY HISTORY AND ADMINISTRATION

The written history of Ceylon began about 500 years B.C. The first few centuries are legendary, but authentic history may be said to have commenced with the introduction of Buddhism during the third century B.C. The first settlements of the Sinhalese were made in the dry zones, and the chronicles record their commencement and development. These parts of Ceylon are incapable of supporting a large population unless they are well provided with water, and during these early years a great number of irrigation reservoirs, or tanks, and channels were constructed. Many of these are most remarkable works showing a very high degree of engineering and technical skill, and indicating an advanced civilization. The areas round the tanks became thickly populated, and the towns of Anuradhapura, Polonnaruwa and Sigiriya in the north central area, and Magama in the southeast are known to have been large and well-peopled cities, with big religious and secular buildings, the remains of which exist to the present time. The wet zone, now

the most densely populated area, was at that time only very sparsely inhabited, though there is some evidence of early settlements near Colombo. The era of expansion and prosperity continued for some centuries, but was then broken by incursions from the Chola and Pandyan kingdoms of south India. Jaffna was conquered by the Tamils, who replaced the Sinhalese previously living there. Further south the Sinhalese were, from the eighth and ninth centuries A.D., forced gradually to abandon the great city of Anuradhapura and to establish a new capital at Polonnaruwa. At this place, however, the Sinhalese reached the height of their power and prosperity during the reign of Parakrama Bahu the Great (1153-86), whose thirty-three years' reign was one of 'peace and progress'. After his death the troubles began again. The invasions of the Tamils were renewed, the most serious probably being that of Magha of Kalinga, who invaded Ceylon in 1215, and whose reign was marked with much destruction and cruelty. The Sinhalese were gradually driven back. They established a series of new capitals, until they reached Kotte, near Colombo, and Siriwardanapura, later Mahanuwara and now named Kandy, in the central hills. In the course of these invasions and retreats the ancient irrigation works were breached, much of the country was flooded, and malaria came in to complete the destruction caused by man.

There were at the time of the arrival of the Portuguese three kingdoms in Ceylon, first, the Tamil kingdom of the north, secondly, the Kandyan kingdom of the central highlands, with the eastern and southeastern coastal strips, and, thirdly, the kingdom of Kotte, embracing the lowland area of the west and southwest. The latter was undoubtedly the most important, and the king of Kandy was usually a relation of and tributary to the king of Kotte. These divisions of Ceylon became of considerable importance for the future administration of the Island, because the administrative arrangements in each developed differently. In Jaffna, for instance, the continental method of payment of a portion of the grain crop by way of tax persisted, while in the Sinhalese districts, aided no doubt by

the gradual removal of the court from the irrigated areas into areas where the same facilities for wet cultivation did not exist, a system of service tenures began to grow up, by which landholders had to perform services to the king, the landowner, or the temple. Some land was retained by the Government, the cultivator being paid a share of the produce. Other land was held on non-service tenure, the owners paying a portion of the crop to the Government, whilst the remainder of the lands were held on service tenures. These tenures are very complicated, and it is not possible to go into detail here, but the land tenure arrangements both in the Sinhalese and in the Tamil districts were carried over with certain modifications into the Portuguese, Dutch, and early British systems, and played an important part in the economy of the country.

Constitutionally the Sinhalese kings were absolute rulers, but in a country of poor communications the local chiefs had great authority, and often assumed more power than they were entitled to. In its earlier days the country was divided into three parts, the king having his court at Anuradhapura or Polonnaruwa, and having direct charge of the *pihiti rata*, or northern part of the island, and presumably over the *maya* or central area, while a sub-king had charge in the southern division, known as the *ruhunu*. The king is known to have had a council consisting of his chief officers on the one hand, and the governors and chiefs of provinces and districts on the other, but we do not know what powers and functions this body had. There were also local councils, called *rate sabhawas* in the districts and *gam sabhawas* in the villages, which performed a number of useful functions, including the voluntary settlement of disputes (where there was an appeal to the *rate sabhawa* from the *gam sabhawa*). Among the many things Parakrama Bahu the Great, referred to above, did for the benefit of his country appears to have been the reorganization of the administration, with chiefs in charge of the provinces and lesser dignitaries beneath them, probably having both military and civil jurisdiction, and with judicial functions also. The system appears to have provided for centralized as well as provincial government, for the chief men (the *adigars* and

disawas) had to attend the king, as well as being in charge of their provinces, and a system of itinerating officers grew up.

THE PORTUGUESE PERIOD

The foregoing is, in brief, the system the Portuguese found in operation when they arrived in Ceylon, and they adopted it with few modifications during their rule over the maritime districts. The Portuguese came to Ceylon in 1505 and established a factory in Colombo under a factor, with trading as their main object. In 1521 the kingdom of Kotte was divided among three brothers, and it was not long before the Portuguese were involved in quarrels between them. The port of Colombo was kept up largely for the maintenance of King Dharmapala of Kotte against his brother Mayadunne of Sitawaka. Dharmapala became more and more dependent on the Portuguese, and in 1580 he executed a deed of donation appointing the King of Portugal as his successor, and King Philip was actually proclaimed King of Kotte in 1597. The last phase of the Portuguese occupation began about this time, during which the Portuguese entered upon a career of conquest. They had already obtained possession of Jaffna in the north, and they extended their rule over practically all the area that had formed the original kingdom of Kotte, until there were only two powers in Ceylon, the Portuguese and the Kandyans.

One of the earliest actions of the Portuguese after the proclamation of Philip I was to call a convention of the people. This took place at Malvana, two deputies from each *korale* (chief headman's division) being present. The object of calling the convention was to consider whether it would be possible and desirable to introduce the laws and usages of Portugal, but after deliberation the deputies stated that they were attached to their old customs and laws, and desired that they should be maintained. Accordingly, during the period of Portuguese ascendancy, the administration was nominally the same as that obtaining in the days of the Kotte kingdom. The Viceroy of Goa was the head of the whole administration, with a captain-

Public Administration in Ceylon

general in charge in Ceylon, assisted by an officer in charge of the revenue, and by a judge. The Colombo area was divided into four provinces, each presided over by a *disawa*, who was in later times almost invariably a Portuguese, though in earlier times there were Sinhalese *disawas*. The provinces were divided into *korales*, each under a *korale vidane*, with revenue and judicial powers. The *korales* were divided into villages, each village or group of villages being under a *vidane*, who might be either a Portuguese or a Sinhalese. These arrangements sound well in theory, but in practice there was much abuse and oppression both by the Portuguese and by the Sinhalese officials, and there were many risings by the people against their tyranny.

One of the most important contributions of the Portuguese to Ceylon was probably the introduction of Christianity. The Franciscans came first, and afterwards the Jesuits, Dominicans, and Augustinians, who all obtained many converts in the Portuguese areas. The loyalty of these converts to the new religion was remarkable, as, although the Dutch did all they could to stamp out Catholicism, they did not succeed, and the results of the work of the early missionaries has remained to the present day. The Portuguese language was also very widely used and remained common even in the Dutch period, and up to recent times there were a few persons in Ceylon who spoke Portuguese. The Portuguese however did not add anything material to the administrative arrangements or to the legal systems.

THE DUTCH PERIOD

The Dutch were invited to Ceylon by the able and ambitious King of Kandy, Rajasinha II (1635-87), who had been brought up in the Portuguese tradition, and who spoke and wrote Portuguese, but who had not received from the Portuguese all he wanted. The Dutch were essentially traders and were known to have long coveted a share in the cinnamon trade. Rajasinha hoped to play off the Dutch against the Portuguese, and to obtain advantages for himself out of their quarrels. The coming of the Dutch led to many years of warfare, and they gradually

established themselves in the Portuguese areas, and ultimately, after a long siege in which the Portuguese showed much bravery, obtained possession of Colombo in May 1656. Jaffna was taken two years later. Rajasinha had expected that the forts and lands taken from the Portuguese would be handed over to him, but the astute Dutch did not do this, and, in his turn, Rajasinha did not pay the expenses of the Dutch as he had promised. The Dutch however were out for trade, and their practice was not to give offence to the Kandyans and even to put up with insults and wrongs in order to keep the lands they had conquered and to extend their trade, a policy in which they were generally successful.

The Dutch rule in Ceylon was, throughout, Company rule. The Dutch East India Company was formed in 1602 by the union of various provincial companies, and was granted a monopoly of the East Indian trade by the States General. The Company in Holland was organized into Chambers—in fact, it was a federation of the Chambers of Amsterdam, Middleberg, Rotterdam, Delft, Hoorn, and Enkhuisen, each of which provided a number of directors in proportion to its importance. Each Chamber fitted out its own ships and kept its own accounts. The supreme governing body was a 'Committee of 17'. In the East the highest authority was the Governor-General in Batavia and his Council. This Council was practically sovereign, and the Committee of 17 interfered little with it.

The highest local authority was the Governor and Director of the Island of Ceylon and its Dependencies. The Dutch possessions fell into three main sections or *commanderies*; Colombo, Galle with Matara, and Jaffna. The Governor had direct charge of the Colombo area, while Jaffna and Galle were in the immediate charge of a *commandeur*. These areas were to a large extent autonomous, having their own councils and keeping their own records, an arrangement which had the effect of retaining local customs and forms of administration, especially in Jaffna. The Dutch Company's administrative organization consisted of a number of services, i.e. the political, ecclesiastical, military, naval, medical, and the artisan (or technical) services.

Public Administration in Ceylon

The members of the political service also had mercantile functions, and were styled upper merchant, merchant, under merchant, writer, book-keeper, apprentice, etc. The Governor was assisted by a Political Council, at which all important matters were discussed and decisions arrived at. This Council consisted of the chief officers of Government and the principal heads of departments. The term *disawa* was retained for the chief provincial head, and in regard to provincial administration generally the old system of government which had come from the Sinhalese times through the Portuguese was retained. In the earlier Dutch days the *korales*, the larger divisions of the *disavony* (province), had two heads, the *mudaliyar*, assisted by *muhandirams* and *arachchies* in charge of the military levies, and the *korala* in charge of civil affairs. The Dutch Governor Falk altered this arrangement, and put the *mudaliyar* in charge of the whole *korale* and gave the minor headmen charge both of military and of civil matters. This was the arrangement when the British took over the Administration.

The main object of the Dutch was, of course, to obtain as large a revenue as possible for the Company. This revenue came very largely from Government monopolies, the chief of which was cinnamon. For this a separate department, the *mahabadde*, existed, and the Dutch used the system of service tenures to provide labour in this department and for other public works. As regards other monopolies, revenue was raised largely by 'farming' to the highest bidder, a system which sometimes led to considerable abuse and occasionally to riots. The Dutch servants of the Company were not very well paid, but were encouraged to engage in private trade outside the Company's monopolies. Ceylon was, next to Java, the most profitable of the Company's possessions, though the occasional Kandyan wars caused heavy expenditure. The Dutch Company's officers rigorously exacted dues and services, and none of the salaried appointments was given to the people of the country who, when they were employed in the Government service, were remunerated by grants of lands. But while looking well after the revenue, the Dutch authorities did not neglect

their responsibilities to the people they were called upon to govern. They introduced the Roman Dutch system of law, which even to the present day to a large extent forms the common law of the country. They started, under a scholarchical commission, a number of schools, which however had a religious character, although in the rural areas reading and writing in the vernacular was taught. They set up hospitals, a leper asylum and an orphanage and constructed canals near the west coast (which are still in use), and roads mainly in or near the towns. Many of their buildings, chiefly forts and churches, are among the country's most treasured historical remains. The people had the benefit of a good system of law, and shared in the advantages of stable government, and of the encouragement of industry and agriculture.

In 1766, some thirty years before the end of Dutch rule in Ceylon, after an expedition to Kandy in which both sides suffered considerable losses, the Dutch made a treaty with the King of Kandy, by which he recognized the full sovereignty of the Dutch over the territories they held, and in addition gave them sovereignty over other areas, including the whole of the remaining coast-line of Ceylon. The Dutch thus held at the end of their rule a much larger area than at the beginning. The Kandyans tried later to get this treaty modified, but did not succeed. The Dutch made considerable progress at this time, particularly in regard to agriculture. They established several Government cinnamon plantations, and encouraged the growth of cinnamon and other crops by the people: but this was the culminating point of their prosperity, and from now on a decline set in.

The Dutch ceased to be a first-rate Power in Europe, and events there and in the East made it necessary for them to employ a large and costly military establishment, including European mercenary troops. Financial arrangements fell into disorder: even the character of the servants of the Company began to deteriorate, and they were no longer as keen and energetic as they had once been. The British therefore encountered little opposition when, during the French wars, the Governor of Madras, acting on letters from the Prince of

Public Administration in Ceylon

Orange, who was then in exile in England, invited the last Dutch Governor of Ceylon, Van Angelbeek, to hand over the Island to the British in order to prevent the Dutch colonies from falling into the hands of the French. There was some hesitation on the part of the Dutch in Ceylon, and a show of opposition, but Trincomalee capitulated to the British in August 1795, Batticaloa in September, and Jaffna a few days later. Mannar fell shortly after, and the British proceeded down the coast, took Negombo, and crossed the Kelani river near Colombo in February 1796. Colombo capitulated on 15 February of that year, thus bringing the Dutch period in Ceylon to an end.

CHAPTER II

Administration by British East India Company

THE operations which resulted in the capitulation of the Dutch in Ceylon were carried out by troops of the East India Company under the command of Colonel (afterwards Major-General) Stuart. As each place was captured formal terms of capitulation were signed. At this time there were no British civilian officers available to take up duty, and Colonel Stuart gave careful instructions to the military officers he placed in charge of each place to look after the interests of the population, and they were given the necessary powers for this purpose. He himself from the start of the proceedings had civil responsibility as well as military, but it was only in March 1796 after the fall of Colombo that he was formally vested by the Government of Madras with 'a discretionary authority civil as well as military in the Island of Ceylon'. His correspondence with the Government of Madras shows that he was an able officer with a good grasp of the situation. He, however, was only in Ceylon until the end of 1796, and on 1 January 1797 he was succeeded by Major-General Doyle, who died on 2 July of that year. After a short acting period, Brigadier-General Pierre Frederic de Meuron succeeded, and held office till he was replaced by Frederic North, the first civil Governor of Ceylon. He commanded the Swiss mercenary 'de Meuron' regiment, which belonged to his brother the Count de Meuron and which was employed by the Dutch in Ceylon before the capitulation. Hugh Cleghorn, afterwards Chief Secretary of Ceylon, who knew the Count, had proposed that the British should take over this regiment, and the British Government had agreed. The arrangement was carried through just at the time that the British were engaging the Dutch, and was one at least of the causes why the latter put up a poor resistance. Pierre Frederic was an able man, who knew the Dutch language well, and who

Public Administration in Ceylon

had made a special study of Dutch customs. He was a man of a wide and statesmanlike outlook, and was very useful in Ceylon during the period in which he was Military Governor, and later Commander of the Forces.

During the period of two-and-a-half years of military rule, the Governor of Madras was responsible for the government of Ceylon; and the commanders of the forces, as the chief civil as well as military authorities in the island, corresponded with and obtained the instructions of the Government of Madras in matters relating to administration. It became evident quite early that some civil officers would be necessary, to take over civil duties from the military, and to establish a civil government. One Madras Civil Servant, Robert Andrews, was already in Ceylon, having been sent to Kandy as Ambassador to treat with the King of Kandy immediately after the capitulation of Trincomalee. He was appointed by the Government of Fort St George on 27 October 1795 to be Superintendent of Revenue, as well as permanent Ambassador to Kandy. On 12 February 1796 his appointment was altered to Resident upon the Island of Ceylon and Superintendent of all its Revenues. His principal assistant, who arrived on 3 December 1795, was appointed with the special purpose of investigating and collecting the revenues of Jaffna and Mannar and their dependencies. Two other Madras civilians were also sent to Ceylon, one to have charge of the Colombo and Galle Districts, and the other to take charge of the Trincomalee and Batticaloa Districts. Trade of course was a matter of great importance to the East India Company, and a Commercial Department was set up under a Commercial Resident, who was appointed on 6 March 1796. It was noted that his appointment was exclusively to have charge of the cinnamon and other spice transactions.

Robert Andrews, the Resident and Superintendent of Revenue, was a man of considerable ability and force of character, but extremely ambitious, and intolerant of authority. He was inclined to insist that his appointment as Resident in Ceylon made him the chief civil authority in the Island. He communicated direct with the Government of Madras, and ignored the

Administration by British East India Company

military government as far as he was able. This led to differences between himself and Stuart, and sometimes to difficulties in administration. For instance, in a letter to Fort St George of 7 June 1796, Stuart stated that he had told merchants in Ceylon that they could trade on the same terms as before, i.e. with the same import and export duties, and then he learnt from Robert Andrews that material changes were being made, which would affect the position. Stuart suggested therefore that all orders should pass through one and the same channel. This, however, was only agreed to to the extent that copies of all Andrews's correspondence with the Government of Madras would be sent to him. Further difficulties arose about judicial matters. The Dutch courts ceased to function when the British took charge, and Stuart authorized the local commanders to establish courts martial for the settlement of local disputes and the trial of cases. When the revenue appointments were made, the revenue officers claimed authority in all revenue disputes and even, it appears, in criminal cases. Colonel Stuart tried to arrange for the establishment of local courts to deal with civil disputes, but was unable to do so because of the unco-operative attitude of the Dutch. The matter was ultimately put right by an order of the Madras Government, which gave the collectors judicial and police powers, but until this was done there was considerable confusion.

At this point a very interesting experiment in administration was undertaken which had serious results in Ceylon, and which provides a useful lesson of the way in which administrative changes should not be introduced. This experiment would probably never have been undertaken had there been a strong central authority with power to give orders to all departments and officers, as it is clear that Colonel Stuart was opposed to what was done, but was unable to prevent it.

The appointments of Andrews and his assistants were intended to lead to the establishment of an administrative system in the Island, and this they set about doing at once. Andrews and his assistants had been brought up in the traditions of the Madras service, and did not know much about Ceylon condi-

tions. As has been explained, while in the north the Tamil traditions in administration followed fairly closely the south Indian, in the Sinhalese districts this was not the case, as they had evolved their own traditions with regard to such matters as land tenure, provincial government, etc., and these systems had been closely followed by the Dutch and the Portuguese. In the Sinhalese districts the local chief headmen (*mudaliyars*) and the minor headmen held much of their land from the Government as remuneration for their services, while the ordinary people generally held theirs on service tenure, i.e. they did not usually pay a tax or rent in money or kind, but gave personal service to the Government. The *mudaliyars* and other headmen under this system had great authority personally, which may have been abused, but which was well understood.

Soon after Andrews had assumed office he decided to abolish practically all the local arrangements, and to introduce in their place the Madras system. It was obvious that reliance could not be placed on the headmen to work this new system, so he applied to Madras, and a number of Madras officials were sent to Ceylon to inaugurate it. The *mudaliyars* were replaced by *amildars*, and the minor officials by other Malabar (Tamil) headmen, peons, clerks, shroffs, etc. These were Government officers, but they were followed by great numbers of south Indian adventurers, not in the services, who hoped to obtain the farms of the revenue, or work for the farmers of the revenue, or otherwise profit from the new arrangement. The *amildars* set up *kachcheries* (a word which became common in Ceylon as the office of the chief civil authority of the district or province) and took over the functions of the *mudaliyars*. This occurred not only in Colombo, but in all the areas in Ceylon subject to British rule; in Jaffna, Mannar, Mullaitivu, Trincomalee, Batticaloa, Kalpitiya, Puttalam, Galle, and Matara. Andrews followed this up by substituting the Madras taxation system for the Sinhalese, for example, by doing away with service tenures, and taxing paddy lands by requiring payment of half the produce, and by putting a tax of a silver fanam (one-twelfth of a rix-dollar) on all coconut trees in plantations of over fifty (these had pre-

should take charge of affairs, so that, besides being President of the committee he was the Military Governor. In the letter of appointment of the committee, the Government of Madras ordered the abolition of the coconut tax, and also ordered that no Malabar was to hold any Government farm in future. Making full use of these decisions, de Meuron adopted a very conciliatory attitude towards the rioters. He was partially successful, but was unable to prevent interference from Kandy, so that the troubles continued for some time, and it was not until early in 1798 that the country could be said to be tranquil. The committee meanwhile had made recommendations on a number of matters which involved a return to the old arrangements before Andrews's reforms, and these were agreed to by Madras—in particular, the restoration of the *mudaliyars* and the discontinuance from service of all 'natives' who were not 'natives' of Ceylon.

The committee did not itself make a report on these matters, but the following extract from a minute dated 18 February 1798 by Lord Hobart is interesting:

... The authority thus vested in the moodliars [*mudaliyars*] has created an influence which the Superintendent of Revenue was apprehensive might in its operation not only prevent his obtaining a thorough acquaintance with the resources of the country but be the means of entirely undermining his own authority.

It therefore became an object with him to diminish that influence. Without discussing the policy of the attempt, I can have no difficulty in condemning the principal measure resorted to for its execution, viz., the employment of Malabar servants from the coast, first because they were ignorant of the customs, languages and prejudices of the people and consequently liable even with the most contrary disposition, to offend them; and secondly because the transfer of authority from the moodliars, whose caste and persons have always been held in veneration, to the natives of a foreign country was itself a pregnant sense of its discontent to an unenlightened and prejudiced people.

This attempt to introduce into Ceylon Indian administrative methods and Indian officials failed because sufficient account was not taken of the influence of local customs and procedure on the minds of the people, just as it failed because of the

ignorance of local customs and languages and the rapacity of the people who were brought in to administer the new system. The new arrangements were not only drastic and alien and quite inopportune, but they were brought in with great suddenness, and without adequate preparation. They were consequently doomed to failure from the start. From this time on, Ceylon developed administratively and constitutionally with greater regard to its past and existing conditions, and in particular its development proceeded independently of India. This is particularly interesting in contrast with conditions in Burma, where some years later the Indian administrative system was introduced and was retained.

While all this was going on, de Meuron's committee of investigation continued to meet. The original orders made it clear that the intention was that it should be a committee for obtaining information, and this aspect of its work was never lost sight of. The investigations into Dutch methods, etc., were carried on by de Meuron personally, and his report to the committee is one of the best records we have on the subject. The committee however developed into much more than a committee of investigation. At its first meeting a long letter from Lord Hobart was read, offering observations, and asking for its advice on such matters as revenue, administration of justice, commerce and relations with the Kandyan kingdom. This letter is of particular interest because it definitely suggests that preference be given to the 'native Cingalese' where that preference can be admitted without material loss to the revenue receipts. In reply the committee prepared and sent a sketch of a revised administrative system for the districts. This sketch, which was accepted by Madras, included the restoration of the *mudaliyars*, *muhandirams* and *arachchies*. The *mudaliyar* was to be the chief magistrate of each *korale*, and was to take cognizance of and determine in the first instance all disputes and civil causes which may arise between the native inhabitants, or between them and the farmers of the revenue (the latter to be decided when possible by reference to the *Thombos* (Dutch register of persons, with their lands, service obligations, etc.) on the one hand, and the terms

Public Administration in Ceylon

of the *Cowle* (agreement for the farm of the revenue) on the other, adverting in all cases to the long-established uses of the country where such usage is not contrary to the more recent orders and regulations of Government'. The *mudaliyar* was to be the channel of communication for all orders of Government—'except where these are on the subject of revenue', and was to be held responsible for the policing and good order of the district in which he presided. In addition to the above scheme for headmen, the committee recommended a return to service tenure in a modified form, in place of the new scheme of demand of half the crop on lands. The schemes, though accepted by Madras, were not all actually promulgated, as the appointment of Frederic North as Governor intervened before this could be done, but they laid the foundation for the future administrative policy. *Mudaliyars* were appointed at once, but this led to a final dispute with Andrews, who claimed that these appointments were a matter for him. This claim was refused by the Madras Government, and Andrews more or less left the committee after this, and was not present at further meetings.

There was a further development as regards this committee, which is of administrative and constitutional importance. The Madras Government began to refer certain matters to it, particularly in relation to farms of the revenue, for its decision, and the Committee thus became in a small way, it is true, a kind of Council of Government, and so the forerunner of the Governor's Councils under North and subsequent Governors.

Thus, during the two-and-a-half years of military rule under the Government of Madras, notwithstanding some very serious mistakes, for which however the military governors cannot be held responsible, a foundation was laid for the future administrative structure, and it became clear that that structure should be a development of the older systems which had been in force in Ceylon, rather than an importation from the continent. It was on this basis that the Crown Colony system was established and grew.

The maritime provinces of Ceylon, as taken over from the

Administration by British East India Company

Dutch, were at this time very undeveloped materially. There were some good buildings in the towns, and wide streets well laid out and shaded with trees, and the Dutch had evolved a very comfortable and cool type of bungalow. The suburbs of the towns, with their markets and native business places, were also fairly well looked after, and connected by roads, but outside the towns and their suburbs roads were practically non-existent, though open tracks, which were kept clear of jungle and other growth, connected the chief towns. Trincomalee was a splendid harbour, and was much used for defence and general naval purposes, but it was too far away for commercial use. Galle had a good natural harbour, but Colombo, the chief town, had simply an open roadstead, which could only be used at certain times of the year. The Government continued the Dutch monopolies, the chief of which was cinnamon, and had a number of plantations, though much was collected from privately owned lands. The British possessions stretched right round the coast, with the Kandyan kingdom in the centre, so communications were difficult. There was no road to Kandy, and no roads through the Kandyan country which were available to travellers from one part of the British areas to another. The Kandyans were not friendly, and were liable to take advantage of any unrest in the British areas to stir up further trouble, and the Dutch inhabitants who had remained in Ceylon were not at that time co-operative except in a few instances, as, for example, the late Governor, Van Angelbeck. The unhelpful, and, in fact, antagonistic attitude of most of the Dutch, prevented the reopening of courts of justice, and except for justice dispensed by the *mudaliyars*, and some cases taken up by the *kachcheries*, administration had been practically suspended.

Currency matters however had received attention. The Dutch had left these in bad order. The condition of the Company had, as stated above, been deteriorating, and, towards the end, paper money had been introduced. This money was however, on certain conditions, guaranteed by the British Government at the capitulation. A proclamation of 29 May

Public Administration in Ceylon

1796 established that all receipts and payments of Government should be calculated in rix-dollars, Ceylon currency, at the rate of forty-eight Dutch doodies or stivers per rix-dollar, and permitted circulation of Dutch copper doodies or stivers at this rate. It also ordered that British copper in Ceylon should circulate, the large as one Dutch doodie, or stiver, and the small as one half. The star pagoda was also recognized at 180 Dutch doodies or stivers. The currency though somewhat confused, was more or less settled for the time being, but Stuart had expressed himself concerned that the balance of trade was even more against the Island than in the later Dutch days, and recommended as a remedy the opening of trade to private merchants who would exchange the produce of the Island for foreign commodities. A nucleus of an administrative service existed in the Madras British officials in the Revenue and Commercial Departments, who were beginning to settle down to local conditions. This was the position in Ceylon when North arrived to assume the Governorship.

CHAPTER III

Ceylon a Crown Colony

THE first phase of British rule in Ceylon ended with the appointment by the Crown of a Governor of Ceylon. This appointment however did not mean that Ceylon was at once separated from India and from the East India Company. When the British captured Ceylon from the Dutch it was not certain what the future would be, but circumstances soon made it clear that the British would wish to retain the Island at the peace, particularly in view of the importance of the harbour of Trincomalee in the defence of the Indian Ocean. The question of future government depended of course very largely on whether it was intended to retain the Island permanently, and if so what its position in the Empire would be. As soon as the way became clear, the British Government decided that Ceylon should have a separate Government, and should no longer be regarded as an appendage of Madras. This could not be accomplished in full at once, as the East India Company had spent money on the acquisition of the Island, and they desired to retain its trade, particularly in cinnamon, and to have some share in the administration. The appointment of a Governor was made before these matters were finally settled. The choice fell on the Honourable Frederic North, a son of the Earl of Guildford, who had had previous colonial experience as Chief Secretary of Corsica. He arrived in Ceylon on 12 October 1798, and at once took his oaths as Governor before Brigadier-General de Meuron. The oaths of office included an oath of fidelity to the 'Hon'ble the United Company of Merchants of England trading to the East Indies'.

North's period of Governorship in Ceylon falls into two distinct parts. From his assumption of office until 31 December 1801 he was subject to the authority of the Governor-General and of the East India Company; from 1 January 1802 Ceylon

Public Administration in Ceylon

became a full Crown Colony, and the Governor came directly under the Secretary of State in England. The first period was obviously a compromise one. The Governor's position was indicated in the King's Commission and in the King's Instructions to the Governor. These stated that Ceylon was within the limits of the exclusive trade of the East India Company and so was placed 'as far as circumstances permit' under the direction of the Company, especially as regards commercial intercourse. The Governor was directed to correspond with the Court of Directors, and with the Secretary of State through the Court, and to obey the orders of the Court, or of thirteen or more of the Directors, or of the Secret Committee of the Court, or of the Governor-General of Fort William (Calcutta) in Council. But he was to have all powers of government 'as well civil as military', and public acts and judicial proceedings were to be in the name of the Governor. He was enjoined in financial arrangements to follow the practice of the 'late Government' (i.e. the Dutch) for the present, but the revenue was to be placed under the jurisdiction of the East India Company 'for the maintenance of government and benefit of the said settlements and otherwise', but he was enjoined to consider the introduction of early improvements in the manner of raising revenue.

The Governor had no Council to assist him, and he was subject to the same supervision and control by the Governor-General of India in Council as was exercised over the Presidencies and other Governments in India. In another of his instructions the Governor was asked to employ Madras Civil Servants in the administration of the Island, this being part of the scheme for general Company control.

It was soon obvious to North that this form of government was not satisfactory, and he explained his difficulties by letter to the Court of Directors, and to the Governor-General, and in personal discussion with the latter, whom he met in Madras. The position was appreciated, and a new Commission to the Governor and new Instructions were issued on 18 February 1801, which had the effect of creating Ceylon a Crown Colony, independent of the Company and of India.

The changes involved naturally needed time before they could be put into operation, and the new arrangements came into force on 1 January 1802.

North however did not wait for the new Constitution before getting on with schemes for the organization of the Government and for improving the administration and instituting a legal system. He brought out with him from England eight officers, some experienced persons who could be put at once into positions of trust, and others, junior officers who started as writers in the various Government offices. The first appointment to be made was that of Hugh Cleghorn, as Secretary to Government and Keeper of the Records, (also, and usually known as, the Chief Secretary). A Deputy Chief Secretary was then appointed, and two of the officers who had come from England were appointed to be First and Second Secretaries respectively. This establishment was added to by the appointment of two more assistants obtained from Madras, and by the appointment of a Secretary for the Political and Secret Department of the Secretariat. There was thus established a complete and well-staffed central office of Government, which remained in full being up to the introduction of the Donoughmore Constitution in 1931, while the Chief or Colonial Secretary's office continued in being until the introduction of the Soulbury Constitution in 1947. The Governor himself was Treasurer, but a Treasury staff was necessary, and a suitable officer was obtained from Madras to have charge of the newly created and important offices of Auditor General and Accountant General.

One important matter in regard to administration, the organization of provincial administration, occupied the attention of the Governor from the time he arrived in the Island. He found Robert Andrews¹ in charge of a Revenue Department by virtue of his appointment as Superintendent of Revenue by the Government of Madras. It was clear that the post was now unnecessary and could be abolished with advantage, and on 28 October 1798, only about a fortnight after his arrival in the

¹ See p. 12.

Island, the Governor informed Andrews that it was his intention to do this. He also made it clear that he considered the office of fixed Ambassador to Kandy unnecessary, it being his opinion that an ambassador should be sent only as required on a specific mission. Andrews accepted the hint, and resigned on 4 December, and both posts were abolished from that date. The three collectorships which had been in operation under Andrews were retained, except that Galle and Colombo were made separate divisions, the number of collectorships being increased to four. Each of the collectorships was made into a separate department. A reorganization was made shortly afterwards of the Commercial Department, which became a Cinnamon Department under Joseph Joinville, one of the officers who had come out with North. He was a naturalist and scientist, and took special interest in agriculture and horticulture, and was responsible for the first botanical gardens in the Island. A postal service which had been established under the Military Governors was developed. There were five post offices: Colombo, Galle, Mannar, Jaffna, and Trincomalee, served by *tappal* (postal) runners. Another post that was retained and was incorporated in the general administrative arrangements was that of Commissary of Grain and Provisions, a position of importance, as a large part of the rice consumed in the Island was imported, especially in years of drought.

This was the general administrative set-up during the early years, when Ceylon was still connected with the East India Company.

One of the most important and difficult matters which awaited North on his arrival was the administration of justice. The position was most confused, and it would not be far from the truth to say that the administration of justice had broken down almost completely. The Dutch had had a very complete and complicated system of law and law courts. When the British took over, the courts all closed, with the exception of Civil Courts in respect to civil suits pending at the time of the capitulation. These courts were to remain in being for twelve months to decide these suits, but no new cases were to be under-

taken. Stuart's arrangements for dealing with criminal cases were only temporary. North's first attempts to establish Civil and Criminal Courts were not successful, mainly because the old Dutch judges refused to take the oath of allegiance, and the lawyers advised that 'the appointment of any person to any office, of trust or profit who refuses to take an oath of allegiance cannot be justified in point of law'.

The position was met as far as it was possible to do so at the time in the following manner. First, on 28 January 1799 a Fiscal¹ of the fort and town of Colombo was appointed, with powers of arrest and restricted powers of punishment, and powers to inquire into serious crime. Then a curious arrangement was come to in regard to other places, which North describes as follows in a letter to his legal adviser: 'In criminal matters the Dutch prisoners of war who sit as judges (for they are not regularly bred lawyers) consent to investigate each case and to report to me, declaring at the same time the Dutch law with respect to it, but leaving it to me to pronounce sentence and order execution.'

As a next step, Courts of Appeal were instituted. There was a greater Court of Appeal set up in terms of the Royal Instructions, consisting of the Governor, the Commander of the Forces, and the Chief Secretary, which heard appeals in cases above £200, and a Lesser Court of Appeal appointed on the Governor's authority, consisting of the Governor, the Commander of the Forces, the Chief Secretary, and two others, to hear appeals exceeding £50, or 500 rix-dollars, and from *Landraads*² exceeding £30 or 300 rix-dollars.

These arrangements, which must have been very confusing at the time, were clearly leading towards the creation of a judicial system based on English practice, and this is in fact what happened. Two proclamations, dated 23 September 1799

¹ The term 'Fiscal' had in Dutch days a legal and judicial rather than a financial connotation. It was used in the same sense in early British times, and the term still survives in the office of Fiscal, which is now the official designation of the officer entrusted with the duty of giving effect to orders of Court.

² Civil Courts dealing with litigation concerning land among the 'native' population.

and 14 October 1799 respectively, established a Supreme Court of Criminal Jurisdiction. The Court consisted of the Governor as President, the Commander of the Forces, the Chief Secretary, and three others. On circuit the Collector of the district was added. There was an appeal to the Privy Council in cases of fines of over £100. To try civil cases, the old Town Courts and *Landraads* were revived. Fortunately, in the changing circumstances, the Dutch officers began to express their readiness to take the oath of allegiance, thus enabling minor civil courts to be established. The Supreme Court opened its Sessions on 6 December 1799.

The problem of the establishment of minor Criminal Courts was solved by the creation by a proclamation of 20 June 1800 of what were called Fiscal Courts. They were composed of a President bearing the title of Fiscal¹ and two other members. They had powers of punishment up to a fine of fifty rix-dollars or one month's imprisonment, or forty lashes. The Courts were also given a minor civil jurisdiction, and by February 1801 their powers of punishment had been increased to the award of a fine of 500 rix-dollars, four months' imprisonment, or 250 lashes.

One of the main interests of the middle period of North's Governorship—from the time he returned to Ceylon after discussions at Madras with the Governor-General of India, until the inauguration of the new Constitution—centres round his difficulties with his staff. It is not easy to apportion the blame for these occurrences, which had a very disturbing effect upon the administration. North received very little assistance from many of the Madras officials, who adopted an attitude of tacit opposition to him and to his measures. No doubt they disliked the new form of government and its restraints. During the time when Andrews was Superintendent of Revenue an easy-going laxity of behaviour, often amounting to open corruption, prevailed among many of his officers, and they resented the change of affairs when the new Governor took office, and the discipline he attempted to impose on their conduct. Some at least of the blame must also go to North himself. He, though possessing

¹ See footnote on page 25.

great charm of manner, was given to violent prejudices for, and against, his officers, and in fact he seems to have suffered from some form of persecution mania. He did not make things easier by the strong and often vitriolic language he was accustomed to use in his correspondence about those who he thought were working against him. The system of administration of the time, however, is probably as much to blame as anything else. The Secretary of State had little authority over the Governor; the Company interfered very little, and there is no indication of any real control being exercised by the Governor-General in Council. The Governor had no Council at the time, and was practically a law unto himself. This form of government was unsuited to the Island, and it was all to the good that it lasted for only a short time. The Chief Secretary, Hugh Cleghorn, who was at first the Governor's chief confidant, was among those who came under suspicion. The Governor suspected that he had yielded to the influence of the Madras officials led by Macdowall, the deputy Chief Secretary. He was suspended in connexion with irregularities which had occurred in regard to the Pearl Fishery of 1799, and following his suspension, he retired from the service in 1800. Others who fell into trouble at the time were the deputy Chief Secretary just referred to, who was dismissed for 'offensive and impertinent' behaviour; the Collector of Trincomalee, for 'overbearing conduct and illegal actions' and for quarrelling with the Commandant of the place; the Commandant and Officer-in-Charge at Mannar, who was dismissed, also in connexion with the Pearl Fishery irregularities; and the Commissary of Grain and Provisions, who was charged with irregularities in connexion with his duties, and resigned his post. After these dismissals and resignations there were for a time few senior officers left in whom the Governor had confidence. This unsatisfactory state of affairs lasted until the end of 1801.

A new King's Commission and new Royal Instructions were issued on 18 February 1801, but as they took effect from 1 January 1802 the Constitution set up by them is usually known as the Constitution of 1802. Its inauguration marked the

opening of the second part of North's Governorship. Before the new Constitution came into force, the Governor received despatches containing detailed instructions and advice ranging over the whole field of governmental activities. The earliest of these despatches, and the first of a long series which, in fact, continued until the attainment of Dominion Status by the Island in 1948, is from Secretary of State Dundas, dated 31 March 1801. The despatch opens with a general statement of policy:

To afford protection and a due administration of Justice to His Majesty's subjects in Ceylon, and in proportion as we add to their prosperity, to enable them, with more ease to themselves to contribute effectually to the support of a Government which, guided by these views cannot fail, while it conduces to the happiness and improvement of the inhabitants, to ensure their attachment, and to promote the general interests and strength of the British Empire.

The first section of the despatch is devoted to legislation and civil government. It states that the power of legislation must remain vested in the Governor alone, subject to confirmation or rejection at home. The Secretary of State however advised that the Governor should create a Council 'to give more solemnity and perhaps more satisfaction to those liable to be regulated' for consultation on important legislative and executive matters and for promulgation of acts and measures. The members were not to have authority to carry a motion against the Governor, but could minute a dissent. It was suggested that the number should be not more than five, including the Chief Justice, the Commander-in-Chief, and the Principal Secretary. North accepted this advice, and set up a Council, though he only included in it the three officers mentioned above. The first meeting of this Council took place on 4 February 1802, and regular meetings were held thereafter for the discussion of important matters. Though the Council had no statutory functions, it became an important part of the governmental machinery, whereby the Governor was able to get the views of his principal officials. A charge made at a later stage that the members merely echoed the views of the Governor

and never opposed them was indignantly denied, and it was claimed that at the meetings there was freedom of speech and discussion. The Council developed into the Executive Council of a later date.

The Administration of Justice formed the subject of a Royal Charter, dated 18 April 1801. This Charter was entrusted to the care of Sir C. E. Carrington, who had been created the first Chief Justice of Ceylon. The first Session of the New Supreme Court started on 12 February 1802. The main features of the Royal Charter were the creation of a Court of Record to be known as The Supreme Court of Judicature in the Island of Ceylon, in place of the existing Supreme Court of Criminal Jurisdiction. The Court was to consist of a Chief Justice and a Puisne Judge, who were to be English or Irish barristers of not less than five years' standing. The Court was to have direct or supervisory criminal jurisdiction throughout the maritime provinces, and civil and equitable jurisdiction over all persons within the town and fort of Colombo and over all Europeans in Ceylon. The Charter set up a Court of Vice-Admiralty, and in place of North's Greater and Lesser Courts of Appeal it established a High Court of Appeal consisting of the Governor, the Chief Justice, the Chief Secretary and the Puisne Judge, or any two of them, provided the Chief Justice was one where the subject-matter of the case was above £200 in value, and the Puisne Judge one in other cases. Appeals to the Privy Council were provided for both from the Supreme Court and from the High Court of Appeal.

In regard to the administration of justice, Dundas's despatch of 13 March 1801 stated that the Dutch institutions were too numerous and complicated, and this defect was aggravated by the 'necessary incapacity' of those who administered it by lack of education or legal knowledge; so it was a matter for congratulation that they refused to take the oath. It was for this reason North had taken the administration of that justice into his own hands, and the Royal Charter followed generally his proclamation of 23 September 1799. The despatch explained the objects of the Charter as being to prevent

Public Administration in Ceylon

recurrence of the embarrassments which the Governor had found to impede the functions of justice on his arrival in Ceylon, and to preserve inviolate to the 'natives' in the Island their local habits, their ancient tenures, distinctions and religious observances, and to secure to all classes of the people the protection of the laws.

Another new and important appointment in connexion with the administration of justice was made about this time; that of Advocate-Fiscal (with duties similar to those of the later Attorney-General). As regards minor courts, the *Landraads* were to remain, but the arrangement was not found suitable, and within a few months six Provincial Courts, with Civil Servant Presidents, were set up in their place. The Fiscals' Courts remained, but without their civil side. These were shortly afterwards renamed Courts of the Justices of the Peace, and the judge who sat was called the Sitting Magistrate. The Secretary of State refused to agree to a proposal that they be paid for their services except in the case of the Sitting Magistrates of Colombo and the Pettah, which were full-time posts. In the other cases the work fell on the provincial judges and the collectors. It was the Secretary of State who insisted on Civil Service judges, who, he said, had been successful in India, though the Governor had proposed professional judges. The arrangement by which the judges or the greater part of them (not the Supreme Court judges) and the magistrates were chosen from the Civil Service remained in force until quite recent times.

Another effect of the introduction of the new Constitution was the definite establishment of a Civil Service for Ceylon. This may be said to have started with the eight officers who came out with North. Twenty-four more Civil Servants were selected by the Secretary of State and arrived in Ceylon in September 1801. As in the case of the earlier officers, some of the new Civil Servants were experienced men who were able to take up senior posts, and some were young men just starting their careers. The most senior of all was Robert Arbuthnot, who came out to take up the post of Chief Secretary. The men

seem to have been personally selected by Dundas, the Secretary of State, and many of them proved able. Several amongst them were men who besides being good administrative officers took a great interest in the languages and customs of the Island. The Secretary of State's instructions were that the Governor should use their services at his discretion to fill posts for which they were qualified, and they were distributed accordingly. North was pleased with the men, though he had something to say about the Secretary of State's patronage. The Secretary of State from this time took a great interest in the Service, and laid it down that all appointments must be made by him. The Governor had made some local appointments himself, and though the Secretary of State rather grudgingly permitted the officers so appointed to be included in the strength of the Service, he made it clear that this practice was to cease.

The inauguration of the new Constitution was accompanied by important administrative changes. These fall generally into three parts, the first relating to customary services, the second to provincial administration, and the third to the registration and ownership of land. As indicated, the performances of customary services was the basis of the ancient economy of the country. These services were either tenurial (i.e. related to the holding of land, whether personally or as remuneration for services performed for the Government) or were special services performed by members of particular castes, such as the cinnamon peelers, or were customary and universal services due from all inhabitants; the repair of paths, the clearing of village compounds, etc. It has been noted above that the conversion of service tenures into a tax of part of the produce of the land was one of the main causes of the troubles of 1796 to 1798, and that service tenures were restored just before North became Governor and were at first retained by him. He, however, began to entertain doubts about the whole system of compulsory services, and as early as 1800 issued a proclamation which made provision for the optional commutation of service tenures by a payment of a tax of one-tenth of the value of the crop on high lands and one-fourth on low paddy lands. In

addition he abolished the headmen's *accommodessans*, or grants of land in payment for their services, and substituted fixed salaries (or fixed allowances) in the case of the senior headmen, and a share of the local taxation in the case of minor headmen.

The latter changes to compulsory commutation were made without reference to the Secretary of State who had favoured gradual commutation. This led to a despatch in which the Governor was taken to task for his action, the Secretary of State stating that he wished the steps taken for the abolition of service tenure and *accommodessans* had been postponed to a later date, for, he added, he feared that without the incentive of service the people would not work, and he also feared the effect it would have on the *mudaliyars*, whose prestige would be lowered. He withdrew his criticism of North, on his assuring him that the scheme was working well, but the next Governor was so critical of the whole matter that he went as far as he could to reverse it, and, though he could not withdraw the proclamation, he adopted a policy of allowing it to become as much as possible a dead letter.

In his attempt to set up a system of registration of land, North made a determined attempt to solve the problem of divided and joint ownership. Again his scheme did not meet with success, and was later dropped, but it had importance from the point of view of administration, as it resulted in the establishment of a Survey Department, a Surveyor-General, with five Dutch assistants being appointed. This was one of the first instances in Ceylon of the setting up of a technical department for special work. The first Surveyor-General was Joseph Joinville,¹ one of the officers who accompanied the Governor to Ceylon. Although a Civil Servant, he was, first and foremost, a scientist, and had been chosen in this capacity for scientific work in Ceylon.

The question of the grant of lands to Europeans and Ceylonese² was taken up at this time. A proclamation of 3 May 1800

¹ See also p. 24.

² The term 'Ceylonese' was used in Ceylon to include persons who were domiciled in the Island, and who regarded Ceylon as their permanent home. A Ceylon

permitted grants not exceeding about ten acres to 'natives' on certain conditions regarding tax, on the proof of capability of bringing the lands into cultivation. The policy as regards Europeans was definitely to refuse any grants. They were not even allowed to reside in the settlements outside Colombo. The Secretary of State's despatch of 13 March 1801 stated that in order to help India, '... it is His Majesty's pleasure that you should not permit any European whether alien or British subject, nor any American to reside within the settlement of Ceylon unless he belongs to the Civil or Military Services either of His Majesty or of the East India Company, or unless he have obtained a license from one of His Majesty's Principal Secretaries of State to reside there, and have caused himself to be registered in the Secretary's office as a person so registered'. These arrangements however did not apply to the town, fort, and district of Colombo.

In regard to provincial administration, North, as early as 1801, had come to the conclusion that the previous arrangement he had made (that there should be four Collectors, each in separate charge of his own area) was not working satisfactorily, mainly owing to the fact that he had no experienced officers to take charge in the districts and sub-districts when vacancies occurred. He therefore set up a Board of Revenue and Commerce, with the Chief Secretary as President, and with five other senior officers as members. He abolished the Collectorships, and appointed instead Agents of Revenue and Commerce to the different districts. Jaffna was given a special position in view of the standing of Lt-Col Barbut, the Collector, who was appointed Commissioner Extraordinary of the northern districts. In two other cases, in Batticaloa and Magampattu, the local officers were given the title of Resident with slightly higher emoluments. The Superintendent of the cinnamon gardens and the Surveyor-General were placed under the Board. The Secretary of State after a short time sent out a

descent on one side at least was generally regarded as necessary. The term thus covered Sinhalese, Ceylon Tamils, Burghers, Ceylon Moors, and others who had a Ceylon domicile. It should not be confused with 'Sinhalese'.

Public Administration in Ceylon

special officer to take the place of the Chief Secretary as President of the Board. On the introduction of the new Constitution the Board was re-constituted as the Board of Revenue, and consisted of the Chief Secretary as President, the Vice-Treasurer, the Accountant-General and the Paymaster-General. The previous President was made Vice-Treasurer, there being a vacancy at the time, and so retained his position on the Board. These arrangements however did not prove altogether satisfactory, and in 1803 the posts of the Agents of Revenue and Commerce were changed into six Collectorships, and a new Board of Revenue and Commerce was substituted for the Board of Revenue.

The principal officers in the Establishment at this time were the Governor (who was also Treasurer), the Chief Justice, and the Puisne Justice, the Chief Secretary and the Deputy Secretary, the Vice-Treasurer, the Paymaster-General, the Accountant-General and the Auditor-General, the Presidents of the Colombo, Jaffna, and Matara Civil Courts, the Superintendent of the Cinnamon Plantations, the Secretary to the Board of Revenue and Commerce, and the Collectors at Colombo, Jaffna, Matara, Puttalam, Trincomalee, and Batticaloa.

These were Civil Service appointments, but several technical appointments were made about the same time. One was that of Mr Christie to be head of the Medical Establishment of Ceylon. It is likely that military medical officers performed certain civil duties before this, but it appears correct to date the start of the Medical Department with the appointment of Mr Christie in 1803.

The Public Works of the Island had likewise been looked after by military officers, but in March 1802 the Secretary of State sent out the first Civil Engineer. Two years later the post was combined with that of Surveyor-General, and the two departments for many years were worked jointly.

A Senior Chaplain was appointed to Ceylon in 1803, in which year the Chaplain of the Garrison was appointed Inspector and Principal of Schools. This was scarcely the formation of an Education Department, but it was the first step in that direction.

One further development in the formation of the administrative service is of importance here. A despatch of 8 February 1803 directed the creation of a pension fund for the officers specified in the despatch, which included nearly all the sterling-paid officers. The fund was made up of a deduction of 10 per cent from the salaries of the officers, and of another 10 per cent added by the Government. The pension was based on proportionate service, and was allowed after eight years in the superior grades, and twelve years in others. The amount of the pensions ranged from £700 in the case of the Chief Secretary, to £400 for junior officers. Provision was also made for furlough of two years where residence amounted to twelve years, with pay at the rate of £300 a year while on leave.

The last year of North's Governorship was marked by a series of unseemly quarrels between the Officer Commanding the Troops and the Supreme Court, in which the Governor inevitably became involved, but seemed powerless to bring about a settlement. The General was undoubtedly in the wrong, and the Governor reported his conduct to the Secretary of State, who sent a stiff despatch, condemning conduct of this nature, and giving instructions which were intended to prevent any recurrence. The next Governor, who was a soldier, was also appointed Commander-in-Chief and so had authority over the troops.

By the time North relinquished the Governorship the administration had been placed on a fairly stable footing, and many of the later departments of Government had at least made a start in life. It was very much a period of experiment, in which personal feelings played a prominent part. It came to be recognized that at that stage of development, the Governor's authority was all important, and yet the need for deliberation and consultation in the exercise of that authority had begun to be recognized by the institution of a Governor's Council. For these reasons the period is especially interesting from the point of view of the history of the administration.

It is not possible to follow the administrative history of the period without some understanding of the relationship between

the British Government in Ceylon and the Kandyan kingdom, and a brief reference to Kandyan affairs must be made. The British inherited the problem of Kandy from the Dutch. In the early days of British rule relations were, outwardly at least, friendly, though there is no doubt that the Kandyans encouraged the 'rebels' in the outbreak of 1796-7. Kandy itself was dominated by a struggle for power among the chiefs. The most prominent of these at the time was Pilima Talawuwa, the First *Adigar*, or Chief Minister. The King, Rajadhirajasinha, died in 1798 without issue, and through plotting on the part of Pilima Talawuwa a young, and at that time inexperienced man, a somewhat distant relative of the late King, was chosen as his successor. He assumed the name of Sri Wikrama Rajasinha. Pilima Talawuwa now had his opportunity, and he commenced plans which apparently were intended to gain the throne for himself. He realized that the position of the British in Ceylon would be an important factor, and he started a series of intrigues with the object of bringing about British interference in Kandy, which he hoped to turn to his own profit. He however made at least one big mistake—he misjudged the character of the new King, who, instead of being a puppet in the hands of his Chief Minister, grew in power, and became more and more unscrupulous in the use of it. Pilima Talawuwa was more than a match for North, and he succeeded in his object of embroiling the British in Kandyan affairs, with the result that war became inevitable, and in 1803 a British expedition was made, to occupy Kandy. The campaign that followed was disastrous in every way. The Kandyans adopted their usual jungle tactics, which proved very successful, as the way to Kandy was through hilly forest country, with no roads other than narrow tracks. The commissariat department broke down, and fever added to the general confusion. It is true that a British column reached Kandy, and put a rival to the King, one Muttusamy, on the throne; but General Macdowall, who was in charge of the campaign, found that he could not keep his troops there during the rainy season, and he left for Colombo, leaving a small garrison of European and Malay troops in Kandy. Various

negotiations with Pilima Talawuwa now went on, but the Kandy garrison reached a critical position. The Commander, Colonel Barbut, who had done extremely good work in Jaffna, where he had had civil as well as military charge, died of fever on 21 May 1803. His successor, Major Davie, struggled against a position which was becoming impossible. On 24 June the Kandyans attacked, and he found himself in a position in which he had to surrender to Pilima Talawuwa, who promised safe conduct to him and to Muttusamy who accompanied him, to Jaffna. Before they had gone far from Kandy however, at a village called Watapuluwa, where the track crossed the Mahaweliganga River, the British troops, and the native troops who remained loyal to their leaders, were massacred, with the exception of Davie and two other officers, who were retained in captivity in Kandy, and one private, who, though severely wounded, got away. Muttusamy was taken before the King, and beheaded. This ended the main campaign, but it was followed by border warfare, which lasted up to the time of North's departure.

CHAPTER IV

Consolidation of Early Colonial Administration

THE second Governor of Ceylon, Sir Thomas Maitland, who assumed office in July 1805, was a man of a very different character from his predecessor. He was outspoken and forthright, and had no use for the policy of intrigue which had been a feature of the previous régime. His first task was to settle a number of matters which were outstanding when he assumed office. In regard to Kandy, though he was a soldier, he did not continue the war, which he considered had been conducted at 'ruinous cost'. He held no intercourse with Kandy, and did not follow his predecessor in dealings with the Kandyan chiefs. On the other hand, Kandy was exhausted, and there was no aggression from that quarter.

Maitland early devoted himself to general questions of administration. The language of his despatches became more and more critical of previous arrangements, and though his criticisms were often much exaggerated, he did introduce some important changes and new measures. One of the matters on which his views differed most from those of North was probably that of service tenures and personal services. He did not agree with the theory that the abolition of services would induce owners of lands to take more interest in them. Moreover, in his view, the abolition of service tenures had proved an expensive matter for the Government, as a pioneer corps had had to be raised to do the work previously done under *raja-kariya*, (compulsory service) and the cost of this corps more than exceeded the income from the tax on land. In addition, he found himself in a position in which he could not carry out a policy of construction and repair of public works which it was proposed to inaugurate, owing to the heavy cost which the new system of paying for labour involved. He would undoubtedly have liked to reintroduce service tenures, but this had become

Consolidation of Early Colonial Administration

impossible, and the most he could do was to issue a regulation (no. 8 of 1809) which recognized service lands, and prevented them from being encumbered, or from being alienated.

The question of the grant of land to Europeans was again taken up. Maitland did not like the policy of restriction in the acquisition of land which then applied to Europeans and argued that no harm could be done to India by allowing colonization in Ceylon, and claimed that there was no other way to make the country rich and prosperous. He had in view the cultivation on a large scale of such crops as cotton and coffee, which could not be grown economically on the small holdings of Ceylonese. His representations took time to bear fruit, but in 1810 the prohibition against Europeans holding lands was withdrawn, and in 1812 they were allowed to receive grants up to 4,000 acres free of tax for five years. These arrangements led in time to the opening up of large areas in remunerative crops, particularly in the up-country areas.

During the early years of Maitland's governorship he had had to deal with widespread crime, concerning which he found it necessary to take special measures, partly by giving the Collectors powers, and partly by improving the policing of the settlements. The town of Colombo was divided into police divisions, under constables, and a large number of regulations was made for keeping order in the town. In the districts a police headman was appointed for each village, responsible to the Justices of the Peace. This, though perhaps not directly intended for the purpose, fitted in with the policy of weakening the powers of the *mudaliyars*, which it was thought were excessive for good government. The principal method used for this purpose was to make appointments from families other than those which usually provided the *mudaliyars*. This induced competition, and widened the scope of selection, whilst militating against the hereditary principle in making appointments. This system was continued, particularly in the Low-country, but it is not certain that it accomplished its object, or provided the best men as chief headmen.

Maitland was greatly helped by the advice and assistance

given him by Sir Alexander Johnstone, who became Chief Justice in 1806. He will always be remembered for having brought to notice the importance of restoring the ancient irrigation works, and he proposed legislative and constitutional reforms, which he went to England to explain. While there, he supported the proposals for removing the restriction on the acquisition of land by Europeans, but above all he obtained a new Charter of Justice dated 9 August 1810. This Charter included a number of clauses, including one increasing the salary of the Chief and Puisne Judges which Maitland thought objectionable. It was indeed an amazing document. The Supreme Court was to sit in two divisions, one in Colombo and one in Jaffna, and *Landraads* were to be revived to replace the new Provincial Courts. Important constitutional changes were to be made by which the Governor was to cease to be President of the Council, which post was to be held by the Chief Justice, and the Great Seal was to be in the President's custody. Maitland protested against these proposed changes in the system of colonial government and he obtained an amended Charter which omitted these innovations, but included the one really valuable provision of the 1810 Charter, i.e. trial by jury. The number of jurors was at first fixed at thirteen, but this was afterwards reduced to seven. Trial by jury in Ceylon proved successful, and became a permanent and important feature in the judicial system of the Island. The new Charter was promulgated in Ceylon on 16 March 1812, by Sir Robert Brownrigg, Maitland's successor.

The further organization and consolidation of the Civil Service was another matter which came up for consideration. One feature of the service greatly worried the Governor. The new officers of the Civil Service were recruited at an early age, sometimes even at the ages of fifteen to seventeen, while North had been accompanied by several boys of thirteen. The usual period of service, as provided for in the arrangements about 'retreat', or pension, was twelve years. This meant that these Government Servants retired just when they had begun to be useful, and to have a knowledge of the country. Moreover, owing to the small number of men, it was not possible to pro-

Consolidation of Early Colonial Administration

vide for a period of training, and men had to take up offices of responsibility at a very young age, and before they were mature. In fact, the great defect of the Service at this time was its 'immaturity'. It is not easy to see why such a short term of service was expected of these officers, as there did not seem to be any undue unhealthiness among those who lived the normal life of a Civil Servant. No-one at the time seems to have thought it necessary to suggest that a career in the Civil Service should be a lifetime job. Maitland sought to get over the difficulty in the case of some officers who might be willing to remain longer than the usual short term by proposing that they should stay for not more than three further years, receiving their pensions, in addition to their salaries for this period; and this was agreed to. It is curious that such an expedient should have been necessary in order to retain men in the service who were in the prime of life!

Maitland was very interested in the discipline of the Service. In his despatch of 21 February 1805, Lord Camden stated, 'The civil establishment of the Island of Ceylon has been formed on two principles, first to give an adequate, not an exorbitant, allowance to every officer of Government during employment, and secondly, through the Pension Fund, to secure him a competent retreat.' The despatch stated that 'irregular and not publicly sanctioned emoluments' should be suppressed. Accordingly Maitland issued a minute prohibiting private trading by Civil Servants. On the other hand, every encouragement was given to Government Servants to learn Sinhalese, and the Collectors and their assistants were instructed to go regularly on circuit, a practice which he followed himself, with good results.

It is interesting to note that what was probably the first edition of Government 'Standing Orders' was issued in 1808, under the title of 'General Regulations'.

Another of his predecessor's arrangements which Maitland did not like was the Board of Revenue and Commerce. This was abolished early in 1806. The number of Collectors was now increased to eleven, with headquarters at Colombo, Galle,

Jaffna, Kalutara, Matara, Magampattu, Batticaloa, Trincomalee, the Wann, Mannar, and Chilaw. They worked under the direct supervision of a Commissioner of Revenue—similar to the later Controller of Revenue—who was given a seat on the Governor's Council, and was instructed to visit all parts of the country, and exercise direct supervision. A Military Board which North had set up was similarly abolished.

In 1806 Roman Catholics were relieved by law of the disabilities which had been imposed on them by the Dutch.

Maitland thus completed the administrative machinery for the maritime provinces, and no changes of practical importance were made after his time until the reforms which followed the Colebrooke Commission were effected from about 1832.

Sir Robert Brownrigg assumed the Governorship on 11 March 1812, and held the office for eight years. So far as the maritime provinces were concerned, very few administrative changes were made, and in general the arrangements in force in Maitland's time were continued. In one sphere, however, considerable advance was made, that of religion and education, which in the conditions prevailing at the time, must be considered together. North had attempted to revive the schools of the Dutch period, using Dutch catechists working under European clergy as the Dutch did, but the cost was considerable, and there were objections on this score from the Secretary of State, and from about 1803 very little was done. But a religious revival in England led to movements for the spread of Christianity and of education in non-Christian lands, and encouragement was given to a revival of schools, which began about 1810 and was fostered by Brownrigg. The Roman Catholics were already in the country. From about 1812 Protestant Missionary Societies began to work in Ceylon—the Baptists in 1812, Wesleyans in 1814, and the Church Missionary Society in 1818, while the American Mission started work in Jaffna in 1816. The Missionary Societies interested themselves in education, and for some time much of the English education, and most of the vernacular fell to them, particularly as Brownrigg's successor, Sir Edward Barnes, was not favourable to the idea of

Consolidation of Early Colonial Administration

the Government Ecclesiastical Establishment running schools. The Colombo Seminary however, which was attached to this Establishment, and a few schools in out-stations, performed useful service, particularly in training Burgher youths for Government Service. In 1817 Ceylon became part of the Anglican See of Calcutta and the Reverend J. Thwistleton, Colonial Chaplain, who was already in Ceylon, became the first Archdeacon.

The most important event during the Governorship of Brownrigg was the transfer of the Kandyan kingdom to the British Crown by the Convention of 1815, and the Proclamation of 21 November 1818, which followed the rebellion of 1817-18. It is not possible to describe in detail here all the circumstances which led to the cession of the Kandyan kingdom, but the following is a brief outline.

Maitland's policy towards Kandy consisted in an effort to maintain the *status quo*,¹ and to regard the Kandyan war which started in his predecessor's time as practically at an end, though there was no actual peace. Commercial relations had been restarted, but no official communications were passing between Colombo and Kandy. The Secretary of State's instructions to Brownrigg were to continue the same policy as far as possible. Kandy itself however was still torn by internal dissension and intrigue, and it was this that led to the downfall of the kingdom. Pilima Talawuwa was detected in a plot against the King and was executed in 1811. The King quarrelled with the chiefs, and instead relied very heavily on *Nayakkars*² at his Court, while the chiefs, many of whom were not themselves popular with the people, carried on intrigues against the King. D'Oyley (later Sir John D'Oyley) a Civil Servant, whose great knowledge of Sinhalese and of the Kandyans had led to his appointment as Chief Translator, had made it his business to learn all that was going on, and soon several of the chiefs, and particularly Ehelepola, the First

¹ See p. 38.

² The *Nayakkars* were the Tamil relatives of the King. The name comes from the Nayakkar Dynasty of Madura in south India. A king of Kandy chose a wife from that family and on his death in 1739 her brother became King of Kandy. From that time the throne was held by Tamil members of the family.

Public Administration in Ceylon

Adigar, (who had succeeded *Pilima Talawuwa*) began to correspond clandestinely with him. *Brownrigg* apparently had come to the conclusion that interference in the affairs of Kandy would become inevitable, and had begun to prepare for it. *Ehelepola* was the ringleader of the agitation against the King, and he proposed to the British that they should occupy Kandy. Hearing that the King had learnt of his intrigues, and was about to deprive him of his office, *Ehelepola* started a rebellion, which proved abortive, and he was driven into the British possessions. The King then foolishly started a campaign of ruthless reprisals in Kandy, which included the execution of the wife and children of *Ehelepola*, and which alienated much of the goodwill that remained to him. He followed this up by brutally maltreating some Sinhalese traders (British subjects) from the Low-country, whom he accused of being spies. *Brownrigg* then completed his preparations and marched into the Kandyan country. He issued a proclamation at the same time to the effect that the British had been entreated to go to Kandy by the people of five of the Kandyan provinces, and that the object of the expedition was to deliver the people from the King and from Malabar tyranny, and to bring about the permanent tranquillity of the settlements. Kandy was occupied, *Brownrigg* entered the town on 14 February 1815, and the King was captured a few days later. He was, after a short period in Colombo, banished to south India.

A formal assembly was called on 2 March 1815, when a Convention was signed by the Governor and by the Kandyan chiefs. The Convention is an important historical document. It contained twelve clauses which provided *inter alia* for the deposition of *Sri Wikrama Rajasinha*, for vesting the Dominion of the Kandyan provinces in the Sovereign of the British Empire to be exercised through the Governors of Ceylon and their accredited agents. The Convention preserved to Chief and subordinate native headmen, lawfully appointed by the authority of the British Government the rights, privileges, and powers of their respective offices as also the safety, civil rights, and immunities of all classes of the people according to the laws,

Consolidation of Early Colonial Administration

institutions, and customs established and in force among them. It declared the religion of Buddha inviolate and provided that its rites, ministers, and places of worship were to be maintained and protected.

Thus, in 1815, after an existence of over two thousand years, the Sinhalese kingdom ceased to exist, and the whole Island came under British rule.

CHAPTER V

Administration of the Kandyan Provinces

THE FIRST PERIOD

THE Kandyan Convention guaranteed the retention of Kandyan laws, institutions, and customs, and consequently the first task of the Government was to evolve a system which retained as far as possible the Kandyan arrangements, with British control and supervision. The first decision arrived at was that the Kandyan provinces were to be continued as a separate entity and not united with the maritime provinces, the Governor becoming the connecting factor. Neither the Council nor the Supreme and other Courts of the maritime provinces had any authority in Kandy, The Governor ruled by proclamation, issued under his own authority, and fifteen years passed before such proclamations were submitted to and discussed in Council. The Governor's authority in Kandy was exercised through the Resident, who at first held all local power in his own hands. The obvious officer for this post was John D'Oyley, who had probably a better knowledge of the Kandyans and Kandyan affairs than anyone else, and he was appointed Resident. A Kandyan office under a Secretary was opened in Colombo, and became one of considerable importance. The Kandyan chiefs retained their old powers. Ehelepola, who apparently had hoped to receive Royal honours, refused office, but Molligoda, who had opposed Ehelepola, and who had greatly helped the British in the acquisition of Kandy, became First *Adigar*. A Second *Adigar* was appointed and some nine other chiefs became *disawas* of provinces, and they and the subordinate headmen retained their privileges and powers, including the administration of civil and criminal justice as regards Kandyans, with the exception that capital offences were tried before the Resident, and sentences of death required the Governor's

Administration of the Kandyan Provinces

warrant before they could be carried out. The Resident at first held supreme power under the Governor, in all political, executive and judicial matters. Gradually, however, this was changed, the first change apparently being the appointment of Simon Sawyers as Agent of Government in Badulla, which was not settling down well. The next step, and a most important one, was the formation of a Board of Commissioners for Kandy, a step which had become necessary with the growth of work. The Board consisted of three Members or Commissioners, each of whom had charge of his own particular subjects. D'Oyley became Resident and First Commissioner. The Second Commissioner had charge of the judicial work, as Judicial Commissioner. The third was the Revenue Commissioner with charge over the revenue and the public service generally. It was soon obvious that much more was needed, and the Board was asked to consider and advise on reforms of the administration, to cover ground not so far touched; but before they could get down to this, a serious rebellion broke out, which completely altered the position in the Kandyan provinces.

THE REBELLION OF 1817-18

The rebellion started in the Province of Uva in September 1817. This part of the Kandyan country was one of the least advanced, and its people had never willingly accepted British rule. As stated above, this was the first place to which a British Agent of Government had been sent. Although the rebellion broke out here, and was confined to this area for the first few months, the feeling against the new régime was widespread, though it has never been made a charge that it was due to oppression or misrule. The chiefs did not like the new arrangements, as, though they were continued in power, and retained their privileges and rights, they found that in actual practice they were losing status. The priests were also suspicious of the new régime, for, although the greatest care was taken not to interfere in any way with the exercise of the Buddhist religion, which in fact was supported by the new Government,

it was, after all, a Christian régime. The ordinary people did not take to the new arrangements. They had suffered oppression under the old system—the caste and *rajakariya* systems were harsh—but they were used to them and to a visible monarchy, and did not like innovations, even innovations like the British system of justice, which put everyone on an equality. All three sections of the population were concerned in the outbreak of the rebellion, and though the proclamation issued at the end of the outbreak lays the blame mainly on the chiefs, their dislike of the new system was not the only cause of the revolt. The rebellion was not a pre-arranged and organized outbreak, and though a pretender came forward to claim the throne, that was really only a minor incident in the trouble. Brownrigg had rather expected that something of the kind might happen, and had begun to prepare for it, but had received little encouragement from the Secretary of State in measures which involved expenditure. Consequently the Government was not in a position to deal adequately and quickly with the rising, which in the early months of 1818 spread from Uva to other parts of the Kandyan provinces, and involved many of the chiefs. The rebellion started with the murder of John Wilson, assistant Agent at Badulla, and was carried on with great ruthlessness by both sides. The Kandyans adopted their usual guerilla warfare tactics, which met with severe reprisals. It may be that harsh methods were necessary, and that the British troops were acting under great provocation, but there is no doubt that a great deal of destruction was done before the outbreak was over. Molli-goda remained loyal and his assistance and influence, which kept the area between Kandy and Colombo open, and the arrival of troops from India, brought the rebellion finally to an end.

THE SECOND PERIOD

On the cessation of hostilities several proclamations were issued in regard to the future government of the Kandyan provinces, of which the most important is the Proclamation of 21 November 1818. This consisted of fifty-six clauses, and,

Administration of the Kandyan Provinces

after going over the history of the British connexion with Kandy, and the causes for the rebellion, covers practically all phases of the future administration, even down to such details as the honours to be paid to the chiefs in future. This proclamation formed the basis of the Kandyan administrative system for the next fifteen years, until the union of the Kandyan provinces with the maritime provinces after the Colebrooke reforms. A recent writer on the subject says, "The Proclamation of 21 November 1818, even more than the Convention of 1815, marked the beginning of a new era in the Kandyan provinces. It set them permanently on the highway of modern development."¹

The arrangements by which the administration of the Kandyan provinces remained divorced from that of the maritime provinces continued after the suppression of the rebellion, and the Governor retained the power to legislate by proclamation, without intervention by the Council. The Board of Commissioners however was firmly established as the main governing body in Kandy. It consisted as before of the Resident, the Second or Judicial Commissioner, and the Third or Revenue Commissioner, and shortly after the Commander of the Troops in the interior was added, in order that there might be liaison between the civil and military authorities.

The Kandyan country was divided into eleven districts, of which five in the neighbourhood of Kandy were placed directly under the Board, with Agents of Government in immediate charge, who had to refer directly to the Board. The Government Agents in the other six divisions, which were more remote, had greater original authority. They exercised judicial functions, collected revenue, gave orders to headmen, and, in general, exercised the powers of Government, subject to the general authority of the Board. Some of these officers were Civil Servants, but the greater number were military officers in charge of military posts in the area. This arrangement worked better than might be expected, and the military officers generally

¹ Colvin R. de Silva, *Ceylon under the British Occupation, 1795-1833* (Colombo Apothecaries Co., 1942).

proved successful administrators. The system later received the commendation of Commissioner Colebrooke, who recommended its continuance. It is conceivable that had there been no rebellion, a species of 'indirect rule' through the Kandyan chiefs might have been established in the Kandyan country, but the rebellion and its suppression effectively prevented this. As in the maritime provinces, the headman system was retained, but the headmen now worked under the supervision and orders of British officers.

An important change in regard to land tenure was made by the Proclamation of 21 November 1818. Service tenure was virtually given up except in regard to royal villages and temple villages, and in its place a tax of one-tenth of the produce was levied on paddy lands. This tax was reduced to one-fourteenth in the case of those districts which had remained loyal to the British during the rebellion, while the amount was increased to one-fifth in the case of lands which had been forfeited and restored. All chiefs and headmen held their land free of tax during the period they held office, and in addition the *adigars*, *disawas* and superior chiefs were paid fixed monthly salaries. The Government however reserved the right to call out persons for service in accordance with their original tenures or customs, on payment being made for their labour, and they were still subject to the duty of giving gratuitous services for the clearing and making of roads, and putting up and repairing of bridges.

Great changes were also made in the administration of justice in the Kandyan provinces. Kandyan chiefs ceased to have judicial powers, except in regard to certain minor matters concerning those Kandyans who were specially subject to their orders. The Great Court of Justice consisting of the Board of Commissioners and the *adigars*, which were established before the rebellion, was now abolished. The Agents of Government sitting alone had power to try minor criminal cases, and to hear minor civil cases, while the Second or Judicial Commissioner sitting alone had jurisdiction to hear and determine causes other than land cases where the object in dispute did not exceed one hundred rix-dollars, and to hear minor

Administration of the Kandyan Provinces

criminal cases. Serious criminal cases other than treason, murder, or homicide, were tried by Courts composed of the Second Commissioner with two or more chiefs as assessors, or in the provinces, Agents of Government duly authorized, with two or more Kandyan assessors of specified rank. The Resident was also entitled to assist or preside in the Court of the Judicial Commissioner, or to hold court himself, with assessors. Cases of treason, murder, or homicide, were tried in the Court of the Resident or Judicial Commissioner, with assessors, and convictions were reported through the Board of Commissioners to the Governor for his determination. Provision was made for appeals, the ultimate appeal going to the Governor, who disposed of it in correspondence with the Board of Commissioners. These were the general provisions, the effect of which was to pass over the administration of justice to British officers, with the Kandyan chiefs acting in the more serious cases as assessors.

CHAPTER VI

The Period 1818-32

THE next period in the history of the British in Ceylon, which may be said to extend from the establishment of the separate administration for Kandy after the rebellion, until the reforms of 1832-3, saw very few changes in regard to the government of the country. The period was one of development, particularly as regards roads and communications, and it saw the beginnings of the future great planting industries of the Island. Sir Robert Brownrigg spent his last two years planning for the recovery of the Island, including the war-stricken parts of the Kandyan provinces, particularly by the opening up of communications. He was succeeded on 1 February 1820 by the Commander of the Forces, Sir Edward Barnes, who was first appointed Lt-Governor, and later, Governor.

Barnes's policy for the control of the Kandyan provinces was to hold the country by means of good communications, rather than by the establishment of numbers of small and isolated military posts scattered about, which had been the previous policy.

Very few changes were made in Service posts during this period except in Kandy, where on the death of the Resident, Sir John D'Oyley, on 25 May 1824, it was decided that this post should not be filled, and the Board of Commissioners for Kandy from that time consisted of the Officer Commanding the Troops in Kandy, and the Judicial and Revenue Commissioners.

Barnes's schemes for expansion made it necessary to plan for the development of the technical departments. There was no public works department as such at the time, the post of Colonial Engineer being combined with that of Surveyor-General, a state of affairs which did not matter much so long as there were no big developments in hand. However, these

arrangements became unsatisfactory with the inauguration of a big road-building programme. Barnes pointed this out, but no great change was made at once. The Surveyor-General and Colonial Engineer at this time was Captain Schneider, who became Barnes's right hand man in regard to road-building. It was much the same as regards the Medical Establishments, where increases of staff were required but were disapproved on financial grounds by the Secretary of State.

It was, in fact, the question of finance which caused the failure of most of these proposals, for there had been a deficit almost every year since the commencement of the British period, and the matter was taken up very seriously by the British Treasury, which had ultimately to foot the bill. The Governor was enjoined to practice the greatest economy, proposals for increases of staff or extra pay were frowned upon, and a scheme for the control of expenditure was insisted upon by the Secretary of State. This scheme provided that all expenditure between £2 and £75 must go to the Governor for approval, that in the case of amounts between £75 and £200 the Governor should obtain the opinion of the Council, while for all items of expenditure above £200 the approval of the Secretary of State and the British Treasury was necessary. The latter requirement was strictly enforced by the Secretary of State, who thereby exercised a firm control over the expenditure of the Island. The deficits continued until 1829, when a period of surpluses began. Meanwhile the successive Governors were obliged to carry on their schemes of development with their existing staff and resources.

The question then arises as to how was it possible for Sir Edward Barnes to carry through his big schemes of road-making and other material improvements? The answer is that it was made possible by the revival in the Low-country and the continuance in the Kandyan provinces of the system of *rajakariya*. The concessions made by North in regard to compulsory services reserved to Government the right to the services of those persons whose caste rendered them liable to perform work of certain descriptions, but only on the Governor's orders and on

payment. North regarded the condition of payment as applying to gratuitous services on roads and bridges as well, but Maitland in 1808 withdrew the concession of payment, and asserted the duty of inhabitants to work on roads and bridges, etc., in their own districts, without payment. The right of Government to call out labour according to caste, tenure, or custom was categorically confirmed in a Regulation in Brownrigg's time. The Proclamation of 21 November 1818 after the Kandyan rebellion confirmed much the same position in Kandy. Though service tenure of land was in effect abolished in favour of a tax on produce, a reservation was made by section 30 of the Proclamation that all persons were liable for service to Government on the requisition of the Board of Commissioners and Agents of Government according to their former customs, families, or tenure of their lands, on payment being made for their labour, and that the duty of clearing and making roads and putting up and repairing bridges was to be considered a general gratuitous service falling on the districts through which the roads passed or in which the bridges lay. These provisions enabled the Government to call out labour for the construction and repair of roads and bridges and for similar work, both in the maritime and in the Kandyan provinces. An arrangement was made by which each *panguwa* or share of land, provided one labourer. This was not a very fair method, as there might be one or several owners of a *panguwa*, for they were of varying size. If there was one owner, he would have to go, but if there were several, they would agree among themselves as to which one should be spared. These labourers were unpaid, and were always released for cultivation. In the case of caste workers, such as carpenters, they were employed only in the work performed by the caste, and, after a time, received some payment for their work.

It seems obvious that good work could not be expected from levies so raised, without some stiffening, and this was provided by the Pioneer corps. The Pioneers had been raised by North, mainly of south Indians, to overcome difficulties which he found in obtaining willing and suitable labour locally. They

were made a military corps in 1804, and thenceforward the cost of these men fell on the military votes. They were organized into a special body called the Ceylon Pioneer Lascars in 1812, and were then used mainly for military building operations, until the scheme for building fortifications in various parts of the country was given up. They were then used for public works' purposes, and Barnes found them ready to hand for road-building. Thus he was able to use military officers to take charge of the works, Pioneers in small bodies as the permanent workers, and large numbers of conscripted labourers under the compulsory service system. The roads, bridges, and other works were thus built at very small cost to the Ceylon revenues, and, moreover, he was able by this means to get round the provision that he had to obtain the sanction of the Secretary of State for items of work costing over £200. These arrangements came in for much criticism later from the Commissioners of Inquiry, but there is no doubt that by their means the opening up of the country was made possible.

The schemes for improved communications had more than one object. Barnes had in view the control and tranquillity of the country, but he had also in view its development and the introduction of new crops. So far the major agricultural products of the Island, apart from rice, had been cinnamon and coconut. Cinnamon had been a monopoly of the Dutch East India Company. When Ceylon became a Crown Colony, the Ceylon Government took over the plantations and the control of cultivation, while the trade in cinnamon remained a monopoly of the British East India Company, who bought the crop at a fixed price. The agreement with the Company expired in 1809, but they continued to buy the cinnamon, and a new agreement in 1814 gave Ceylon better terms. Certain difficulties arose, however, particularly in respect of a market for low-grade cinnamon, of which Ceylon was capable of producing considerable quantities. The agreement expired in 1822 and was not renewed. Trade in cinnamon was thrown open, though in 1825 it was decided, after attempts to sell in Colombo had not produced satisfactory results, that all output

should be sold on the London market. Its cultivation remained a Government monopoly, although there were strong criticisms of this monopoly and of the system of cultivation and sale then in operation. For the next few years the income from cinnamon gradually increased.

Barnes was particularly interested in the introduction of new commercial crops, and indigo, coffee, sugar, and cotton had all been tried in the Low-country. The sugar plantations in the Galle district lasted for a considerable time before giving way to other crops, but these did not make much progress, and it was only after the acquisition of the Kandyan provinces that large-scale plantation cultivation became possible. Even here the start was slow, and Colbrooke reported in 1832 that only very few blocks of 4,000 acres had been taken up. There was no restriction at this time against Government Servants and military officers taking up lands, and Barnes himself opened up Gangaruwa Estate, near Kandy, for the cultivation of coffee, in 1895. This is now a Government Experimental Station. To encourage new enterprises, taxes and customs duties were removed for twelve years from coffee, cotton, sugar, and indigo, and estate labourers in the Low-country were exempted from *rajakariya*.

Barnes was a popular Governor, and his tenure of office was a period of activity and usefulness; but an awakening public opinion both in Ceylon and in England was not slow to criticize the Government on many points, and in consequence a Commission of Inquiry was sent out from England.

CHAPTER VII

The Colebrooke Commission and Reforms of 1832-3

THE UNIFICATION OF CEYLON

THE decision to send a Commission to Ceylon goes back to the early twenties of the century. Ceylon had proved unequal to the task of balancing her budget, and, moreover, agitation had been started by colonists mainly for a change in the form of government. The British Government had decided that a Commission was necessary to enquire into the governmental systems of the Cape of Good Hope and of Mauritius, and when on 25 January 1822 in the House of Commons the Under Secretary of State for the Colonies proposed sending a Commission to those countries, he also included Ceylon, though he stated that a visit there was less necessary. A Royal Commission was issued on 18 January 1823, appointing three persons for the purpose. They went first to the Cape and then to Mauritius. Two members left there, being unwell, but Governor Barnes reported the arrival of the remaining Commissioner, Major (afterwards Lt-Colonel) Colebrooke, on 11 April 1829. The Royal Commission was read with due formality, and Colebrooke started work. A Judicial Commissioner was sent out in May, but was soon transferred to a post in New South Wales, and in his place a Scottish barrister, Charles Hay Cameron, arrived in Ceylon on 30 April 1830. He was mainly responsible for the judicial report, and Colebrooke was mainly responsible for the remainder of the work. The methods adopted by the Commissioners in obtaining information are interesting. Colebrooke published his Commission, which was in very wide terms, covering practically the whole of the Government activities, in English, Sinhalese, and Tamil. He then received a large number of petitions which he used to formulate very searching questionnaires which he sent to Government officers

Public Administration in Ceylon

and local residents; and he based his reports very largely on the replies he received and on his own observations. His relations with the Governor were far from cordial, and he seems to have ignored him except when he wanted some special information; when these occasions occurred the Governor seems to have retaliated by raising as many difficulties as he could before giving the required help. Colebrooke's statement in his printed report that his views were supported by the opinions of some of the most intelligent and experienced members of the public service and of other residents of long standing was not accepted by the Governor, who sent a personal letter to the Secretary of State covering letters from many of the most prominent Government officers and residents, refuting the suggestion that Colebrooke's report reflected their views. The importance of this is that there were a number of crudities and difficult suggestions in the report which might have been avoided had Colebrooke exercised more tact with the local authorities. On the other hand, Colebrooke's independence of outlook and fearlessness in expressing his views resulted in most valuable reports in accordance with the economic theories of the day, on all phases of Government administration. His general views and proposals for Government policy were accepted by the Secretary of State, though he did not follow him in all details, and they formed the basis of the Government administration and policy for many years, in fact, right up to recent times.

The Commissioners remained in Ceylon until 3 February 1831, and completed their summing-up in England. They made three main reports to Parliament, the first on the Administration of Ceylon, dated 24 December 1831, the second on the Revenues of Ceylon, 31 January 1832, and the third on the Judicial Establishments and Procedure in Ceylon, 31 January 1832. These have been printed, but Colebrooke and Cameron made a number of other reports of value which have not been printed. The following are the main features of the reports and the action taken upon them.

LEGISLATIVE AND EXECUTIVE COUNCILS

Colebrooke recommended the abolition of the Governor's Council and the formation of Executive and Legislative Councils. The main reasons which led him to this view are given in the following general summary of the position, taken from the report on Administration:

After a careful view of the system I feel bound to report my opinion, that while it is free from some of the prominent objections to those which have been adopted on the Continent of India, the general spirit and tendency of it has been unfavourable to the improvement of the country. Some beneficial measures have from time to time been adopted, but no regular control has been exercised over the acts and proceedings of the Governor, nor has his recognized responsibility for the measures adopted by him on his own judgment been rendered practically efficient. From the remoteness of the Settlement, the nature of the Government and the absence of all open discussion of public affairs, the Governor has been almost the exclusive organ through whom authentic information has been derived, and with whom any measures of improvement have originated. Without his co-operation no beneficial change could be effected, and the inhabitants have been accustomed to regard his authority as absolute. When unpopular measures have been enforced by him, they have usually remonstrated against them, and in some instances have resented their operation.

As measures have been proposed and adopted without any previous notice, the people have had no opportunity of explaining their objections to the passing of regulations which have injuriously affected their interests. Besides the system of monopoly maintained and in some cases extended by the Governor, the power exercised by the Governor of regulating duties and imposing taxes has been injurious to commerce and to the influx and accumulation of Capital.

To get over these difficulties in administration Colebrooke proposed first a Legislative Council, whose main function would be to see that laws were not adopted precipitately, and without their provisions being previously known to and considered by the people. This he considered especially necessary 'in a community composed of different races, who are attached to ancient customs and attentive to the effect of innovation'. He

recommended that this Council should be composed of the members of the proposed Executive Council, with a number of other Government officials, i.e. the heads of general departments at the seat of Government. In addition, Colebrooke recommended that 'provision be made at once for the admission of any respectable inhabitants, European or "native", whom His Majesty might hereafter be pleased to appoint'. He thought that the Governor should not take part in the deliberations, as this would allow freer discussions, but the Secretary of State did not agree with this proposal, which incidentally, was later strongly opposed by the Governor. He proposed an Executive Council which was to be purely official, and as its chief function, was to assist the Governor in 'all details relative to the revenues and disbursements of the Island and to supersede the appointment of Committees for investigating these matters'. The Council was to consist of the Secretary to Government, the Treasurer of the Island, the Auditor-General, the Surveyor-General, the Collector of Customs at Colombo, and the Government Agent for that district. It will be seen therefore that Colebrooke's idea of the Executive Council was that it should be a kind of Finance Committee.

The Secretary of State accepted the proposals for the formation of Executive and Legislative Councils, but differed from Colebrooke as to their composition and functions. In Despatch no. 79 of 14 September 1832 he asked for Governor Horton's opinion on various matters, and stated his own as regards the composition and functions of the two Councils. His view of the Executive Council was that it was to be a body to which the Governor would refer for advice upon all occasions of difficulty or importance, but the Governor would be at liberty to act upon his own judgement, in opposition to its opinion, if in any case he should see fit to assume that responsibility. As regards the Legislative Council, he said: 'To this body will be entrusted the power of enacting all such laws as may be required for the welfare of the Island, but in order to prevent the valuable time of the Assembly from being improperly consumed in fruitless discussion, the privilege of proposing measures for consideration

The Colebrooke Commission and Reforms of 1832-3

should be restricted to the Governor, and no question be debated which may not previously have obtained his approbation.'

It was on these lines that the two Councils were started when the new Commission and Instructions were issued to Governor Horton on 19 March 1833. Provision was then made for an Executive Council of five, the Commander of the Forces, the Colonial Secretary, the King's Advocate, the Colonial Treasurer, and the Government Agent for the Central Province. The Legislative Council was to consist of the Chief Justice, the Officer Commanding the Land Forces, the Colonial Secretary, the Auditor-General, the Colonial Treasurer, the Government Agent for the Western Province, the Government Agent for the Central Province, the Surveyor-General, and the Collector of Customs at Colombo. There were to be six unofficial members, who were to be nominated 'as far as possible in equal proportions from the respectable European merchants or inhabitants and the higher class of Natives'.

Colebrooke opposed strongly the division of the Island into the Kandyan and the maritime provinces, with a separate form of government in each. He considered that the separate establishment for Kandy had been 'impolitic', and he recommended that the whole Island should come under the Administration of the Governor and Council, and laws which should be promulgated in their name should run throughout the country. This recommendation was accepted, and took effect from October 1833, since which time the country has been administered as a whole.

PROVINCIAL GOVERNMENT

Following the union of the Kandyan and maritime provinces Colebrooke recommended that the sixteen districts of the Island should be converted into five provinces, with a Government Agent for each, and with such European and 'native' assistants as may be found necessary. This proposal, which formed the basis of the subsequent local administration, was accepted and came into operation at the same time, October 1833. The measure was intended to be partly one of retrench-

Public Administration in Ceylon

ment, but its main importance was in establishing a form of local administration suitable to the needs of the country, and uniform throughout. Most provinces were divided into districts, each Government Agent having charge of his own district, with general supervision over the whole province. The districts not in the direct charge of Government Agents were under the control of assistant Government Agents. The five provinces and their chief towns were: Western Province—Colombo; Central Province—Kandy; Southern Province—Galle; Northern Province—Jaffna; Eastern Province—Trincomalee. The number of provinces was gradually raised in later years to nine, but the general plan of local administration remained. The new provinces were the North Western, formed in 1845, the North Central in 1873, Uva in 1886, and Sabaragamuwa in 1889.

LEGAL CHANGES

The relationship between the Governor and his officers on the one hand, and the Supreme Court on the other, had not for some years been altogether satisfactory. All the courts below the Supreme Court were staffed by non-professional Civil Servants, and were under the general supervision of the Advocate-Fiscal, who was an officer of the civil Government. The Appeal Court itself was largely civilian, although the Chief Justice and the Puisne Justice had places on it. The Governor was President, and the Court included the Secretary to Government, and the Commissioner of Revenue. The Minor Courts of Appeal did not include any professional lawyers—that of Colombo consisted of the Provincial Judge, the Sitting Magistrate, the Commissioner of Revenue, and the Collector of Customs. The local jurisdiction of the Supreme Court was very restricted—it extended only to the Colombo fort, town and district, and to Europeans generally. The system in the Kandyan provinces was, in Cameron's view, even more objectionable, as the Supreme Court had no jurisdiction there at all, and the final appeal was to the Governor. Moreover, he considered that the system was wasteful, and that a reform of proceedings was

The Colebrooke Commission and Reforms of 1832-3

required. He accordingly made a large number of recommendations under some twenty-five headings, most, but not all, of which were accepted, and considerable changes were accordingly made in the judicial systems of the Island, making them uniform throughout.

The Supreme Court was placed in general charge, and the Island was divided into three circuits. The provincial courts and courts below were abolished, and the circuits were divided into districts, each under a District Judge, assisted by three assessors. The separate appeal courts were abolished, all future appeals being made to the Supreme Court. The district courts were given full civil jurisdiction, and limited criminal jurisdiction; the jury system, which it was agreed had worked well, was retained: the Supreme Court was given the power to issue writs of habeas corpus. A new Charter which gave effect to these provisions and to certain others was issued on 18 February 1832. This was, in effect, the culmination of a lengthy process of evolution from the breakdown of the Dutch system when the British took over the Government, and it established an essentially British system of courts and jurisprudence throughout the Island. Roman Dutch law however remained the common law, except where it was specifically superseded.

LAND POLICY, COMPULSORY SERVICE, ETC.

When Colebrooke arrived in Ceylon he found the *rajakariya* system in full operation, and roads, bridges, and public works generally were being constructed by this means (see p. 53). A change was just being made however in regard to the cinnamon plantations, where labour was now to be on a voluntary basis and not on a compulsory paid system. The *rajakariya* system was contrary to all Colebrooke's economic ideas, and one of his first actions was to write to the Secretary of State proposing its abolition, suggesting at the same time that labour for public works be hired, by advertisement if need be, and even imported from India. In his special report on the subject he contended that the system had been carried further than was

the practice under the Kandyan kings, and that there was no way of checking abuses. He quoted instances to show that voluntary labour could be obtained, and was more satisfactory, and complained that the system interfered with the free flow of labour, and therefore hindered the development of the country. Moreover, he pointed out that the value of compulsory labour was not taken into account in working out the cost of the works, and accordingly the Secretary of State's control over expenditure was upset. The opinion of the Governor does not seem to have been sought on the points, and, without waiting for his views, the Secretary of State obtained an Order in Council dated 12 April 1832 repealing all proclamations and regulations relating to compulsory labour. This was sent out with an explanatory despatch of 3 May, and caused great consternation locally, especially in Kandy where the Revenue Commissioner reported that there were 3,000 men compulsorily employed on public works, paid and unpaid, and the publication of the order would cause great confusion. Reference was made to the Secretary of State who replied that the King's Order must be published and brought into operation at once, but money could be voted so that work could continue. The Order was actually published in September 1832. Thus another of the 'fundamentals' of the earlier régimes had gone. It had, however, lasted long enough to enable a great deal of development to be completed at a time when the revenues of the country would not have sufficed to pay for voluntary paid labour. Service tenures were continued for many years longer in the case of lands belonging to the temples and to the chiefs.

As regards land, Colebrooke recommended that all encouragement should be given to settlers from abroad, especially as 'European colonisation' had not yet gone far. But he strongly recommended that the distinction between grants of lands to Europeans and to 'natives' that had hitherto existed (by which areas up to 4,000 acres could be alienated to Europeans, while 'natives' had to be satisfied with grants which legally did not exceed about 100 acres in all, though in practice much larger grants had been made), should be abandoned, and that no

The Colebrooke Commission and Reforms of 1832-3

differentiation should be made. In a further report on establishments and expenditure, made to the Secretary of State, he recommended that waste lands should be disposed of by sale, and advised special terms to Government Servants, European and 'native', who wished to settle. Colebrooke would have liked to abolish the taxation on land—i.e. the grain tax, payable in kind or in money, but that did not appear to be a feasible course, and he suggested an alternative scheme of redemption of 'rents' by instalments.

MONOPOLIES AND TRADE

A follower of Adam Smith in economics, Colebrooke was very much opposed to Government monopolies, and to restrictions of trade, of any description. He therefore recommended the abolition of the cinnamon monopoly, the sale of the plantations, and the throwing open of the trade in cinnamon generally. In place of the revenue from the monopoly he recommended an export duty. This important matter was taken up in London by the Secretary of State and by the Treasury, and a Treasury minute dated 18 September, which was sent to Ceylon together with the Secretary of State's Despatch no. 92 of 12 October 1832, removed all obstacles to the abrogation of the monopoly. No further consignments were to be sent to London by Government, and the trade was to be open. Revenue was to be obtained by an export duty, and all 'oppressive regulations' regarding the monopoly were to be suspended forthwith. The Secretary of State hoped that this action would help the 'natives', as they would be able to plant and sell freely, and he also hoped that they would be further helped by being encouraged to buy or lease portions of the Government cinnamon plantations.

Colebrooke further recommended the cessation of other forms of Government trading, e.g. in coconut oil and plumbago; the disposal of the coffee plantations, and of the fish and salt monopolies. He also recommended the 'equalization' of duties as far as possible, making them purely revenue duties. A heavy duty

on tobacco exported to Travancore, in India, was, he thought, wrong, and should be amended, and the special exemption of certain products, such as coffee, by way of encouragement, was also wrong. The Secretary of State was not able to go all the way with Colebrooke, but he followed him as far as he could, in many cases against the express opinions of the Governor. He summed up the position in Despatch no. 114 of 23 March 1833, as follows: 'I consider that the liberation of trade in cinnamon, the gradual reduction of the fish duties and the redemption of the land rents are conceptions of the first importance to the inhabitants of Ceylon, and combined with their exemption from compulsory services, and unfettered intercourse with the Continent of India and the settlement and improvement of the waste lands will form such a stimulus to trade and industry that the repeal of the salt and other injurious taxes will, in a short time, become practicable.'

FINANCIAL PROPOSALS

On the revenue side, Colebrooke's proposals were mainly to give effect to his recommendations regarding the freeing of trade, abolition of monopolies, etc., as set out above. On the expenditure side however he made many drastic proposals, by which he hoped to wipe out the annually recurring deficits, and provide surpluses for development. He was even prepared for a reduction in revenue, mainly from cinnamon, and his expenditure proposals were formulated with this in view. He proposed the reduction or abolition of a number of departments, or officers of departments, and a general reduction of salaries, from that of the Governor downwards, and particularly among the higher-paid officers. The most important changes in connexion with departments and officers were the substitution of a Colonial Secretary on a reduced salary for the Chief Secretary, the abolition of the posts of Deputy-Secretary, Commissioner of Revenue and Paymaster-General, the duties of these officers being covered respectively by the Assistant-Secretary, the Auditor-General and the Vice-Treasurer. The Cinnamon

The Colebrooke Commission and Reforms of 1832-3

Plantation Establishment was to be abolished, and the plantations were to be placed in charge of the Government Agents. The Pioneer Establishment was to be gradually reduced, and ultimately the Pioneers were only to be used for the 'execution of current repairs'. The use of *lascorins* as personal attendants on senior officers was to be curtailed drastically, and the Ceylon Light Dragoons, who formed the Governor's escort, was to be abolished. The Colonial Commissariat was to be reduced and placed directly under the Treasury in England. Colebrooke stated that he was unable to recommend an augmentation of the present Civil Service, as 'independently of other objections, a large increase of expense would attend such a measure'. For the same reason he advocated the retention of military officers as assistants to the Government Agents, as only a small allowance was necessary as additional payment for their civil duties. Similarly he recommended the retention of the system of paying headmen by remission of taxes on their lands, a system which was also 'congenial to the habits of the people' and recommended the extension of the system from Kandy to other parts of the country. On the other hand he recommended the 'formation of a responsible and efficient Department for the direction and execution of public works', but used the formation of this Department as a good excuse for reducing the salary of the Government Agents.

These proposals were agreed to generally by the Secretary of State and were put into effect during the next few years. There seems no doubt that the Establishments were unduly large, and the recommendations regarding them seem to have been justified. The reductions in salaries were contained in schedules prepared by Colebrooke, but apparently the Secretary of State did not approve of them as they stood, and fresh schedules seem to have been prepared in London. The reductions in salaries and the proposals for much less favourable conditions of service were a much more doubtful proposition, and undoubtedly had a serious effect on the efficiency of the Services for a number of years.

By these various means Colebrooke proposed to reduce the

Public Administration in Ceylon

annual contingent expenditure of the Island from £317,785 to £227,532 and thereby create a surplus in budgeting.

Two other interesting measures he proposed were, first, that a special 'capitation tax' on Moormen,¹ which had come down from Dutch days should be abolished, and second, that the 'precarious' revenue from the pearl fisheries should not be taken into general revenue but should be funded and used for expenditure on special public works.

THE PUBLIC SERVICE AND SERVICE CONDITIONS

Colebrooke had much to say about the Public Services. He was opposed to an exclusive Civil Service and recommended that 'the public service should be freely open to all classes of persons according to their qualifications, the exclusive principles of the Civil Service should be relaxed, and means of education should be held out to natives whereby they may in time qualify themselves for holding some of the higher posts'. He stressed the importance of a knowledge of the vernaculars by European officers and of English by 'native' officers, and considered that merit, i.e. 'qualifications', should be the deciding factor in making promotions and appointments, and he particularly pressed that the advancement of the 'native' should in no degree depend upon caste. He stated that there were at the time thirty-eight effective members of the Civil Service, and twenty-five principal appointments in Ceylon to which Civil Servants alone were eligible, and he argued from this that the means of selection were much too limited. The underlying implication in this appears to be that Colebrooke was opposed to the exclusive selection of members of the Civil Service by the Secretary of State in England, and considered that local European applicants with the necessary qualifications, and 'natives', when they had had an opportunity of ac-

¹ The term Moor, or Moorman, is a misnomer, dating back to Portuguese times. The Moors are descendants of Arab traders. The Ceylon Moors have permanently settled in the Island, and are Ceylonese, while the Coast, or Indian, Moors come to Ceylon to trade, and return to their homes in India. For a good account of the Moors, see *Ceylon at the Census of 1911* (Colombo, Government Press, 1912).

The Colebrooke Commission and Reforms of 1832-3

quiring suitable education and experience, should be eligible for appointment, and that there should not be a special administrative service recruited for the purpose by the Secretary of State. The Secretary of State made these recommendations the basis for a general reorganization of the Services, though he did not accept them in their entirety. His views and instructions were contained in a series of despatches of which the two most important are those of 14 September 1832 and 23 March 1833.

In the earlier of these despatches the Secretary of State says that 'the civil situations in the Island will henceforth be open to all classes of the native community and to such other subjects of His Majesty whose long residence in the Island may have given a fair claim to participate in the advantages of the Colonial Services', including subordinates who have done well. He went on, 'in pursuance of this arrangement it is not my intention that any new appointments should be made of writers in the Civil Service, nor that the system of granting pensions to those so employed should be continued. You will understand however that this measure can not take place retrospectively'. Those in the Service were to get normal promotion, but 'it must be understood that the higher offices of Government such as heads of departments will not for the future be exclusively reserved in their favour as the Secretary of State may feel called upon to fill such appointments immediately from home'. The second despatch laid down the principles on which the reductions in salaries, which averaged about 33 per cent, and were more in some cases, were to be put into operation. The Governor, Sir Robert W. Horton, protested very strongly against these proposals, and saw in them the germ of a deterioration in the public services, which actually did take place, but the Secretary of State was not prepared to change his views, and the 'reforms' came into operation at the end of 1833. Actually, very few appointments were made from residents on the Island, but the appointment of Civil Servants at a young age direct from England to definite posts in Ceylon without going through the training given to 'writers', the reductions in salary, and the withdrawal of pensions from new officers, all mitigated against

Public Administration in Ceylon

a contented and efficient Service, and led to lowered standards of public administration.

GENERAL

Colebrooke made a number of other recommendations, some of which were put into effect. He was very interested in the spread of education, and proposed a Schools Commission, which was later set up and became an important feature of the administration. He also proposed a Central College for Colombo, on a site in Slave Island. It was a good proposal, but the Secretary of State did not feel able to give immediate acceptance to it.

Thus the Colebrooke Commission formed an important landmark in the history of the British in Ceylon. It marked the final unification of the country, and the establishment of Councils, with a Legislature in which unofficial members, Ceylonese as well as European, were associated with the official Government in the responsibilities of government. In trade it marked the virtual end of monopolies and restrictions, with the way clear for a big expansion of agricultural and trading operations, and openings for investment of private capital. It saw the end of the *rajakariya* system, and the beginning of a new freedom for labour that had hitherto not existed. The administration was reformed and brought up to date, and, notwithstanding the Governor's fears, the revenue position improved, and surpluses began to accumulate. On the other hand, however, the Secretary of State's acceptance against the advice of the Governor of the proposals for the future of salaries and conditions of service of the members of the Government Service was unfortunate, and caused a very serious deterioration in the public services, which took many years to overcome. 1833 definitely marks the end of one era in Ceylon and the start of a new one.

CHAPTER VIII

Administration under the Constitution of 1833

POLITICAL AND ADMINISTRATIVE

A new Commission to the Governor dated 19 March 1833 marked the inauguration of a new Constitution, which remained in operation with few alterations until 1912. It did not however have an altogether propitious start, as the Governor was not at all happy about a number of the Commission's proposals, which were put into operation on the orders of the Secretary of State, in some cases without prior reference to him. He did not seem to have appreciated the full significance of all the changes, and appeared desirous of interpreting them in such a manner as to retain as far as possible the earlier system by which the local government was almost wholly in his hands. For instance, at the first meeting of the Council, which took place on 1 October 1833, before unofficial members were chosen, he stated his views of the functions of the new Councils as follows:

'To the Executive Council I am entitled to look for advice upon all occasions of difficulty or importance; in that respect their functions do not differ materially from the late Council of Government. But that part of their duties which were of a legislative character has devolved upon you, whose special province it will be to aid me in the formation of wise and just laws...'

A great deal of uneasiness was felt in the Island by a delay on the part of the Governor in appointing the unofficial members of Council, particularly amongst the European residents who had been largely responsible for the movement in England which resulted in sending out the Commission of Inquiry. Horton explained his reasons for the delay in a Despatch no. 39

of 23 November 1833. In it he stated that the Europeans were not persons trading on their own capital, but were mostly agents of British merchants trading in Ceylon. As such, they would not have a personal interest in the welfare of the country, and he thought it better to defer appointments until it was seen whether the changes in connexion with the cinnamon trade would induce a 'higher class of merchant to settle in Ceylon who would have a permanent interest in the Colony'. As regards the 'natives' he found difficulties on account of caste and also because there were in Ceylon 'three distinct nations, if they can be so-called, Sinhalese, Malabars [Tamils], and Moors, all having equal claims to representation in the Legislative Council'. There were also difficulties due to the fact that nothing had been laid down about language and religion. The Governor also felt that the European members should not be appointed before the 'native', as difficult questions of precedence would arise. As the Secretary of State had said that official members should be appointed at once, whether or no the Governor could find immediately suitable unofficials, the Council was started with the official members only, and the first meetings were accordingly held. Agitation was carried on in the newly-founded newspapers and a big public meeting was held in protest on 25 October 1834. Unofficial members were chosen soon after, but further causes of difference arose with the Europeans who had been selected, and they refused to come in. The 'native' unofficial members took their oaths at a meeting of the Council held on 20 May 1835, when the Governor took the occasion to complain of the action of the British merchants and others who had addressed the Secretary of State in regard to the delay, and had claimed that Ordinances passed in an incomplete Legislative Council were invalid. The Council, however, got down to business, and at the sessions of 1836 and 1837 passed a number of important Bills, which included one prepared on the instructions of the Secretary of State fixing Customs duties based on the Report of the Commission. The difficulties between Horton and the European merchants were however not finally settled while he remained Governor.

His successor, J. A. Stewart Mackenzie, when he became Governor on 7 November 1837 started immediately on the work of completing the number of the Council. His first Legislative Council meeting (with a full complement of members) was held on 28 June 1838. Two changes of importance in regard to the Council were made during his Governorship, both of which were announced at the session commencing on 5 December 1839. The Secretary of State had retained control of finance, and annual estimates were not placed before the Council. This was not considered a satisfactory arrangement locally, and the Secretary of State agreed that, while he would continue to control the fixed establishment (which included salaries and establishments), from 1840 the Legislative Council would be entrusted with the appropriation of the remainder of the revenue (e.g. the 'contingent' or 'extraordinary' expenditure, on roads, public works, etc.), subject, of course, to his final approval. From this time the practice of placing the annual estimates before the Council started. This constituted an important advance in legislative control since it was the first step towards the control of the purse by the Legislature.

The other important change was the substitution of a Queen's Advocate for the Chief Justice as a member of the Council. This brought Ceylon into line with general colonial practice, by separating the judiciary from the administration, and helping to preserve the independence of the former.

The early period of the Council's life saw much legislative activity, and many ordinances were passed, dealing with and modernizing many phases of administrative practice. The first annual budget, that for 1840, was introduced at the Legislative Council meeting of 16 December 1839. The Bill for the purpose was entitled 'An Ordinance to Provide for the Extraordinary expenditure Required for the Service of the Year 1840'. The revenue for the year was £340,240. The fixed expenditure was £205,567, and the balance for appropriation under the Ordinance was £134,673.

It might be thought that a Legislative Council composed as the Ceylon Council was, with an official majority, unofficial mem-

bers all nominated by the Governor, and with the Governor himself as President, would become merely an instrument for giving legal effect to decisions made by the Secretary of State and the Governor, but that was certainly not the intention of those who proposed and set up this body, and it did not prove to be so in practice. The unofficial members, particularly the Europeans, made their presence felt not only by criticism of Government action, but by positive proposals, and, from an early date, by demands for further participation in the government of the country. Quite early in the life of the Council claims were made that it was not 'representative'. The country was however not yet ripe for representative institutions and the Governor and Secretary of State were not prepared to admit requests from the European community for elected members who could not represent the whole Island. However, Lord Torrington, about 1847, instituted the practice of referring nominations of European members to the Chamber of Commerce and of consulting planters; and the members thereby selected began to represent both commercial and planting interests, and though still Governor's nominees, were less conspicuously so. In 1848 the Secretary of State gave the Council further control of expenditure, by ruling that the appropriation of revenue must in every case rest on legal enactment (i.e. must actually be voted by the Council), and in no case on an intimation by the Secretary of State only, which gave the Council at least the right of scrutiny of every item of expenditure.

ECONOMIC DEVELOPMENT

If there is not a great amount of political and administrative development to record during this period, it saw the commencement of the economic development of the Island. Prior to 1833 the only large export was cinnamon, but this commodity fell in importance and value, owing to the entry into the market of cinnamon and cassia from other centres, particularly Java. It is possible that a mistake was made in retaining the heavy Ceylon duty. This was removed in 1853, but it was then too late

Administration under the Constitution of 1833

to save the situation. Exports of cinnamon have continued, but it has never again been a major product of the Island.

The year 1837 is generally taken as the beginning in real earnest of the coffee enterprise. With the growth of plantations up-country there went a corresponding extension of commercial enterprise in Colombo; and the period has been called one of 'commercial' economy, as distinct from the earlier period of 'agrarian' economy.¹ In 1837 the export of coffee amounted to 30,000 cwt. After some early fluctuations much and rapid opening up of land took place, in which Government Servants, from the Governor downwards, joined. (This was not forbidden by the disciplinary rules of the time). By 1845 the export amounted to about 200,000 cwt. A depression followed, which was at its worst in about 1847. This was a reaction to a general world financial crisis, which, as the Governor of the time stated, Ceylon could scarcely hope to escape. It was some years before the full effects of the depression were overcome, meanwhile it was accompanied by a fall of prices, a restriction of credit, and caused the failure of a number of estates.

THE PUBLIC SERVICES

Sir Colin Campbell, who became Governor in April 1841, found that the fears Horton had expressed about the effects of the Colebrooke reforms on the Services had been fully justified. His predecessor, Stewart Mackenzie, had already changed the system of appointing new officers direct to important offices without a period of training, and on his own initiative had arranged for such officers to be attached to Government offices and tried out there before being given substantive appointments. Campbell found the position unsatisfactory, and he addressed the Secretary of State, who thereupon decided that another reform of the Service was necessary, and that the Colebrooke innovations should be dropped. On his instructions the Governor issued a Minute dated 14 February 1845 giving general rules for

¹ G. C. Mendis, *Ceylon under the British*, 2nd ed. rev. (Colombo: Colombo Apothecaries Co., 1948).

the future conduct of the Service. The Minute starts by saying that the Secretary of State observes that in all the accounts that have reached him, 'he finds a most unhappy unanimity as to the low state of feeling which has of late years crept into the Civil Service, particularly among the junior members', and that he 'is disposed to attribute this unsatisfactory condition of the service principally to the paralyzing effect of a constant attention to seniority in promotions, the consequent absence of any hope of advancement by reason of superior merit, and to the smallness of the salaries [in the absence of any provision for pension] which has induced a great proportion of Civil Servants to look to agricultural pursuits as a means of improving their income'. The Minute promised salaries sufficient to enable prudent Civil Servants to maintain themselves and their families without looking to other sources of income, pensions based on the principle of the English Superannuation Act, and promotion by merit. It required officers to know the language of the district in which they were to be employed. It also laid down that 'no Civil Servant will be permitted to engage in any agricultural or commercial pursuit for the sake of profit'. Subsequent Minutes fixed salaries and pensions, a feature of the latter being that, except on medical grounds, pensions would not be granted to officers below the age of fifty-five—a very salutary rule, taking the place of the old arrangement by which officers could retire after twelve years' service. The new conditions proved satisfactory, the standard of the Service rose, and before long reached and maintained a high level of efficiency.

Apart from general deterioration of the bulk of the Services, there had also been friction at the top. P. Anstruther, a very efficient and popular Colonial Secretary, retired in 1845. The appointment of a successor proved a matter of difficulty. The Secretary of State was asked to make an appointment, and he nominated Sir. J. Emerson Tennent, who was one of his parliamentary supporters. Tennent later alleged that his appointment caused jealousy and ill-feeling among the senior officials, who became pre-disposed against him. This both they and Anstruther vehemently denied, but at any rate, P. E. Wodehouse, the most

Administration under the Constitution of 1833

senior of the officials, and Tennent were at enmity, and the quarrels between them—the Governor's chief advisors—did not make matters any easier for Lord Torrington (Governor, 1847-50)

THE REBELLION OF 1848

It is frequently stated that had there been a fully efficient Civil Service, and had Anstruther remained Colonial Secretary, the troubles which occurred during the Governorship of Lord Torrington might have been avoided. Whether this is so or not is, of course, a matter of conjecture as, besides a weak administration, there were other disturbing causes at work. First, the chiefs had not settled down happily under the new conditions in the Kandyan provinces, though there is no record to indicate that they were actively engaged in fomenting trouble. In 1835 a State trial against the First *Adigar*, Molligoda, who was charged with high treason, resulted in an acquittal. Secondly, there was much resentment among the priests and the chiefs at a movement, which had found much active and vocal support in England as well as in Ceylon, to dissociate the Government from all connexion with Buddhism. Then again the effect on the mass of the people of the new conditions which resulted from or followed the new Constitution, and which had not had time fully to settle down, was not altogether happy. In many ways they were better off, they were free from compulsory labour, and could dispose of and purchase lands freely, but these conditions, it is generally agreed, had actually resulted in their becoming more lazy and litigious.

The Secretary of State had come to the conclusion that the financial arrangements in Ceylon needed overhaul, and accordingly he called for reports from the Island. Torrington has often been blamed for the financial measures taken in the early days of his Governorship, but he was not the sole author of the changes, and the Secretary of State as well as the Ceylon authorities share in the responsibility. The general idea underlying the financial changes was that Ceylon should now stand

on her own feet, and not require a subvention from the British Treasury. It was thought that this end could be accomplished by making a few financial changes. Some of the proposals put forward, including one that there should be a land tax in place of a charge of one-tenth of the produce of paddy lands, did not materialize, but other changes were made, prominent among them being the abolition of export duties (other than that in cinnamon, which however was reduced), and the imposition instead of an import duty of 5 per cent on all imports. Unfortunately these fiscal changes came at a time of depression, and the budget showed a heavy deficit. The Secretary of State thereupon ordered new taxation, coupled with retrenchment. The taxation thus imposed fell heavily on the villagers, and was greatly resented. In themselves the taxes were not all of an objectionable character, but it was injudicious to impose them as was done, with very little notice, and all together. The taxes consisted of annual licence fees on shops, boats, carriages and carts, and on guns and dogs, and applied both to Europeans and 'natives'. While such licence fees are of course quite usual concomitants of any system of control and registration, the gun and dog taxes, of 2s. 6d. and 1s. respectively, fell particularly heavily on villagers whose monetary incomes were very small, and to whom a gun was regarded as essential for the protection of crops. An even more objectionable levy from the point of view of the villager was one made in connexion with an important new Roads Ordinance, which ultimately proved of great benefit to the country. It had as one of its chief features what came to be known as the poll tax. The Ordinance provided that every male inhabitant of the Island, with only a few exceptions, was liable to six days' labour on the roads, which could be commuted by a payment of Rs. 3. The objections of the villagers to labour on the roads were twofold. First, they saw in it a partial resurrection of compulsory labour, and, secondly, they were not particularly interested in roads, especially in the roads which were then being built, for they were mostly in the planting districts, and appeared to benefit the planters rather than themselves.

Administration under the Constitution of 1833

The general effect of all this was to add to the existing dissatisfaction and resentment. It showed first in Kandy, in July 1848, when a crowd of people appeared before the Government Agent to protest against the gun tax. Similar gatherings took place elsewhere, including Colombo. These gatherings, which at first dispersed without much trouble, later became unruly, especially in the Matale and Kurunegala Districts, where they took the form of risings against the Government. The risings were serious in places and it became necessary to call out troops, but they never became really dangerous, and were soon ended. The Governor and his advisers however took a grave view of the situation, martial law was declared, and extra troops were brought in from India. Several leaders were captured, and some eighteen persons in all were condemned to death and executed, among them a Buddhist Priest. Concurrent Sessions of the Supreme Court to try persons arrested before the declaration of martial law resulted in the conviction of seventeen persons for high treason. The Chief Justice recommended these to mercy and the Governor, though it does not appear that he approved the Chief Justice's clemency, commuted their sentences.

These events led to much local agitation, and to a division of opinion regarding the actions of the Governor. The case against Torrington was taken up by a number of prominent local people, mainly Europeans and Burghers—who incidentally were interested in questions of Constitutional reform, then being agitated in the Island. They pressed the matter in England where it was brought up in the House of Commons. There it became a useful weapon to attack the Prime Minister, Lord John Russell, who supported Torrington, and the colonial administration of the day. The attack was sufficiently strong to force the Prime Minister into agreeing to an inquiry by a Committee of the House, which included in its number several very influential Members of Parliament. A large number of witnesses was examined. The Governor and the Colonial Secretary, Tennent, took exception to the evidence given, particularly that of P. E. Wodehouse, the Government Agent

Public Administration in Ceylon

of the Western Province, and Tennent came to England to appear before the Committee and also to represent the Governor. He addressed the Committee with good effect, but Wodehouse produced a number of letters from Torrington attacking Tennent, who retaliated by producing other private letters from Torrington to himself. All this created a bad effect on the Committee, and the matter was further ventilated in the House of Commons. Torrington tendered his resignation, but before the resignation was received in London he had been recalled for 'failure to control the members of the Government service and maintain the harmony which was necessary for proper administration'. Neither Tennent nor Wodehouse returned to Ceylon. Tennent retired into private life. Wodehouse was re-employed before long, and had an honourable career in other parts of the Colonial Empire.

Thus ended this unfortunate series of occurrences, which, if they had no serious or lasting effect on the subsequent development of Ceylon, are of considerable interest to the student of administration.

CHAPTER IX

The Period of Expansion, 1850-1910

THE EARLY YEARS

A short interregnum followed the departure of Lord Torrington. The country settled down during this period, and when Sir George Anderson, previously Governor of Mauritius, arrived in Ceylon to become Governor in November 1850, he was able to report to the Legislative Council at his first meeting that the Island had returned to a condition of tranquillity, and he added, 'It is considered that we are returning to a state of fair financial responsibility'. The regulations requiring licences for guns, dogs, and shops were withdrawn for the time being, though they were introduced again at a later date.

Sir George Anderson's five years in Ceylon were mainly devoted to conserving the finances, which were beginning to improve after the depression of 1846. He continued work on the roads which had already been started, and enunciated in Council the principle that each work already started should be continued to completion, rather than that a larger number of works should be commenced, and possibly left incomplete. He admitted that his policy involved 'very great economy in public works', and proposals for a railway and for the introduction of the telegraph which had been mooted were not taken up during his Governorship. This period of inaction, however much it prepared the way for the developments which followed, did not find favour locally, and is generally regarded as one of the main reasons for the establishment of the Planters' Association of Ceylon, in February 1854.

The 'waiting' period came to an end with the appointment of Sir Henry Ward as Governor, in May 1855. He summed up the position as he saw it, at his first Legislative Council meeting, on 4 July 1855. He said, 'All these facts indicate that the colony

Public Administration in Ceylon

has passed through that period of trial and depression which all colonies seem destined to undergo, when the first flush of enterprise, consequent upon a large investment of capital in a new field, subsides and unforeseen difficulties begin to make themselves felt. You have paid dearly for the knowledge acquired during those painful years . . .’ He then indicated what he thought should be the policy of the ensuing years, a policy which was accepted and worked on for many years to come. ‘The question is one, not of ease or convenience, but of *life*. You must go on or you must go back.’ The policy of going forward was aided by a long period of prosperity and general tranquility. The reform of the Services already referred to had had their effect, and an excellent feeling now began to prevail between the villagers, the chief and minor headmen, and the members of the Public Service; and a feature of the time is the way in which the Government Agents were able to ascertain and represent the requirements of their people.

Further consideration of Service matters however was considered necessary, particularly in regard to strength of establishments, and a select Committee was appointed to consider salaries and economies in the Services. After the depression of 1846-8 Anderson had warned the Council of the consideration that was necessary in this matter, and advised them that, ‘While you keep in view every regard for a strict economy you do not hazard the due efficiency of the administration by any too stringent reduction of the Establishments’. Certain small changes were made, but the matter was not finally settled until 1857, when the Fixed Establishments Bill was passed, which, instead of decreasing, actually increased the annual expenditure.

ECONOMIC EXPANSION

The set-back to the nascent coffee industry had come to an end by the time Sir Henry Ward became Governor, and a big improvement followed. For many years thereafter industry and the revenue flourished. In 1855 the export of coffee exceeded 500,000 cwt., and by 1870 had exceeded 1 million cwt. a year.

The Period of Expansion, 1850-1910

This date however marked the end of the expansion of coffee. A fungus disease of the coffee leaf was noticed in 1869, and during the years following spread alarmingly, notwithstanding all efforts both of the Government and of the planters to find a remedy. By 1880 the export had fallen to about a half, and it continued to fall, until a few years later there was practically no export of coffee at all. The spread of the disease coincided with a period of general depression and low prices, and many of those engaged in the industry were ruined. The situation was temporarily saved by a demand which arose for cinchona bark, but over-production in Ceylon and Java caused the price of that commodity to fall to such an extent that the growing of cinchona soon ceased to be profitable. Cinchona was followed by tea, which became the main plantation industry. Rubber became an important crop from about 1904. Coconut, which forms the third main crop from Ceylon, was exported to a small extent when the British took over the Government, but as a plantation industry there was not much development until about 1840, when plantations were formed in the Northern and Eastern Provinces. The area under coconut rose gradually, and the latest figures show nearly 1 million acres under cultivation.

The establishment of coffee planting as the major industry of Ceylon, and the fact that, in place of the annually recurring deficits of revenue which had been a feature of the administration before the 1833 Constitution, there was a sufficient revenue to provide not only for recurrent expenditure but in a moderate degree for expansion, made it possible for the material development of the country to proceed. Roads received first attention, and by the time Sir Henry Ward had become Governor, main roads had reached all provincial and district centres. But this was only a beginning of what was required if the country as a whole was to be opened up. When the Kandyan provinces were taken over in 1815, not only were there practically no roads, but almost all the old reservoirs (tanks) of the earlier Sinhalese times had been in ruin for centuries, and vast areas were almost unpeopled and were extremely unhealthy. This was the position which faced Ward—an expanding population

and a new industry requiring, above all, transport. A certain amount of money only was available for expenditure, and a decision had to be taken as to the method of making the best use of this money. A railway to the planting districts was proposed, as road transport by bullock cart had become quite inadequate and very costly. For this purpose it was proposed to raise a loan. The Governor however considered that the whole population should share in the general prosperity, and that it would be wrong to concentrate entirely on the development of the planting enterprise, though this was the life-blood of the country. Little money had previously been available for irrigation works, though the desirability of them had been stressed again and again. Some advance had been made in regard to education and medical services, but this was mainly confined to the towns. With the improvement in the country's finances, however, and with the promise of a period of prosperity, it was clear that the time had arrived and a position had been reached by which the Government could plan for the general development of the country as a whole. Ward indicated the position in one of his earlier speeches in the Legislative Council. He was explaining the necessity for a loan to finance the projected railway, and in the course of his speech said, 'but it would be wrong to obtain a loan for the railway for the planting districts only and not do something for the 1½ millions whose interests are in our hands, and we should wisely avoid even the appearance of neglect'. He therefore proposed that the loan should include, besides the money wanted for the railway, provision for surveys for settling 'native' claims to lands, for improvements to canals and roads outside the planting districts, and for irrigation works. The money was in the main to be found from revenue surpluses. A new system of finance was introduced by which surplus balance ordinances were passed to appropriate surpluses to important public works, and provision was made in these ordinances for many works of special interest to the villagers. As the revenue was now showing a surplus, and a series of successful pearl fisheries was adding to the balances, the amounts at times were considerable, but even so they did

not suffice to do at once all that was considered desirable. Complaint is often made that while attention was being paid to material improvements, not much was being done for education and for medical services. The answer to this complaint was given some years later in the Legislative Council in a message from Governor Gordon. The message is dated 29 October 1884, and contains the following interesting passage: 'Education is good, but there is a material education due to physical improvements which must precede learning. No advantage can attend a hasty attempt in the first place to set down a school in some miserable fever-stricken village. First clear the jungle—make the place accessible—give it water—teach the people how to live; when they have learned that lesson, then let the schoolmaster commence his work . . . So with hospitals. It is an excellent thing to cure people of diseases, but it is better to prevent their falling ill.'

The emphasis therefore was for a number of years laid on material development. Roads, major and minor, were built to all parts of the Island. The first sod of the railway was cut in 1858, and though difficulties occurred at first to retard progress, it was opened to Kandy in 1867 and was afterwards extended to most parts of the Island. Major irrigation works were undertaken first in the Batticaloa District of the Eastern Province and in the Southern Province, but many smaller works were restored in other parts of the country. The Civil Engineer's Department was responsible for the larger works, but the smaller works were done by the villagers under supervision, Government providing the cost of masonry sluices, etc. There was a break after Ward left, and little was done during the Governorship of Sir Charles MacCarthy (1860-63), but Ward's policy was continued by Sir Hercules Robinson (1865-72) and Sir William Gregory (1872-7). It was during Gregory's time that work began on the big artificial harbour which has made Colombo one of the major ports of the world.

During this time also many of the large tanks that had lain in disrepair for centuries in the North Central, Central, and Eastern Provinces were restored, and the work previously begun

Public Administration in Ceylon

in the Southern Province completed. This work of restoring ancient tanks, and of constructing new ones has gone on almost uninterruptedly from that time until the present day.

LOCAL GOVERNMENT INSTITUTIONS

Interest in irrigation work led to a further important development. Village irrigation and cultivation was connected with old customs, many of which were dying away, and it seemed desirable to restore them. This was a very wise step, and very popular. The Irrigation Ordinance of 1856 revived the old village committees, or *gam sabhawas*, and gave them power to make rules for irrigation and cultivation, and to punish by fine breaches of such rules. The Government Agent or his assistant at first presided at meetings of the committees. They had the power to call out communal labour for the repair and maintenance of village tanks and watercourses.

This revival of village committees for irrigation was really the beginning of local government for the Island. Ward referred to this Ordinance and the Kandyan Marriage Ordinance as proof that moral and social changes had not been overlooked during his régime. The Irrigation Ordinance he said, 'restores in shape peculiarly adapted to the Island those simple municipal forms which were known and cherished among the village communities of the East long before European civilization commenced'. The irrigation scheme worked so well that in 1871 the system was extended beyond irrigation and was made to cover many phases of village life, including the trial of small offences, and the hearing of small civil causes. Sir Hercules Robinson explained the object of the new law to the Legislative Council as follows: 'In former times complaints of this nature [petty criminal] were disposed of summarily on the spot, but our rule has destroyed every vestige of the system of village government and has given the people in its place about forty minor courts scattered over the whole country, presided over by European Magistrates and conducted according to European forms of civil and criminal procedure . . . what is wanted is

The Period of Expansion, 1850-1910

some inexpensive, prompt, and popular means of settling village disputes on the spot.¹ He thought an extension of the irrigation system, with chief headmen holding court, and proceedings subject to the supervision and confirmation of the Government Agent would best effect the object, with local rules for the enforcement of ancient customs, pasturage, cattle trespass, village schools, etc., and added that Government would be willing to open a school in every village where villagers undertook to provide a school-house. A *Gam sabhawa* Ordinance was passed on these lines, giving villages committees—consisting of members chosen from the principal landowners of the area—power to make rules for the regulation of village affairs, including cultivation, fisheries, paths, village schools, etc., and establishing tribunals with the chief headmen as presidents, to try petty criminal and civil cases, and breaches of the rules. Later additional presidents were appointed in most cases as the work increased, but these were also looked on as chief headmen. Village committees and village tribunals have been a feature of village life ever since. In very recent years village tribunals have become Minor Courts, and lawyers have been appointed to preside in place of headmen presidents, and appeals go to the district judges instead of the Government Agents as was the original arrangement.

While local government in the villages was being cared for by village committees, modern machinery of local government was being introduced in the towns and urban areas, very much on the English model. It was the intention of the Government that these local bodies should not only manage their own affairs, but should also become training grounds for political thought in the country.

In 1853, following an outbreak of smallpox in Ceylon, local boards of health were established to ensure the adoption of sanitary measures. In 1861 the road committees which had been constituted by the Road Ordinance of 1848¹ were reconstructed, on an elective basis. The provincial committees, which supervised rest-houses, and looked after district committees, remained

¹ See p. 78

nominated bodies, but their powers of nominating members to the district committees were taken away, and instead the three members of the district committees who dealt mainly with minor roads were elected on a racial basis, to represent the European, the Burgher, and the Sinhalese or the Tamil inhabitants of the district respectively. These bodies were the first local bodies in the Island to be constituted on an elective basis.

A further advance took place in 1865 when a Municipal Councils Ordinance was passed, which led to the constitution of municipalities in Colombo and Kandy in 1866, and in Galle in 1867. There had been a form of municipal government in Colombo from Portuguese and Dutch days, and in Portuguese days it is said that there was even an elected chamber. Assessment rates had been collected from early British days in Colombo and Galle for the repair and lighting of streets. No great advance in local government however was made in these towns till the Ordinance of 1865 was passed. The new municipal councils had elected and nominated members, but it was laid down that the number of nominated members must not exceed the number of elected members. The Colombo Council had ten elected and nine nominated members, and the Kandy and Galle Councils each had five elected and four nominated members. In Colombo a full-time senior Civil Servant was appointed chairman, while in the other two towns the Government Agents were chairmen. The Ordinance was very comprehensive, and contained provision for local government activities of all kinds. There was little change in the constitution of these councils until recently, but now the council members are all elected, and choose their own chairman (mayor) from among their members, while they have a commissioner as their executive officer. The Ordinance was introduced at a time when the demand for political advance was very insistent. Sir William Gregory's speech in Council on the subject is interesting. He said:

Among the new ordinances to be brought forward this session, an ordinance creating a system of municipal organization in the chief towns of the Island is one calculated, I think, to exercise an important

The Period of Expansion, 1850-1910

influence upon the political and social condition of the colony. If ever the bulk of the population can be fitted for a larger measure of political power, it can only be effected through the training which the exercise of municipal functions affords. They can thus establish a claim to further concessions by proving that they are prepared to make personal sacrifice for the public good, that they can exercise with fairness, moderation and self-restraint, the powers and privileges conferred on them, and can carry on local self-government with justice to contending interests and classes.

Thus political advance was envisaged, and the extension of local government institutions was to be partly an end in itself, and partly a means of education for that political advance.

The next big step forward in local government was made in 1876 by the passing of the Local Boards of Health and Improvement Ordinance. This Ordinance gave a constitution to such towns as were proclaimed for the purpose by the Government. The boards consisted of three elected and three nominated members, and were under the chairmanship of the Government Agent or the Assistant Government Agent. These bodies were given most of the powers previously conferred on the municipalities. Subject to the approval of the Governor in Council they could make by-laws and levy assessment rates, and they had charge of roads, other than main roads, street lighting, water supply, markets, etc., within their areas. All the remaining larger towns of the Island were proclaimed under the Ordinance. Some years later, in 1892, a Local Sanitary Rates Ordinance was passed which provided for the management of the lesser towns, which were known as sanitary board towns. Their control was vested in a board of nominated members for each district, presided over by the Government Agent or the Assistant Government Agent. These forms of local government were very successful, and remained practically unchanged for many years, until about 1920, when provision was made for a more democratic form of government for these bodies, and urban councils, with elected chairmen, gradually took the place of the local board and many of the sanitary board towns.

EDUCATION AND HEALTH

Though as stated above, education and curative medical services were not at the time considered to be of such importance as material developments on roads, bridges, tanks, etc., these services were not neglected, and at times came very much to the fore. Education continued until 1870 to be under the control of the Central Schools Commission set up in 1841.¹ The Commission supervised education generally and dealt with Government grants to aided schools. It was however never very popular and education did not make much progress. In 1865 the total number of children in the Government vernacular schools was rather less than 4,000, while the number in the Mission schools was about twice that number. In that year the Legislative Council appointed a Committee of the Council, under the chairmanship of Sir Richard Morgan, to report on the system of education in Ceylon, and to make recommendations for the future. In 1867 the Committee issued a full and comprehensive report which resulted in a complete change of system and outlook as regards education. The Schools Commission ceased to function and a Department of Public Instruction was set up in its place, and started work in 1870. Government from this time made itself directly responsible for vernacular education, and Government schools were opened in many places not so far served by Mission schools. The latter continued to function, and in fact increased in number, receiving Government grants paid on 'results'. Later, schools run on similar lines by Buddhist and Hindu organizations were started, and received Government grants in the same way. Religious instruction was no longer a subject of instruction in Government schools, and the denominations were left free to give such instruction if they wished, subject to a 'conscience' clause, and such instruction was no longer a condition for a grant. A Government school for training teachers was set up, which in 1902 developed into a full Government training college, and a

¹ This took the place of the Schools Commission established in 1834 in pursuance of Colebrooke's recommendations. See p. 70.

university scholarship scheme was introduced to enable promising students to go to a British university. This scheme was at first confined to students of the Royal College (the new name for the Colombo Academy¹), but in 1880 it was thrown open to competition in all schools, and awarded on the results of the Cambridge Local Examination. A higher standard was demanded later, and the university scholarship scheme proved most popular and useful. These changes were started in the time of Sir Hercules Robinson, but were given full effect in the time of Sir William Gregory. It was recognized that the new prosperity and the new means of locomotion were creating a 'great social revolution . . . in the thought and habits of the people' and the importance of education in this state of affairs was being increasingly acknowledged, though it was admitted at the time that so far as education was concerned, they were just 'scratching the surface'. A few years later Sir William Gregory was able to report good progress in the number of schools established and the number of children attending them.

During a period of depression which occupied the whole of Sir James Longdon's Governorship (1877-83), expenditure on public works, including irrigation, was cut down, but expenditure on education increased. This led to caustic comments by his successor, the Hon. Sir A. H. Gordon (1883-90), who expressed the view that it was essential to go on with irrigation, as Ward, Robinson, and Gregory had urged, 'but money which they had hoped to keep steadily applied to irrigation had been diverted to objects not really of more importance, but which appeared to be of more immediate and pressing urgency'. Notwithstanding this somewhat depressing attitude, educational facilities continued to grow in the Island, and the number of children attending school gradually increased. The prime importance of education came to be more generally recognized, as the following extract from a speech in the Legislative Council by Governor Sir West Ridgway (1896-1903) in 1896 indicated. He stated:

¹ The Colombo Academy was opened in 1836.

Public Administration in Ceylon

It is said sometimes that we spend too much on education, on hospitals, and other institutions of that kind. The argument would be plausible enough if we ruled this Island on purely commercial principles, but England recognizes her duties and responsibilities wherever she hoists her flag. The promotion of commerce, the development of the resources of the country—these are of course of paramount consideration; but equally important is the amelioration of the lot of the 'native' population and care for their physical and moral welfare. These are the principles on which England rules. These are the only principles on which she consents to rule. They are the price which we must consent to pay for our connexion with the British Empire; and therefore those who are inclined, if there are any, to repine over this expenditure—on what may be called ameliorative institutions—are kicking against the pricks.

In 1895 the number of schoolchildren had reached 130,000, while by 1912 the total was nearly three times that number, and there were some 800 Government schools and 2,000 grant-in-aid schools. In 1945 the number of Government schools had risen to 2,391 and of assisted schools to 3,335, and except in the most remote villages educational facilities may be said to have been available to every child in the Island.

A Technical College was established in 1893. In 1931 an important advance was made by the establishment of a University College, which was converted into the University of Ceylon in 1942.

In medical matters the advance was more rapid. Medical officers (Colonial Surgeons and Assistant Colonial Surgeons) were appointed to the principal towns at an early date of British rule, and some hospitals were built. Much of the Island was unhealthy however, and subject to malaria, and the problem of dealing with tropical disease was a lengthy business. The recruitment of Indian labour from about the middle of the century added to the difficulties, for the labourers landed at Mannar, and used the overland 'Cooly-road' through the middle of the country to the planting districts, and often carried cholera and other diseases with them; these spread to Jaffna and to districts adjoining the 'Cooly-road'. Special measures were taken to deal with them, halting-places, medical officers, and hospitals being provided along the route. With the opening of

The Period of Expansion, 1850-1910

the railway more labourers began to use a new route via Tuticorin and Colombo; this brought the possibility of disease nearer the big towns. Accordingly, quarantine stations were established at Ragama in Ceylon, in 1897, and at Tatapurai in India. When the Ceylon-India rail route was opened another large and up-to-date quarantine camp was established at Mandapam in India, near the Indian rail terminus. Special provision was made for medical facilities for Indian labourers, a cess (levy) being collected on exports from estates to establish funds for the purpose.

As has already been said, there were, at the commencement of this period, some medical officers and hospitals for the local inhabitants. The establishment of municipalities and local boards, etc., did much for the health of the towns. A medical college for the training of doctors was established in 1870, and has developed into the Medical Faculty of the University of Ceylon. One of the most important steps taken in regard to health however was the establishment throughout the country of dispensaries, in charge of Government-trained dispensers, who were able to give medical attention in simple cases. This system was begun by Sir William Gregory, who had seen it at work successfully in Ireland. A period of special attention to health matters began from this time, in the rural, as well as in the planting areas, and hospitals were opened at all important centres. Specialist institutions were established in Colombo—a bacteriological institute in 1899, and hospitals for women and children some time later. In 1895 Sir Arthur Havelock, who was Governor during the period 1890-6, was able to say in Council '... the medical aid given by Government ... contributes more largely to the mitigation of misery than any other of the many blessings of British enterprise in this country'.

The next Governor, Sir West Ridgway, reported to the Legislative Council that the country was reaching finality as regards hospitals and dispensaries and added, 'Ceylon has reason to be proud of her hospitals'. The then Principal Civil Medical Officer, Dr Kynsey, considered that an additional

Rs. 750,000 would cover the cost of the new establishments wanted by him, and recommended that this expenditure be spread over a number of years. Further developments have been the establishment of preventive, as distinct from curative services, medical officers of health and sanitary inspectors (later sanitary assistants) being appointed within the Medical Department for duty on the preventive side. These developments all contributed to a very much healthier country. Some of the diseases, such as *parangi* (yaws)—which was very bad at one time in the rural areas—cholera, and smallpox were almost wiped out. Ankylostomiasis has been practically overcome, and though malaria is still a menace, it was brought, by the establishment of a malaria section with a malariologist in charge, much more under control, and big areas which had defied development owing to this disease, became available for settlement and for opening up.

EXPANSION OF GOVERNMENT DEPARTMENTS

The great increase in public works, and in Government activity generally, necessitated some important administrative changes and the formation of some new departments. One was the Irrigation Department, and its development is interesting. The Public Works Department was originally in charge of the construction works, and worked in co-operation with the Government Agents. This arrangement fell into disuse during the depression, and fresh machinery was required when it was over. The Irrigation Ordinance,¹ passed in 1887, established Irrigation Boards, a Central Board with the Governor as President to co-ordinate all activity, and Provincial Boards under the Government Agents to initiate and carry out works; the actual work in the field was done under the Survey and Public Works Departments. The Provincial Boards were kept in funds by receiving in each province a fixed proportion—one-fourth—of the grain tax. After the tax was abolished, one-tenth of the rice import-duty was paid into the irrigation fund.

¹ See p. 86 for earlier ordinance.

The Period of Expansion, 1850-1910

The Irrigation Boards were reported at first to be working satisfactorily, but later there were complaints, and Sir West Ridgway in the Legislative Council condemned the system, because the local officers had not the time to get together for the work, and also, the funds provided were not being spent. Accordingly, in 1898, irrigation was reorganized, first as a branch of the Public Works Department, but in the following year it became an entirely separate department which had charge of the more important works, while those of less importance were retained under the Provincial Irrigation Boards. In 1901 these Boards were abolished, and in 1906 the Central Board went the same way, as it was felt that they were interfering with the responsibility of the Director of Irrigation. A further step taken a year or two later was the restoration to the Government Agents of the supervision of cultivation and the regulation and distribution of water, leaving to the Irrigation Department purely engineering matters.

The Public Works and Survey Departments were also reorganized. For many years the two offices had worked closely together, and the posts of Civil Engineer and Surveyor-General were sometimes held by the same officer, and sometimes separately. The union of these two posts was quite common in colonial practice, and in some colonies they are even now combined. In Ceylon the Survey section was at first the more fully organized. Colebrooke had commented upon the absence of self-contained technical departments, and made it one of his main recommendations that 'a responsible and efficient department for the direction and execution of public works, incorporating with it the present establishment of the Colonial Engineer and Surveyor-General and that of the Pioneers and Artificers now employed under the Royal Engineers and the Deputy Quartermaster-General' should be formed. He made a further suggestion that the administration should be 'by established and responsible departments acting under instructions from and subject to the control of the [corresponding] Executive Department in England'. This is an intriguing suggestion which would have meant detailed control of departments

from England. Exactly how it was to be done was not explained, and the proposal was not approved by the Secretary of State. The work of the Civil Engineer and Surveyor-General was recognized to be of such importance that he was given a seat in the first Legislative Council. The practice of sending out special assistants for these departments started about this time, but they remained in close connexion with the Civil Service, and in a minute of 3 July 1845 on the Civil Service, the Civil Engineer and Surveyor-General and the Commissioner of Roads are shown as members of the senior branch of the Civil Service, while their assistants are shown in the fifth class of the junior branch. The two sections were some time after this separated, and the Survey Department, which was of special importance in connexion with Sir Henry Ward's land policy, was reorganized and expanded in his time. A reorganization of the Public Works Department was undertaken in 1866, on a regional basis. Further improvements were made during Sir William Gregory's Governorship, one of the principal being that instead of unqualified men being recruited, and depending on getting their training locally, qualified engineers were appointed. Further developments were concerned largely with the recruitment and training of suitable Ceylonese officers, who, in the final stages of the British administration, provided the bulk of the officers of both departments.

A reorganization of the Police Department took place during this period. The Inspector-General of Police had originally responsibility only in Colombo, while in out-stations the Government Agents had charge of criminal work, having a force of police in the towns, and using the headmen, who had police powers, in the districts. This system became outmoded for two reasons. The first was an increase of crime following the 'new prosperity', combined with an increase in population; and secondly, the difficulty the Government Agent had in finding sufficient time for satisfactory police work amongst all his other duties. The Police Ordinance of 1865 provided the means for establishing an efficient force in the more advanced areas and ultimately the whole Island was policed, though for many

The Period of Expansion, 1850-1910

years it was divided into 'policed' and 'unpoliced' areas, the Government Agents having charge of the latter, with the headmen looking after crime matters in their own areas. The Government Agents generally had a small force of regular police at their headquarters, of whom they were in charge. The Inspector-General of Police, though not usually chosen from the Cadet Service, ranked until about 1910 as an officer of Class II, and sometimes of Class I, of the Civil Service, and Civil Servants were sometimes seconded to be officers of the Police Force. In 1908 a new system of recruitment was adopted, and from that year police probationers were chosen by a competitive examination, which was the same as that for the Indian Police Force. Later a system was adopted by which European police officers, Ceylonese officers, and officers promoted from the inspectorate, were appointed in rotation, and finally, after 1942, European recruitment ceased, and local examinations were instituted for direct recruitment of Ceylonese officers.

Another department which, when formed, took over work from the Government Agents was the Forest Department. This was established in 1889, for the purpose of taking charge of the more valuable forest-lands. At first the relationship between the Government Agents and the Forest Department was not defined, but ten years after its formation their respective functions were settled. The Forest Department was given charge of the reserved forests, and a service of trained forest officers was established.

Agriculture had not been very well organized in early days, and the Government interest was mainly in the botanical gardens, which were responsible for much scientific research work. The scope was gradually widened, until in 1912 a Department of Agriculture was formed from the Department of the Royal Botanical Gardens. The technical work was expanded, and a provincial system was organized among other things to help villagers; and agricultural instructors were appointed, working in close co-operation with the Government Agents and their organization.

Veterinary work was at first done by an officer attached to the Department of Public Instruction (which later became the Department of Education). For a time thereafter he held an independent position, and Assistant Veterinary Surgeons and Stock Inspectors were appointed, with special reference to cattle disease. Later this department was attached to the Agricultural Department, and became a special branch thereof, and greater emphasis was laid on animal husbandry and cattle-breeding.

Yet another department, which has played an important part in the rural economy of the Island, was the Land Settlement Department, which was established during the time of Sir West Ridgway. The object of the department was to settle claims to waste-lands between the Crown and the subject. The Department came in for a great deal of criticism at the time, because it was felt that the Ordinance was intended to take away the rights of villagers to *chena* waste land, and to graze their cattle thereon. The Ordinance was very necessary however, as so much of the waste land of the Island was being sold under specious title, and opened up. Sir West Ridgway made the following statement: 'There is probably no step of mine during my term of office which has been subjected to more criticism and misrepresentation than the enactment of the Waste Lands Ordinance, yet I can truthfully say that there is no measure initiated by me on which I look back with greater satisfaction. Forests were being devastated, villagers were selling forests to which they had no title—in one province 100,000 acres of village lands including not only Crown forests but even homesteads and gardens has passed within six months into the hands of speculators or middlemen.' The Ordinance provided for survey, and investigation of claims, and for arriving at amicable settlement where possible, and for reference to the Courts where this was not possible. The criticism died down later, especially on the introduction of a land policy which provided for reservation of lands for village expansion, and village purposes generally.

The last quarter of the nineteenth century saw a great de-

velopment of 'specialization' in the public service, and the development of separate departments (outside the Civil Service) as independent units, with their own departmental heads, though at times specially selected Civil Servants were in charge. The Postal, Customs, and Registration Departments, which had longer separate existence, all had Civil Servants as their heads. The Land Settlement Department and the Excise Department were partly staffed by Civil Servants. The era of specialized departments had set in, and the tendency was to employ as far as possible, and to train, specialist officers, though this was by no means the universal practice, and there was no definite rule on the point. Regarding judicial appointments, the position was accepted that the connexion between the administrative and the judicial should cease, and judicial posts were gradually removed from the Civil Service and a judicial service of professional men was gradually built up.

THE CIVIL SERVICE

The Civil Service was firmly established on sound lines by the reforms of 1845. It was then an all-European service. Colebrooke had, it is true, advocated as one of his proposals for the public service, that the Civil Service should be opened to competent members of all classes of the 'native' community and to British residents in Ceylon, but appointments of Ceylonese actually only began from 1844, when the reforms of the Service were about to be introduced. Two Ceylonese who had held judicial appointments were placed in the Civil Service in that year, and three more during 1845 and 1846. One of these was promoted from the clerical service, this being the first occasion on which such a promotion had been made. A second joined the Civil Service through the Public Works Department, and the third held the office of District Judge, Kandy, and was absorbed into the Civil Service on its reorganization. Several other Ceylonese were appointed to the Service during the following years.

In 1856 an important change was made in the method of

recruitment to the Service, by the substitution for the Haileybury examination of a competitive examination held by the Civil Service Commissioners. The main difference was that the Haileybury examination was based on public school standards, while the Civil Service Commissioners' examination had been designed to obtain for the Service university graduates. Local candidates were nominated by the Governor, and received appointment without examination until 1863 when a non-competitive examination was introduced locally to test the candidates 'general attainments'. In 1870 a further change was made, the examination being held simultaneously in England and in Ceylon, identical papers being set. The result however was not foreseen, for it actually made it more difficult for Ceylonese candidates to compete, except where they had obtained their education at a British university. Mr (later Sir) Ponnambalam Arunachalem, one of the most brilliant of Ceylon Civil Servants, received his appointment in this way. The next step, taken in 1880, was to hold the examination by open competition in London only, without nomination. This meant of course that Ceylonese candidates had to travel to London to compete. In the result, though Governors like Gregory and Horton expressed themselves strongly on the subject of the opening of the Service to Ceylonese, and though the re-organizations of departments at this time had provided opportunities for them to be recruited to many branches of the public service, few Ceylonese actually entered the Civil Service.

A further important step however was taken in 1891 by the creation of a local division (first known as the lower division) of the Civil Service. A certain number of posts in the lower classes of the Civil Service was reserved for members of this division and as they became more senior, posts in the higher classes were also reserved, and the local division provided a career up to and including Class I of the Service. Entrance in the first instance was by competitive examination among candidates who received a nomination from the Governor. The local division remained in being until 1920, when it was abolished, and its members were incorporated into the general Civil Service.

The Period of Expansion, 1850-1910

The main entrance to the Civil Service continued to be by competitive examination in London, conducted by the British Civil Service Commission. The examination was of a high standard, and provided recruits for the Home Civil Service (Class I), the Indian Civil Service, and also Eastern Cadetships. The latter supplied the needs of Malaya and Hong Kong as well as of Ceylon. It was provided that a proportion fixed from time to time of the cadets for the Ceylon Civil Service should be Ceylonese, while if the London examination did not produce the required number it was laid down that a local examination to fill the vacancies should be held. By 1924 the establishment in Colombo of the University College, and arrangements by which the London University degree examinations were held in Ceylon, produced a situation in which a sufficient number of suitable candidates were available to justify a local examination again: accordingly the examination was held simultaneously in London and in Ceylon. In 1932 nomination to the local examination was limited to London graduates and to those with degrees of equal standard.

Meanwhile steps had been taken for accelerating the Ceylonization of the higher ranks of the public services. A Committee appointed in 1919 to advise on the subject recommended that one-third of the members of the Civil Service should be Ceylonese, and suggested that the proportion should gradually be raised to one-half. Consequent on this recommendation the Secretary of State in April 1920 approved of the recruitment of one Ceylonese for every two Europeans recruited. This was changed again in 1923, when it was laid down that one Ceylonese should be recruited for every European appointed to the service. By 1927 the prescribed proportion of one-third Ceylonese had been attained, but the arrangement by which Europeans and Ceylonese were recruited in equal number was continued. In 1931 the Secretary of State accepted a recommendation that recruitment of Europeans to the Civil Service should cease 'until further notice', but this was done rather in view of the uncertainty that existed at the time in regard to salaries and conditions of service than to a desire to

Public Administration in Ceylon

hasten Ceylonization. Recruitment of Europeans was resumed in 1935, the arrangement made then being that one-third of the vacancies in the Service should be filled by Europeans until a proportion of two Ceylonese to one European was reached. In 1938 however it was agreed that no further Europeans should be recruited, but the Secretary of State reserved to himself the right to appoint a proportion of European officers to the Service in the event of any deterioration in quality or efficiency of the Service becoming apparent. The last European cadets were recruited in 1937. The fact that the Secretary of State had no occasion to have recourse to the terms of his proviso to enable him to recruit European officers indicates that he was satisfied with the quality and efficiency of the Ceylonese officers who have since entered the Service. The following table shows the number of European and Ceylonese officers in the Civil Service at ten-yearly intervals since 1920 :

	<i>Europeans</i>	<i>Ceylonese, including others (e.g. Indians)</i>
1920	79 (The local Division which was in existence at this time contained an additional 26 officers)	11
1930	83 (In addition there was a Class V consisting of 15 officers)	55
1940	49 (Class V had now become Class III and contained 13 officers)	81
1950	10 (Class III now contained 15 permanent and 10 temporary posts)	124

With the cessation of European recruitment it was no longer necessary to hold the examinations in London, and they were held in Ceylon only. During the last few years of the Donoughmore Constitution the examination was conducted by a local Civil Service Commission, which made every endeavour to maintain the previous high standard of the examination.

Nothing was laid down to forbid the appointment of a Ceylonese Civil Servant to any post within the framework of the Service, but in practice the Government Agencies and appointments in the Secretariat and in the Customs Department were filled by Europeans. This practice gradually ceased as Ceylonese officers increased in number and seniority and showed their ability to hold the higher posts. From about 1930 Ceylonese

began to be appointed to Government Agencies and other higher posts. The last Financial Secretary was a Ceylonese.

Meanwhile, in the early days of the Donoughmore Constitution, the State Council had brought considerable pressure to bear on the Government to appoint Ceylonese wherever possible to posts in the Government Service where no scheme existed for recruitment as in the Civil Service. In March 1933 an agreement was reached in the State Council by which no non-Ceylonese was to be appointed to such posts, except on terms and conditions to be agreed to by the Council. From this time on whenever it was desired to appoint a non-Ceylonese to the Service a resolution approving the appointment had to be placed before the State Council. As the original decision to adopt this course was agreed to in March 1933, these Resolutions came to be known as 'March Resolutions' and became a regular feature on the State Council agenda. If any question arose of who was, or who was to be deemed, a Ceylonese, reference was made to the Board of Ministers for decision. These functions under the Soulbury Constitution devolved on the Minister concerned.

THE CLERICAL AND SIMILAR SERVICES

The clerical services of Ceylon have, throughout the British period, been manned almost exclusively by Ceylonese. As the Administration was carried on in English, a good knowledge of the language was a necessary requirement for all who hoped to be employed. The Burghers naturally had an advantage here, and for years they formed the backbone of these services, as well as providing a large number of the professional men, lawyers, doctors, etc., of the colony. Much of course depended on educational facilities, and Government gave encouragement to education in English, with a view to providing suitable candidates for Government services.

Appointments in the clerical services were made as required and there was not in the early days a service as such with fixed scales of salaries. A step forward towards a unified service with

fixed salary-scales was made by the passing of the Clerk's Salaries Bill in 1865. When this Bill was introduced in the previous year, the acting Governor had stated that its object was for 'ameliorating the condition of that most useful and underpaid body, the Government Clerks'. Further improvements were made shortly after, and Governor Gregory could say in his final speech to the Legislative Council in 1877 that the clerical service had been completely reorganized: in many cases better salaries were being paid, and in every respect the service offered a wider field of advancement. Promotion was through ability and no longer by favouritism. The clerical services became organized as a central service, similar to the Civil Service, administered by the Colonial Secretary, and provided clerical assistance for all departments of Government which required it. When later, a Class V of the Civil Service was formed as one of the means of providing an entry into that Service of Ceylonese who had not passed the competitive examination, the appointments were made almost exclusively from the clerical service.

Some departments which required special training for their clerks, such as the Postal, Railway, and Customs Departments, had their own clerical services, organized on lines similar to the general clerical service. The services so organized undoubtedly played an important part in the establishment of an efficient administration.

THE HEADMEN SYSTEM

In early days nearly every function of Government was performed by or through the *kacheheri* and much was passed on to the chief and minor Headmen. With the creation of specialized departments with provincial and district officers, the headmen were relieved of some of their duties, but many functions remained which were particularly theirs, and they had a duty to aid the technical officers also. The chief headmen were expected to be men of substance and influence in their own districts, and their remuneration was regarded as payment for

out-of-pocket expenses rather than as a normal salary. The minor headmen were men of importance in their own villages, and were remunerated by fees for the various services they performed. The Government did not demand the whole of their time, and many carried on some private trade. As a rule, and especially in the Kandyan provinces, chief headmen were chosen from the principal families, but sometimes, and especially in parts of the Low-country, members of the clerical and other services who had done well and shown aptitude were selected. The system of unpaid village headmen however, was not found altogether satisfactory, and a controversy arose as to whether they should be paid a salary. This was opposed by those who were anxious to retain old customs and forms of government as long as possible. This view was expressed in the Legislative Council by Governor Gordon, who said that, in his opinion, such payment would alter the character of the system, and would result in a migratory system by which headmen, like other Government officers, e.g. clerks, would be liable to be moved from place to place. He wished to retain as long as possible a system which enlisted all natural influences in support of the central authority, instead of arraying them against the Government. However, at a later stage a compromise was arrived at; headmen were paid salaries, but were appointed to, and remained in their own villages.

The headmen system was still in operation at the end of the British period. The main change in the later history of the minor headmen was in regard to caste. It had been the practice to appoint headmen for particular castes when there were considerable numbers of any one caste in a village. These headmen were sometimes appointed for a territorial area, but sometimes had authority only over the people of their own caste within the territorial area of another headman. The legislature, as it became more popular, frowned on caste, and the number of caste headmen was gradually reduced, until they had almost disappeared.

An important change was made in regard to chief headmen towards the end of the British period, when on the advice of a

Commission appointed at the instance of the State Council, which regarded the existing system as antiquated and unsuited to modern conditions, chief headmen appointed by the Governor gave place to Divisional Revenue Officers, selected by open competition. These officers were not obliged, as the chief headmen before them were, to have property and influence in their divisions, and they were liable to be moved anywhere in the area (Low-country, Tamil, or Kandyan) to which they were appointed. This brought to an end what has been called a local 'feudal system'—a system which had persisted from ancient times, and made a definite and decisive break with old traditions. The functions of the new officers however were practically the same as those whom they succeeded.

POLITICAL ADVANCE

After the preliminary difficulties in establishing the Legislative Council had been overcome, the general relations between the Government and the Council remained cordial, and though there were occasional differences, they were such, as one Governor put it, as 'are inherent in every form of representative government'. A great amount of good solid work was done in the preparation and passing of legislation. Agitation for the reform of the Council however, went on, particularly in times of financial stringency, when the Government was not able to propose expenditure for works on the scale which the unofficial members wished.

The main differences between the Government and the Council arose over the military contribution. Here the contention was with the Secretary of State rather than with the Governor. The matter came to a head when, on the recommendation of a Committee of the House of Commons, Ceylon was, in 1864, called upon to pay £135,000, rising by £10,000 annually until the amount reached the total military expenditure. This was strongly resented locally, and the appropriation of a sum of money in Ceylon towards the military contribution led to such opposition that in the same year the unofficial

members of the Council walked out in a body. This led to the founding of the Ceylon League, perhaps the first unofficial body created with the definite intention of pressing for legislative reforms. The League was headed by George Wall, the Planting member, and Charles Lorensz, the Burgher member, and contained the names of many leading Europeans and Ceylonese. The declared aim of the League was the securing of full control of the financial affairs of the Island, and for the attainment of this object they asked for a 'modification of the Constitution and Procedure of the Council', though not for violent changes or enlargement of the Council, 'however desirable on other grounds'. George Wall was sent to England to press the matter, and it was raised in Parliament, but the Secretary of State, following in this case the advice of the Governor of Ceylon, Sir Hercules Robinson, stated that he felt himself unable to advise Her Majesty to accede to the prayer of the League. He gave as the reason for the refusal to grant the Council full control over the revenues of the Island, the inability to establish in Ceylon at that time any legislature which would really represent the population.

The position of the Government of the time is summed up by Major-General Studholme Hodgson, who was administering the Government, in a speech in Council:

As the result of most anxious study and observation I am of the opinion that the present form of Government is one quite suited to your wants, and that it would be unwise to introduce innovations or to attempt experiments however plausible in theory or specious in appearance . . . Where the dominant class bear a very small proportion to the bulk of the population, where their interests are often different, perhaps conflicting, real responsibility must rest with Government, and so you must yield to it power and responsibility, and Government must always have a majority in this assembly . . . But until a large majority of the people can be enabled by education to understand their rights, in the true and proper spirit; to maintain them calmly and dispassionately; until they can appreciate and be made equal to the benefits of representative institutions, the power and responsibility must be entrusted to the Government which alone can hold the scales evenly between divers classes and interests.

This statement may be said to constitute a declaration of

Public Administration in Ceylon

policy that reforms would follow when the people were ready for them. Pressure for reforms next came from the English-educated Ceylonese, who, towards the close of the century, increasingly made their voice heard.

In 1889 the number of unofficial members of the Council was increased from six to eight, the intention being to provide places for a Kandyan and a Muslim. Another change was made, by which members were nominated for three years (afterwards raised to five) instead of vacating their seats on the assumption of office by a new Governor. No further changes of importance were made until 1910, when a Royal Instruction reconstituted the Council.

In 1910 the Island was in a flourishing condition. Its main agricultural industries, tea, rubber, and coconut, were prosperous, and the extension of irrigation and of medical services had done much to improve the conditions of the villagers. Education was being extended, and the administration of the Island had been reorganized. Local government was fairly advanced in the towns, and the rudiments of it existed in the villages.

The formulation of policy was still very largely in the Governor's hands, subject to the control of the Secretary of State, while Government authority in the provinces was very largely exercised by, and through, the Government Agents. But there were indications of changes at hand. The growth of the administration and the establishment or reorganization of Government departments made necessary by the increase in population and in the material expansion of the Island made it clear that the old forms of government were changing. The spread of education and the rise of a class of English-educated Ceylonese who naturally desired a greater share in the government of the Island made a modification inevitable.

Sir West Ridgway at his last meeting of the Legislative Council expressed his view of the position as follows: ' I think Gentlemen, under the existing Constitution you practically enjoy all the advantages of a self-governing colony. You have got complete control over the finances. No law can be passed

The Period of Expansion, 1850-1910

without your concurrence and I do not believe that any wise Government would be deaf to your remonstrances.'

It was possibly because of this position that reforms were inevitable. The Legislature had tasted power, and would not be satisfied to remain static. The way was open to new advances, and the first of these came with the Constitution of 1912.

CHAPTER X

The Constitutions of 1912, 1920, and 1924

THE Constitution of 1833, creating Executive and Legislative Councils in Ceylon, remained in force for nearly eighty years with only slight modifications. The influence and authority of the Legislative Council increased as the years went by, though there was throughout this period an official majority whereby it was in the power of the Government, if it so desired, to pass legislation against the advice and vote of the unofficial members—a power which fortunately it was rarely, if ever, necessary to use. The influence of the Council was expressed in three main ways. Firstly, in discussion and criticism of the policy and acts of the Government; secondly, in legislation; and thirdly, in regard to finance. Members were at times very outspoken in their views on Governmental action. In connexion with legislation the Governors found them very useful. For instance, Sir Arthur Gordon, at his farewell speech to the Council on 28 May 1890 said, with reference to legislation passed during his period of Governorship, ‘What I want to call your attention to is this, how very large a share Council itself has had in the preparation and passing of these Bills. The Committees of Council to which these measures have been referred have almost invariably considerably altered their original form. The members of these Committees were in all cases possessed of experience and knowledge which has proved of the greatest value.’ It was, however, probably in regard to finance that the Council made itself most felt. No financial measure could be introduced save by the Governor, or with the Governor’s consent, but it became a rule for all financial proposals to go before the Council. The position was recognized by the Secretary of State, who desired that all proposed expenditure measures should be placed before the Legislature for public

The Constitutions of 1912, 1920, and 1924

discussion before being finally approved by him. Sir Henry McCallum, Governor (1907-13), carried the procedure further by proposing a programme of works to extend over several years, providing the funds for this programme by ear-marking a considerable proportion of the revenue for the purpose, and also by the formation of a Finance Committee. The latter was a most important move, as the Committee continued to function under the new Council, and played a very important part for many years in the administration of the country. The Committee consisted of all the unofficial members, and of the Colonial Secretary, the Controller of Revenue and the Treasurer, and, sitting in private, discussed all financial matters. Its subsequent history will be referred to later.

In 1903 the European General Member in Council moved a resolution which was carried unanimously asking the Secretary of State to add unofficial members to the Executive Council. This was supported by the Executive Council, and by the Governor, who recommended the addition of two unofficial members who would serve for five years, and who would be summoned when matters were under consideration on which he especially desired their advice. The proposal was rejected by the Secretary of State on the grounds that it would be impossible to select two unofficial members who would represent all interests, and that the proposal would not in practice be found workable. Further, he made special reference to the fact that 'for a long time Government has acted on the principle of giving a representative character to the unofficial element in the Legislative Council of Ceylon, members being chosen to represent as far as possible the different races and the different interests of the Colony'. (Sir Henry Blake was Governor 1903-7.)

The local desire for a greater share in the government of the Island persisted, and from about 1908 the matter was discussed between the Secretary of State and leaders of public opinion and bodies interested in political reform. In that year, Mr (later Sir) James Peiris, at the suggestion of the Secretary of State, forwarded a long and well-reasoned memorandum on the subject.¹

¹ Ceylon Sessional Paper I of 1910, document 2.

Public Administration in Ceylon

In the following year a number of memorials from responsible bodies in Ceylon were forwarded to the Secretary of State. These asked for from sixteen to eighteen unofficial members elected mainly on a territorial basis, but including two members elected by the Planters' Association and the Chamber of Commerce, and a few nominated members to represent interests or minorities not otherwise adequately represented, and proposed that the official members should not exceed in number the unofficial members, the Governor to have a casting vote, subject to the confirmation or otherwise of the Secretary of State. The Governor, however, in a long and careful despatch, expressed the view that persons so elected would not in the condition of the Colony be fully representative of the people, and that the official members, particularly the Government Agents, were more representative, and could look after the interests of the people better than representatives chosen from the English educated class. He agreed that this class might itself well be represented by a member nominated by the Governor.¹

The Secretary of State took a middle course, and the new Constitution was a compromise. He did not accept territorial representation, but retained the racial principle, and also introduced the elective principle.

CONSTITUTION OF 1912

The Constitution, which was proclaimed on 10 January 1912 provided for a reduction of the number of European members of the Legislative Council to two, one of these being elected by a rural and one by an urban electorate; for the election of a Burgher member, and of a member to represent the educated Ceylonese. An additional Low-country Sinhalese, and an additional Tamil member (both nominated) were added to the previous number, and, to ensure an official majority, two new official members, the Principal Civil Medical Officer, and the Government Agent of the Southern Province were also

¹ Ceylon Sessional Paper II of 1910, document 3.

The Constitutions of 1912, 1920, and 1924

added. One of the most interesting features of the new Council was the election of Sir Ponnambalam Ramanathan, a Tamil, to the educated Ceylonese seat. He was a man of great force of character and ability, and he played a prominent part in subsequent reforms.

The reforms themselves did not make any great difference in regard to administration. Heads of departments were still subject to the authority of the Colonial Secretary, and functioned as before, but the presence of more official members in Council, facing a partly elected Council, meant greater publicity to their actions, and gave a better opportunity for public discussion of policy. The advance was perhaps not a large one, but it was definitely a step forward.

The new Constitution did not cause any radical changes in the policy of the Government in regard to roads, irrigation, education, public health, etc. Before the war of 1914-18 trade was flourishing, and with expanding revenue more money was devoted to these objects. The war did not affect Ceylon very greatly, though it became necessary to introduce food control, and though damage was done to shipping in the Indian ocean by raiders. The loyalty of the Island was unquestioned. Contingents of Europeans and Ceylonese left to fight for the Allies, and a grant of money was made to the British Government, while the large-scale and spontaneous rejoicings when victory was won were further proof, if any were needed, of the feelings of the people of the Island. A period of high prices and trade fluctuations followed the war.

The reforms of 1912 however did not satisfy the political aspirations of the Ceylonese. The period was marked by very large increases in the number of Ceylonese in the professions, in Government Service, and in business spheres. It was also marked by the growing strength of a nationalist movement, by a greater interest in Pali and Sanskrit studies, by more interest in the ancient culture of the Island, and by a revival of religion. Events in India also had their effect on Ceylon. The Ceylonese felt themselves in advance of India in many ways. Literacy was higher in Ceylon than in India, and the standard of living of the

people generally was better, but at the time India was making greater political advance. It was felt that the pronouncement of the Secretary of State for India on the policy of the British in India might well be applied to Ceylon. 'The policy of His Majesty's Government . . . is that of the increasing association of Indians in every branch of administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire.'

The demand for reforms might well have been held back till the end of the war but for an unfortunate event in Ceylon—the riots of 1915—which occurred during the Governorship of Sir Robert Chalmers (1913-16). The riots were an outcome of the 'Gampola Perahera' case, in which a decision was given by the courts upholding an order forbidding the playing of music in Buddhist processions past a new Mosque in Gampola, in the Central Province. It was a complicated matter, and feeling ran high between the Buddhists and the Muslims, resulting in widespread disturbances in a number of provinces, and spreading to Colombo itself. In these disturbances much damage was done to Muslim property and many Moor boutiques and shops were looted and destroyed. The rioting was directed entirely against the Muslims, and was not an attack on the Government, and Europeans were not molested. The widespread nature of the rioting however made strong action necessary, and martial law was declared. The rioting was put down, and the Moors were compensated for the damage by a levy on the areas in which rioting took place. The circumstances provided justification for such action, but in the course of the suppression of the riots two events took place which aroused strong feeling locally. The first related to action taken under martial law, when the volunteer force was called out. A Commission which was appointed to inquire into certain shootings which had taken place ostensibly under martial law reported that those responsible acted in good faith for the maintenance of law and order, but without legal justification. The second event was the arrest in Colombo on suspicion of some prominent Buddhist

The Constitutions of 1912, 1920, and 1924

leaders who had not themselves been concerned in the riots. They were held for a time without trial, and then released.

The feelings engendered by these events, though modified by the action of the next Governor, Sir John Anderson (1916-17), who appointed the Commission, and whose sympathetic attitude restored public confidence, resulted in the establishment of the Reform League, in May 1917, and of a Ceylon National Association. In December 1919 a more permanent organization, the Ceylon National Congress, was formed, and the basis of the political movement was broadened, and spread far beyond the small group of English-educated Ceylonese who had been the backbone of the political movement hitherto. The National Congress formulated its demands in a telegram to the Secretary of State, of 16 December 1919, which read; 'Enlarged Legislative Council, about fifty members, four-fifths elected territorially, wide male franchise, restricted female franchise, remaining one-fifth officials and unofficials representing important minorities; secondly, elected speaker, Legislative Council; thirdly, continuance full control budget, no diarchy; fourthly, Executive Council at least half Ceylonese, chosen from elected members Legislative Council; fifthly, Governor should possess English parliamentary experience; sixthly, complete popular control local self-government.'

CONSTITUTION OF 1920

After further negotiations an Order in Council was passed on 13 August 1920 creating a re-constituted Legislative Council of fourteen official and twenty-three unofficial members, under the presidency of the Governor. Eleven of the unofficial members were to be elected on a territorial basis, and eight were to be elected to represent the Europeans (two members), the Burghers, the Chamber of Commerce, the Low-country Products Association and the Indians (one member each), and the Kandyans (two). There were to be four nominated members to represent interests not otherwise adequately provided for, including one member

nominated to represent the Muhammadan community. The Royal Instructions also authorized the Governor to appoint three unofficial members to the Executive Council. The new Legislative Council, constituted accordingly, met on 7 June 1921. This new Constitution, which was designed to be a further step in political progress, was worked with good will by officials and unofficials, and the ordinary business of the Government was carried on smoothly, but it did not go as far as the politicians wished, nor did it give them the share in the government of the Island which they desired, and before the end of the year a series of motions was moved in the Legislative Council asking for further reforms.

Discussions in Council brought to the fore a marked difference of opinion between the Sinhalese on the one hand and the Tamils and other minorities on the other. This was a new feature in constitution-making, but was bound to arise sooner or later, with the transference of power. The whole tendency during the British period up to now had been towards the obliteration of differences, and there had been no difficulties, because the Constitutions had provided suitable representation for each community. As regards the Constitution of 1920 the Secretary of State was able to say, 'The selection of the twenty-three unofficial members had been so arranged that while every community shall be represented in the Legislative Council, and while there is a substantial unofficial majority, no single community can impose its will on the other communities if the latter are supported by the official members.' The Tamils now feared that this position would be upset, and that an extension of the system of election on a territorial basis would lead to the Sinhalese having a majority over all other sections of the Council. The question became one of territorial versus communal election, and there was no unanimity in the Council on this question, and as regards the distribution of seats. The Governor, Sir William Manning (1918-25), after careful consideration of the debates, and of the report of a select committee on the distribution of seats, made his own proposals, which provided a balance between the communities to prevent a pre-

The Constitutions of 1912, 1920, and 1924

ponderance of power in any one community. His proposals were in fact based on communal representation, and with this the Secretary of State agreed, saying that, in his opinion, having regard to the conditions prevailing in Ceylon, representation for an indefinite period of time must in fact be communal, and if all elected members were returned by territorial constituencies, they would none the less be in substance communal. He agreed in general with the Governor, but introduced modifications in the scheme which tended to upset the balance.

Among the proposals put forward in Council was one to the effect that the Executive Council 'should consist of the Governor as President, and three members with whom shall be associated three ministers entrusted with portfolios, chosen from members of the Legislative Council elected on a territorial basis'. This proposal was actually not accepted by the Legislative Council because in the course of the debate what exactly was meant did not emerge. The Governor however stated in his concluding remarks, that, 'Any proposal by means of which unofficial members, whether territorially elected or not, could be given the opportunity of learning duties in connexion with the administration of Government departments, which would be of advantage to them when the colony attained the stage of full responsible government, would be carefully considered,' but he was not in a position to make any recommendations in this connexion, as no satisfactory scheme had been placed before him. This statement makes it quite clear that the Government contemplated full responsible government for Ceylon in the comparatively near future, and the whole of the correspondence goes to show that if a satisfactory scheme for the appointment of ministers and their relationship with the Governor and the departments with which they were to be connected had been put forward, it would have been favourably received and given full consideration.

CONSTITUTION OF 1924

A Constitution, based on these negotiations, was brought into force by the Ceylon (Legislative Council) Order in Council of

1923, and the re-constituted Council was formally established on 15 October 1924. The Council consisted of twelve official members, of whom five were *ex officio* and seven were nominated by the Governor, and of thirty-seven unofficial members, of whom three were nominated by the Governor to represent special interests, and thirty-four were elected; twenty-three by territorial constituencies, three by European electorates, two Burghers, two Indians, three Muhammadans, and one Ceylon Tamil of the Western Province. The result was a 'representative' Government, with communal interests well looked after. The Governor was President, but an elected Vice-President usually presided. The Governor had the power of declaring the passing of any Bill, resolution or vote, as of paramount importance to the public interest, when only the votes of the official members were taken into consideration, but the matter had to be reported to the Secretary of State. The Executive Council had an addition of two members. These were chosen from the elected members of the Legislative Council, but before entering the Executive Council they had to resign from the former and become nominated members of the Executive Council, which thus consisted of five official and four unofficial members.

The Constitution of 1924 continued in being until 1931, when it gave place to the Donoughmore Constitution. No important change was made in the general administration of the Island. Departments were still responsible to the Colonial Secretary, but the influence of the Council in the shaping of policy grew, and the power of the Finance Committee also increased greatly.

As in the case of the 1920 reforms, those of 1924 were definitely stated to be temporary only and were intended to pave the way to responsible government, with ministers responsible to the Legislature. It was soon apparent that this interim form of government could not last long, and would soon have to be replaced by a more permanent form on new lines, and Sir Hugh Clifford (1925-7) in 1925 proposed to the Secretary of State the appointment of a Commission from England to advise on the form of this new system of government.

The Constitutions of 1912, 1920, and 1924

On 6 August 1927 the Secretary of State appointed a special Commission consisting of the Earl of Donoughmore (Chairman), Sir Matthew Nathan, Sir Geoffrey Butler and Dr Drummond Shiels, in the following terms of reference: 'To visit Ceylon and report on the working of the existing Constitution and on any difficulties of administration which may have arisen in connexion with it; to consider any proposals for the revision of the Constitution that may be put forward, and to report what, if any, amendments of the Order in Council now in force should be made.' The Commission was in Ceylon from October 1927 until January 1928, and reported in June of that year.

The Report of the special Commission was very critical of the Constitution of 1923, but to get a balanced picture of the whole matter it should be read together with the published despatch of 2 June 1929 by the Governor, Sir H. J. Stanley (1927-31), to the Secretary of State, which sets out the 'other side'.¹

The Commissioners stated they realized that the Constitution was framed to meet the requirements of a transitional stage in the political advancement of Ceylon, and that it was in no sense intended to be a complete and finished structure, and that it was designed to be capable of adjustment to changing conditions. In their view the most striking characteristic of the Constitution was the divorce of power from responsibility. 'The unofficial members,' they said, 'though in complete control in the Council, are denied the prospect of assuming office themselves. Thus, on a counting of heads, those who have the controlling votes in the Council are not called upon to bear the responsibility for their decisions: those who have to bear the responsibility are without the controlling votes'. They considered that it would have been possible in such a Constitution for the unofficial majority to co-operate with the Government, and that such a system would promise a means of education in the art of government and the complexities of Government business. They found however that in actual fact the unofficial members felt that to accept such co-operation and co-partner-

¹ Ceylon Sessional Paper XXXIV of 1929.

ship might be an abandonment of the position that the reforms they wanted were such as to make them 'masters in their own house'. They did not find a party or party spirit, and concluded that 'in an atmosphere of uncertainty and instability the only constant factor was the general desire to make political capital out of the shortcomings of the Government and to add to its embarrassment'. Faced with this situation, the Commissioners said the Government adopted a policy of giving ground when opposed, to secure the best possible compromise. 'These developments,' they added, 'perhaps inevitable, served the best interests neither of the unofficial members nor of the Government. The former were emboldened to travel outside the sphere of legislation and to hamper the machinery of Government in executive and administrative matters. The policy of the Government involved a virtual surrender of control . . .' The Commissioners then proceeded to discuss the working of the Finance Committee. They said:

Before the enlargement of the unofficial element in the Council, the Committee worked smoothly and well, its relations with heads of departments were invariably pleasant and mutually responsive, and business was despatched in a friendly and courteous manner. Under the existing Constitution, however, these conditions have no longer been maintained. It has become the practice for heads of departments to be treated as hostile witnesses, against whom it is permissible to employ all the forensic arts of cross-examination. The conciliatory policy of the Government militates against these officers receiving adequate protection from the Chair. . . . Questions are rarely confined to the matters at issue and the Committee are permitted to wander at will over the whole administrative field.¹

Besides discussing these attacks on the heads of departments by the Council the Commissioners expressed their opinion that the Finance Committee had to a large extent usurped the powers of the Executive Council, which, by its constitution, had no link with the unofficial members of the Legislative Council. For this they held the Government largely to blame because they conceived that the Government, fearing possible dead-

¹ *Ceylon, Report of the Special Commission on the Constitution* (Colombo, Government Printers, London, H.M.S.O., Cmd 3131, 1928) p. 22.

locks afterwards, began a process of consulting the Finance Committee beforehand on matters of policy, and making sure that its concurrence would be forthcoming, before adopting a plan of action. All this they considered not only caused 'sharp and severe' reaction on the Services, but placed the Governor in a false position, so that he 'has been compelled to acquiesce in the devitalization of his Executive Council, which under himself is still in theory the supreme executive authority, and in the transference of power to a body without responsibility'.

The Commissioners also commented on two other features of the Constitution; the creation of a very large number of *ad hoc* committees of the Council, and the accumulation of work in the Colonial Secretary's office.

The Governor on his part by no means admitted all this. He stated that, in his view, the Constitution was a qualified success, rather than an unqualified failure. The policy of Sir Hugh Clifford his predecessor, as he understood it, was to treat the unofficial members as potential collaborators rather than as an irreconcilable opposition, and he added that, 'during the last four or five years Ceylonese distrust and suspicions of the Government have become much less acute, and that many misunderstandings have been removed and replaced by a growing disposition towards co-operation'. He denied that the Executive Council had undergone the 'almost total eclipse' ascribed to it by the Commission, though he agreed that its authority had of necessity become less absolute than it was prior to the transfer of power in the Legislative Council from an official to an unofficial majority.

The truth seems to lie somewhere between these differing views. There is no doubt that the procedure in the Finance Committee had a very disturbing effect on the public service, but, on the other hand, though the members of the Legislative Council took all opportunities to criticize the Government, it is not correct to say that their attitude was one of 'continuous hostility'. The Governor sums up in his Despatch of June 1929 as follows: 'On balance, I should say that co-operation had outweighed opposition, and I should be ungrateful if I did not

acknowledge this . . . The present Constitution is not one under which either the Government or the unofficial members could hope to do themselves the fullest justice, but the sum total of achievement during the last four or five years does not seem to me discreditable to either party or contemptible in itself . . .'

The attack made on the unofficial members of Council by the Commission seems to have taken them by surprise, and to have predisposed them against its recommendations which, however, they finally accepted, after long discussion in Council, and after some slight adjustments had been made by the Secretary of State.

On the whole, the seven years or so of the 1924 Constitution were useful years. They unfortunately began and ended in periods of financial stringency, but there were a few intervening years when there was abundance, and during these years the Government, with the co-operation of the unofficial members, was able to undertake important works of development. The unofficial members learnt much about the details of administration, and the lessons learnt were undoubtedly helpful to them in the years following, while the Executive Government and the Administrative Officers were being prepared for a new state of affairs, in which it would be their duty to work with committees and ministers responsible for the policy, and, to a very large extent, the administration of their departments.

CHAPTER XI

The Donoughmore Constitution

THE OBJECT OF THE CONSTITUTION

THE Constitution of 1924 which was in force when the Commission arrived in Ceylon, was designedly and by its nature an interim one, intended to lead the way to ultimate self-government. It provided an unofficial majority in the Legislative Council, but it did not give that majority any real and positive responsibility in the task of government, and in fact it was representative without being responsible. The problem then was, should an attempt be made to carry on with this Constitution, modified to make it more workable and more acceptable, or, if that were not possible or advisable, would it be necessary to revert to the form of Crown Colony Government in which the Legislature became advisory, rather than a body possessing actual power? Or should there now be a further advance, either to full or to partial self-government? The Commission had always to keep before it the avowed object—that the ultimate goal was full responsible government. This, and the fact that there was not only a demand in the country for more responsibility, but that the Commissioners were satisfied that there were people there who were quite capable of accepting and rising to that responsibility, put any idea of reversion to an earlier form of government out of the question. The existing Constitution they found unsatisfactory, and they did not think that any tinkering with it would meet the case. The course of action that they must recommend, therefore, became clear; it must be a new Constitution, which would transfer responsibility as well as power. The question which then remained for decision was, how far they should go towards full responsible government. They felt that they could not go all the way at once, and they stated the factors which a consideration

Public Administration in Ceylon

of all the circumstances had imposed on them in advising a new Constitution as follows:

First that there are circumstances which make inadvisable the grant of full responsible government but that the time has come when a substantial measure of responsibility should be devolved on the elected representatives; that in the absence of a balance of parties the establishment of a purely parliamentary system of government on the existing British model is not suited to conditions in Ceylon; and that in view of the special nature of its problems, the compactness of its area and the nature of the training given by the existing Constitution to the unofficial members, it would be inexpedient, if not impracticable, to insist on the exclusion from the purview of the Council of the executive business of the Government. To these considerations must be added the distrust of each other shown by unofficial members and the pressure which they are accustomed to exercise on those who represent the Government, pressure which in a Council without a party system would speedily make the position of single ministers intolerable.¹

They therefore devised a Constitution which went a very long way towards full responsible government, but which yet contained certain restrictions which they thought still necessary at that stage in the country's development. They defined the object of the scheme for the new Constitution thus: 'To transfer to the elected representatives of the people complete control over the internal affairs of the Island, subject only to provisions which will ensure that they are helped by the advice of experienced officials and to the exercise by the Governor of certain safeguarding powers.'²

THE SCHEME

The proposals of the Commission did not have a very friendly reception at first in the Legislative Council, exception being taken mainly to the proposal for executive committees. Ultimately, on 12 December 1929, the Council accepted the scheme, the voting (by unofficial members only) being nineteen in favour and seventeen against. The scheme as finally approved

¹ *Ceylon, Report of the Special Commission on the Constitution*, p. 44.

² *ibid.* p. 149.

The Donoughmore Constitution

and incorporated in the Order in Council, 1931, was in essential that proposed by the Commission, though a few alterations were made by the Secretary of State. The following are the main features as finally adopted.

The Executive and Legislative Councils were abolished and in their place one council, called the State Council, was established. This Council had both legislative and executive functions, and was to sit in legislative and in executive sessions. There was thus to be a fusion of the executive and legislative functions of Government, a fusion which was one of the main features of the scheme. The administration was decentralized, and the departments of Government were arranged in ten groups, seven of which were in charge of executive committees, and the remaining three in charge of Officers of State, i.e. the Chief, Legal, and Financial Secretaries. The Commission had recommended that the State Council should consist of sixty-five members elected for territorial constituencies, three official members (Officers of State) and certain nominated members up to a maximum of twelve; but this proposal was altered, and the number of members of the State Council was fixed at sixty-one, fifty of whom were to be elected for territorial constituencies, eight were to be nominated, while the remaining three were the Officers of State. Communal representation by election was abolished, as were property, income, and literacy qualifications for the franchise in the case of those domiciled in Ceylon. The franchise was made universal for all males and females domiciled in Ceylon over the age of twenty-one, while for those not domiciled, there were alternative qualifications; either a literacy and a property qualification, or a certificate of permanent settlement granted on evidence of five years' residence and a declaration of intention to settle permanently in the Island. The latter was intended particularly to meet the case of Indian State labourers. (The Commission's recommendation, which was finally not accepted, was that the franchise should be given to all men over twenty-one, and to all women over thirty, provided they applied to be registered as voters, and had resided in the Island for a minimum period of five years, and in the electoral

area for at least six months during the eighteen months prior to the preparation of the electoral register.)

The members of the State Council apart from the officers of the Council who were elected first, were divided into seven executive committees, and each committee elected one of its members to be chairman. The chairmen were then appointed by the Governor to be ministers, and with the three Officers of State, formed the Board of Ministers. The ministers and executive committees were responsible to the State Council for the direction and control of the departments in their charge. The Officers of State administered their own groups of departments, but their chief functions were political, legal and financial advisers respectively. They did not have a vote on the Board of Ministers nor in the Council, though they could speak, and had all other rights, duties, and functions of members. The Chief Secretary was chairman of the Board of Ministers, and normally presided at its meetings, but there was also a Vice-Chairman, chosen from the elected ministers, who was, in addition, leader of the State Council. The executive committees exercised general supervision over the departments placed under their management. The Board of Ministers had as its principal function the ultimate collective responsibility for the annual budget and estimates, and consequential financial matters. It settled the order of business of the State Council, and determined the procedure by which matters which concerned more than one executive committee could most conveniently be arranged. The Board of Ministers however was not intended to be a Cabinet, and was not therefore intended to have collective responsibility for the formulation of policy. This was the function of the executive committees and the State Council sitting in executive sessions.

A feature of the Constitution to which the Commissioners attached the highest importance was the power to refer back, which was given to higher authorities. The Governor could refer back legislative or executive measures to the Council, the Council could refer back executive business to the originating executive committee, and the Council could refer back to the

The Donoughmore Constitution

Board of Ministers (once only) in the case of the annual budget and supplementary estimates. To meet Kandyan and Tamil claims, the Commissioners proposed occasional meetings of the State Council in Kandy and Jaffna. This proposal was never implemented.

A Public Service Commission was set up. This was an official body with the Chief Secretary in the Chair, and with other senior Government officers as members. The Commission was to be advisory to the Governor in regard to appointments in the higher salaried ranges—which heads of departments were not empowered to make themselves—promotions, and regulations governing conditions of entry, promotion, reward, punishment, and dismissal of public servants. Provision was made by which the executive committees had the right and duty of making recommendations through the Public Service Commission in the case of appointments within their departments. The ultimate responsibility for making appointments was reserved to the Governor or the Secretary of State as the case might be. Public servants, whether European or Ceylonese, who had been appointed to their offices by the Secretary of State, and who were holding office at the time the new Constitution came into effect were given in certain cases a restricted, in others an unlimited right to retire, with proportionate pension, which included an addition as compensation for loss of career. The position of the Governor was intermediate between that of a Governor under a Constitution where he had complete direction of affairs, and one where he had no constitutional responsibility for the Government, except as representing the Sovereign. This the Commission stated is 'both justifiable in itself and is in full accordance with the accepted principles of constitutional development in the Empire'. The Governor retained his powers of assenting or refusing assent to Bills, or reserving for the signification of His Majesty's pleasure or referring back Bills, subject to reporting his action to the Secretary of State, and he was given the power of enacting laws himself, where the Council refused co-operation, in matters which he might consider to be of paramount importance in the public

interest. He was given similar powers in regard to reports of executive action forwarded to him for ratification by the State Council. Since the Executive Council was abolished, the large number of statutory duties imposed on the Governor in Council were performed by the Governor without a Council, but he was free to consult ministers, and it was expected that he would normally avail himself of their advice.

Thus [said the Commissioners] the functions of the Governor will in general be negative rather than positive, supervisory rather than executive. He will no longer be responsible himself for the administration of the Island; his duty will be first and foremost, to see that those on whom the responsibility will now fall do not infringe the principles enunciated in the Constitution for their guidance. His personal responsibility for the government of the country, hitherto complete, will be limited in the main by the express provisions of the Royal Instructions . . . We are convinced therefore that the public interest would best be served by his dissociation from the proceedings of the Board of Ministers and the Council and that no formal council should be constituted to assist him: he will thus remain in the position of a supreme arbiter, impartial and independent.¹

The Donoughmore Constitution was thus built round a fusion of the legislative and executive functions of Government, and its main feature was the institution of 'Ministries in Commission'. The Commissioners intended it to provide a Government based on territorial representation, but so arranged that all communities could share in it, without domination by any one of them, and without requiring the existence of parties for its successful working. It did not provide full self-government, as the Governor's powers of supervision and, where necessary, of interference and veto, were retained, and some subjects remained in his hands, administered by the official Officers of State. It was intended to be, and was, however, a very big step on the forward road to full self-government. As regards the origin of the committee system they proposed, the Commissioners said:

We have framed our proposals in some relation to the system obtaining in the most modern deliberative bodies of power and

¹ *Ibid.*, p. 78, 79.

The Donoughmore Constitution

influence, such as the League of Nations. Here the representatives of the world Powers, with all their varieties of races and outlook, have thought fit to organize themselves on a basis of standing committees as the most convenient method of disposing of the programme of administrative and detailed work which habitually confronts them, of facilitating practical achievement, of acquiring and distributing an exact knowledge of those problems which await solution, and of inspiring all members with that mutual confidence so essential to effective co-operation in the common interest.¹

The seven executive committees established by the Order in Council were for: Home Affairs; Agriculture and Lands; Local Administration; Health; Labour, Industry, and Commerce; Education; Communications and Works. This differed from the proposals of the Commissioners in that the latter had not proposed a Ministry of Labour, Industry, and Commerce, but had, on the other hand, proposed separate ministries for Public Works, and for Communications.

THE CONSTITUTION IN OPERATION

The first meeting of the new State Council was held on 7 July 1931 during the Governorship of Sir Graeme Thomson (1931-3). The elections returned thirty-eight Sinhalese members, of whom twenty-eight were Low-country and ten Kandyans; three Ceylon Tamils, two Indians, two Europeans and one Muslim. Four seats in the Jaffna peninsula were not filled, owing to a boycott of the elections there as a protest against the abolition of communal representation, and generally against the form of the new Constitution. This, of course, resulted in only a small representation of the Ceylon Tamils. The eight nominated seats were filled by the appointment of four Europeans, two Burghers, one Indian and one Muslim. The seven executive committees were constituted, each electing its own chairman, who was, in turn, appointed minister by the Governor, and the Constitution started work smoothly. The administrative changes made in preparation for the new Constitution

¹ Ibid, p. 47. The official White Paper of 31 October 1945 states that the Constitution was based on the Executive Committee system of the London County Council. London, H.M.S.O., *Ceylon: Statement of Policy on Constitution Reform*, Cmd. 6690.

included the appointment of secretaries and staff for the committees, and revision of Government Orders, and the preparation of a new Manual of Procedure.

In certain respects, however, the new Constitution did not function as was proposed. A definite part of the Commission's scheme was that the State Council should meet in executive as well as in legislative sessions, and in the former should receive reports from the executive committees containing decisions which it would proceed to pass, or to send back, if necessary: after the reports had been passed they were to go to the Governor for ratification, and were not to be acted upon, save in minor matters, until so passed and ratified. In practice this was not done and reference to the State Council was omitted, unless, of course, money was necessary, or a policy proposed which was likely to involve a money grant. Normally the minutes of the committees passed directly to the governor for formal ratification.

The Board of Ministers assumed an importance under the Constitution which seems to have gone much beyond the Commission's intentions. It became the practice for nearly all important matters of every kind to be placed before the Board for discussion, and in many ways it functioned as a Cabinet. It was not, however, a Cabinet, because, except in regard to the budget, there was no collective responsibility, and the Board was not responsible for the formulation of policy, this function being confined to the executive committees and the Council. The ministers were chairmen of committees, and usually considered that in their actions they were responsible to the committees, and were not entitled to act without their authority.

The executive committees met in private, and heads of departments were usually present at the meetings. Generally speaking the relationship between the committees and the heads of departments was cordial, though there were some exceptions. In the first years of the Constitution the Chief Secretary or the Deputy-Chief Secretary attended meetings of committees, and often took part in the discussions, but later this practice was given up, owing to pressure of work during

The Donoughmore Constitution

the Second World War, and also to a feeling that the time had come when the committees could, and should, be left to manage their own affairs without any appearance of interference.

In the first State Council the ministers included members of minority communities. The second State Council met in March 1936, while Sir Reginald Stubbs (1933-7) was Governor. In this Council all the ministers were at first Sinhalese, though, when a vacancy occurred, a Tamil was chosen to fill it. The life of both the first and second State Councils was extended beyond the normal four years; in the first case to assist in the passing of the budget for the ensuing year, and in the second, on account of the war, and owing to the discussions then taking place about further political reform.

PROGRESS UNDER THE CONSTITUTION

In considering the social and material progress made in Ceylon during the period when the Donoughmore Constitution was in operation, it is necessary to keep in mind the difficulties experienced there, partly in common with other countries and partly peculiar to herself. The State Council came into office at a time of general depression, which affected seriously the Island's main industries. Recovery from the effects of this depression was retarded by a serious failure of the south west monsoon in 1936, followed by a bad outbreak of malarial fever. Conditions afterwards improved, but the outbreak and the conduct of the war against Germany and Japan caused special problems which naturally interfered with progress. In spite of these adverse conditions, a great deal was accomplished by all ministries, but it is possible only to give the briefest outline here.

The Ministry of Agriculture and Lands, besides continuing the policy of the construction and restoration of irrigation works, introduced a number of important measures for the colonization of the areas under the newly constructed or restored tanks, and for the settlement of villagers on Crown lands on terms which were intended to overcome the evils of

fragmentation, which had to a large extent prevented development of village lands in the past. Much was done in the realm of animal husbandry to improve the breed of cattle in the Island, and to establish dairy-herds and dairy-farms. Considerable advance was also made in co-operative marketing, etc.

The education and medical services were extended. Feeding of school-children on a large scale was adopted, and towards the end of the period a system of free education was introduced right up to, and including the university. This however gave rise to much controversy, and the scheme was still being discussed when the Donoughmore Constitution gave way to the Soulbury Constitution. A Department of Local Government was established and assistant commissioners were appointed to the various districts of the Island to take over the supervision of local government from the Government Agents. The village committees were made more popular, and were given the right to elect their own chairmen. A scheme was introduced by which sanitary board towns were gradually superseded by urban councils, or in smaller areas, by town councils, or reverted to villages committees. The number of urban councils was increased, and nomination of members ceased, all members now being elected. The three municipalities, Colombo, Kandy, and Galle, received more popular constitutions, all members being elected, and an elected chairman (mayor) took the place of the previous official chairman. A Local Government Service Commission was constituted to provide a general service of officers for the various local bodies and to make appointments, transfers, etc., to and in this service. The Ministry of Labour, Industry, and Commerce found plenty to do. Social legislation on a considerable scale was undertaken, and some progress was made in introducing new industries. Civil aviation was inaugurated under the Ministry of Communications and Works. The war brought with it a number of special problems. Ceylon became the headquarters of the South East Asia Command; and a Commander-in-Chief (Admiral Sir Geoffrey Layton) was appointed to Ceylon by special directive from the British Government, for the Island's defence. Under his Chairmanship,

The Donoughmore Constitution

the Governor and the Service Commanders, all members of the Board of Ministers, and a specially appointed Civil Defence Commissioner, functioned as the War Council of Ceylon. Civil defence, which later included the supply of foodstuffs from abroad, was created as a separate department, almost a separate ministry, and a number of emergency departments were established. All this was a severe test of the Constitution and of ministers and members of council who were working it, and it certainly came through the ordeal well.

MOVEMENT FOR FURTHER REFORM

The Donoughmore Constitution threw the responsibility for internal government on the State Council, the executive committees, and the ministers, and they and the public services co-operated in working it. But this did not mean that the politicians (or for that matter many of the officials) were satisfied with the Constitution, and certain movements for its reform started almost from the time it was inaugurated. A series of discussions took place in the State Council, and various memoranda were prepared. The two matters most criticized were probably the executive committee system, and the position of the Officers of State. It was considered that the Constitution had produced a diarchy, as, though the Officers of State were created for the express purpose of giving for some time the help and advice of experienced officials, those officials were actually in charge of large and important departments of Government; yet they could 'in no sense be said to be responsible to the people in the discharge of their duties'. The principal criticisms of the committee system were first, that it led to a lack of initiation in the Board of Ministers; secondly, that responsibility for any act could never be precisely fixed ('fugacious responsibility' was the term the Board of Ministers used in a memorandum on the subject); thirdly, that the system led to delay; and fourthly, that it led to conflict between executive committees. 'All these evils', they said, 'arise from the growing tendency under the executive committee system of working in water-tight compartments'. They therefore proposed that the system be done away

with, and an ordinary form of Cabinet Government be substituted.¹ Sir Andrew Caldecott (1937-44) who, on appointment as Governor, was charged by the Secretary of State with the duty of acquainting himself with the views of all sections of opinion in the Island, and of submitting his recommendations, set out his considered views in his Despatch of 13 June 1938² in which he condemned the committee system and proposed a Cabinet. His suggestions were, at the instance of the Secretary of State, placed before the State Council and were debated at length. This did not lead to any indication of unanimity of views, and the outbreak of war caused further delay. At this time the agitation for further reforms began to take a new turn. Instead of asking for amendments of the existing Constitution, the demand became one for the grant of Dominion Status. In 1941 the Secretary of State gave an assurance that the matter of reforms would be taken up after the war, by the appointment of a commission or conference. This in itself was not regarded locally as sufficiently precise. Accordingly, an important Declaration of Policy was made by His Majesty's Government on 26 May 1943.³ The Declaration stated that the post-war re-examination of the reforms of the Ceylon Constitution to which His Majesty's Government stood pledged, would be directed towards the grant to Ceylon of full responsible government under the Crown in all matters of civil administration. It stated the limitations proposed as regards defence, foreign relations, reservation of Bills relating to the Royal prerogative, to rights and property of His Majesty's subjects not residing in Ceylon, trade and shipping of any part of the Commonwealth, currency, and to Bills affecting communal or religious interests. The Declaration stated that His Majesty's Government, once victory was achieved, would proceed to the examination by a suitable commission or conference of such detailed proposals as the ministers may in the meantime have been able to formulate in the way of a complete constitutional scheme.

¹ Ceylon Sessional Paper XI of 1937.

² Ceylon Sessional Paper XXVIII of 1938.

³ Ceylon Sessional Paper XVII of 1943.

The Donoughmore Constitution

After some further discussion with the Secretary of State, the Board of Ministers prepared a Constitutional scheme accordingly, and requested that it be examined at once, without waiting for the end of the war. The Secretary of State agreed to this, and promised that a Commission would go to Ceylon for the purpose towards the end of that year (1944).

Unfortunately, a difference of opinion arose as to the purpose of the Commission, the ministers holding that it was purely to see that the scheme fell within the four corners of the 1943 Declaration, while the Secretary of State proposed that the appointment of the Commission 'should provide full opportunity for consultation to take place with various interests including minority communities concerned with the subject of communal representation in Ceylon and with proposals which ministers have formulated'. The difference of opinion was not resolved, and the Board withdrew their scheme, and no minister submitted memoranda, or appeared in public sessions before the Commission, though in fact, as the members of the Commission acknowledged, they received a great deal of help from ministers individually.

The Commission, which consisted of Lord Soulbury (Chairman), Mr (afterwards Sir) J. F. Rees and Mr (later Sir) F. J. Burrows, was in Ceylon from 22 December 1944 until 7 April 1945, and issued its report on 11 July 1945.¹ After some correspondence a Statement of Policy was issued by the British Government,² accepting the report with a few small amendments. The Constitutional proposals were then placed before the State Council, and were accepted almost unanimously.

¹ *Ceylon, Report of the Commission on Constitutional Reform* (London, H.M.S.O., Cmd. 6677, 1945).

² *Ceylon, Statement of Policy on Constitutional Reform* (London, H.M.S.O., Cmd. 6690, 1945.)

CHAPTER XII

The Soulbury Constitution

THE Report of the 1944-5 Commission contained much that was critical of the Donoughmore scheme, though its remarks were not altogether condemnatory. It considered that the grant of universal franchise in 1931 had justified itself, and gave with approbation a brief summary of the measures of social reform introduced during the operation of the Donoughmore Constitution. It was very critical of the executive committee system, under which it was possible for ministers to criticize each other on the floor of the House, and move resolutions with which they might themselves disagree, and which might be hostile to the proposals of a colleague. 'The explanation would be', it said, 'that, despite his own judgment, the minister was carrying out the instructions of his executive committee. These aberrations [from the normal parliamentary system] result from the present Constitution, with its system of executive committees and division of the various ministries into water-tight compartments, each of them, as it were, a separate little Cabinet.'¹ It did not consider that the scheme had accomplished one of its main objectives, that is, a Constitution which would allay the fears of the minorities and enable all communities to share in and to benefit equally from the administration of the country. Its quarrel with the scheme was, in fact, just on those points on which it diverged from a normal parliamentary system—points which in truth were the essence of the Donoughmore scheme. Its remedy accordingly was to substitute a system of cabinet and parliamentary government based on the tried British model. 'The proposals we have put forward', it said, 'aim at restoring the method of government to a more normal channel and creating the ministerial

¹ *Ceylon, Report of the Commission on Constitutional Reform*, Cmd. 6677 (1945,) paragraph 411.

The Soulbury Constitution

responsibility which is, in our view, essential to parliamentary government.¹ In its view it was unnecessary to introduce novel features and expedients into the Constitution to meet particular difficulties, as these could be resolved, and resolved more effectually, by ordinary methods of democratic government. At the same time it did not wish to impose more than was necessary a scheme from without. The position was put as follows: 'Throughout our deliberations, our object has been to make proposals which would confer upon Ceylon self-government under a Constitution of her own devising. For that reason we have endeavoured to put forward recommendations which harmonize with the salient features of the Constitution formulated by the Ceylon ministers, and which at the same time, recognize the legitimate rights of the minorities.'²

FORMATION OF THE CONSTITUTION

The Ceylon (Constitution) Order in Council, 1946, which introduced the Constitution, was promulgated on 15 May. The Order in Council was based on the report of the Commission with the modifications set out in a Statement of Policy contained in a White Paper presented to the British Parliament on 31 October 1945, and accepted by the State Council (see p. 135).

The Order in Council provided for a Cabinet possessing full collective responsibility in all matters of internal affairs, a House of Representatives with (in the first House) ninety-five elected and six nominated members, the same universal adult suffrage as in the Donoughmore Constitution, and a Senate of thirty members, fifteen elected by the House of Representatives, and fifteen by the Governor acting 'in his discretion'. The Governor's powers were narrowly defined.

The reserved subjects were defence and external affairs, currency, and trade, transport and communications affecting any part of His Majesty's Dominions. Bills relating to any of these subjects were to be reserved, but even here a large amount of autonomy was provided, e.g. the Prime Minister was, by the

¹ *ibid.* paragraph 412.

² *ibid.* paragraph 416.

Public Administration in Ceylon

Constitution, also to be Minister of Defence and External Affairs. The Governor's powers of action were limited. Where the Order in Council gave him power to act 'in his discretion' it defined this as meaning that he must refer the matter to the Prime Minister for advice, though he was not bound to act on that advice. In other cases where it was laid down that the Governor was to exercise a function on the recommendation of a person or an authority, he was not to exercise that function except on such a recommendation, and might either accept the recommendation, or refer it back for further consideration. In the latter case the Governor could make only one reference back. If the person or authority in question then repeated the former recommendation, the Governor was obliged to accept it. Recommendations of the Public Service Commission relating to appointments, transfers, dismissals, and disciplinary control of the public service were cases in point. The Governor was the authority to appoint the Prime Minister and to appoint other ministers on the recommendation of the Prime Minister, but in exercising such functions, and in summoning, dissolving and proroguing Parliament, he was to act in accordance with the conventions applicable to the exercise of similar functions in the United Kingdom by the King. The King in Council retained the right to legislate for the Island in regard to defence and foreign relations, public safety and order, and supplies and services in case of a public emergency.

The Prime Minister was responsible for fixing the number and functions of ministers, except that the Constitution provided that besides the Prime Minister there were to be Ministers of Justice, and of Finance. An independent Public Service Commission and a Judicial Service Commission were constituted to look after appointments, discipline, etc., in the public and judicial services, and special provision, similar to that in the Donoughmore Constitution, was made for rights of retirement of certain classes of public officers if they desired not to remain in service under the new Constitution.

A feature of the Constitution taken from the ministers' draft was the provision of a permanent secretary for each ministry,

The Soulbury Constitution

to exercise, subject to the general direction and control of the minister, supervision over the department or departments of Government in his charge. The legislative powers of Parliament were not to extend to the making of any laws prohibiting or restricting the free exercise of any religion, or subjecting to or conferring on any person of any religion, or any community, any disabilities or restrictions which were not applicable to other religions or communities.

Such in brief outline were the main features of the new Constitution, which was a further important step on the road to self-government. The measure of autonomy provided under the Donoughmore scheme was indeed very large, and extended to all matters of internal concern, except those in charge of Officers of State, and particularly those in relation to the public services. The new Constitution included these also, except to the extent to which the few subjects mentioned above were reserved.

But besides these advances in self-government, the new Constitution produced some important changes in administration. The first of these, and one of the most important, was the separation once again of the executive and legislative functions of Government, which had been fused in the Donoughmore scheme. The executive functions of Government were now vested in the King (exercised on his behalf by the Governor, acting in accordance with the provisions of the Order in Council), the Cabinet and the ministers, while members of Parliament were, as such, freed from executive duties. The second important change was the recognition of the principle of collective responsibility in the Cabinet. Ministers were responsible for their own subjects and functions, but the Cabinet had a joint responsibility over the whole, on the model of the British and Dominion Cabinets, and the Ministers were no longer simply (or at least theoretically) the mouth-pieces of separate divisions of the State Council. The Cabinet was thus placed in a position in which it could formulate a complete policy for the government of the country as a whole, in which the work of each ministry would be co-ordinated with the work

of the other ministries. This arrangement also encouraged the growth of a party-system in the country, whereas the Donoughmore scheme had the discouragement of the formation of parties as one of its objects.

A further important administrative change to which reference has already been made, was the institution in Ceylon of Permanent Secretaries as the permanent heads of ministries. The proposal for the introduction of such officers came from the ministers, and was provided for in their draft constitution. They explain the reason for this innovation thus: 'The departments of Government are not . . . at present organized for ministerial control, and an executive committee may have the general direction and control of as many as seven separate departments. In the ministerial system the minister has only one department which is politically in his control and administratively in the control of the Permanent Secretary. Administrative as well as political co-ordination are thus achieved, and a clear distinction is drawn between politics and administration.'¹ The Order in Council provided for the appointment of Permanent Secretaries, and they accordingly became part of the Constitution. It did not however go so far as to unite all the departments under any ministry into one department, but recognized the possibility of the existence of separate departments in each ministry, all of them co-ordinated under the supervision of the Permanent Secretary.

The State Council was dissolved on 4 July 1947, and a general election to choose the new Council took place in August-September. After the elections the Governor, Sir Henry Moore (1944-49), called upon Mr D. S. Senanayake to form a Cabinet, and he thus became the first Prime Minister of Ceylon. He decided that his Cabinet should consist of fourteen ministers. He himself was Prime Minister, and also Minister of Defence and External Affairs. The other Ministries were Justice; Finance; Home Affairs and Rural Development; Food and Co-operative Undertakings; Agriculture and Lands; Health and Local Government; Labour and Social Services;

¹ Ceylon Sessional Paper XIV of 1944, p. 8.

The Soulbury Constitution

Commerce and Trade; Industries, Industrial Research and Fisheries; Education; Transport and Works; and Posts and Telecommunications. The remaining member of the Cabinet was Minister without Portfolio and the Chief Government Whip.

The first meeting of the House of Representatives was called for 14 October 1947, and this represents the date on which the Soulbury Constitution came into being.

FULLY RESPONSIBLE STATUS WITHIN THE BRITISH COMMONWEALTH OF NATIONS

The new Constitution had but a short life. Even before it had fully come into operation negotiations for the further and final advance to Dominion Status had already been opened. The Soulbury Constitution had conferred on Ceylon almost complete self-government and but a short step remained to independence. The White Paper of 31 October 1945 envisaged the Constitution being worked in such a manner that 'in a comparatively short space of time Dominion Status will be evolved'. The acceptance of the Constitution by Ceylon, the manner in which the Donoughmore Constitution had been worked, and especially the magnificent manner in which the people of Ceylon, the State Council and the ministers had co-operated with the British authorities during the war, and the extremely efficient manner in which the Department of Civil Defence and other war-time measures had been operated, had shown her fitness for independence. It was accordingly agreed, that, provided certain matters relating to defence, external affairs and the public services could be satisfactorily settled between the two countries, there was no need to wait. Accordingly on 18 June 1947 statements were made in the Parliament of the United Kingdom and in the State Council of Ceylon to the effect that when agreement on these matters had been concluded to the satisfaction of the two Governments, immediate steps would be taken to 'confer upon Ceylon fully responsible status within the British Commonwealth of Nations', which

phrase 'was intended to imply that the Island would enjoy the status commonly known as Dominion Status'. The Agreements were duly concluded, and were signed on 11 November 1947; an Order in Council was passed, removing the limitations to self-government in the existing Constitution, and a Ceylon Independence Act was passed by the United Kingdom Government conferring full legislative powers on the Ceylon Parliament, and removing from the Government of the United Kingdom all responsibility for the Government of Ceylon.¹ A separate order in Council fixed the 'appointed day' on which Ceylon would attain Dominion Status as 4 February 1948.

The effect of this was that on the date named Ceylon finally ceased to be a British Colony, and became a fully self-governing Dominion within the British Commonwealth of Nations—a position which she had chosen of her own accord, and from which she could secede if she so desired. The new Parliament was formally opened on 10 February 1948 by the Duke of Gloucester.

The post of Governor gave place to that of Governor-General, who represented His Majesty the King, but not the British Government. The Governor, Sir Henry Moore, was appointed the first Governor-General. The Ceylon (Constitution) Order in Council of 1946 modified by the provisions of the Ceylon Independence Order in Council of 1947, remained the Island's constitutional instrument, but power to amend now passed from the King in Council to the Ceylon Legislature.

The chief amendments in the Constitution introduced by the Ceylon Independence Order in Council were, first, that the Governor-General would, generally speaking, act in accordance with the Constitutional conventions applicable to the exercise of similar powers and functions in the United Kingdom by the King. This made it possible to remove from the Order in Council the provisions by which the Governor acted 'in his discretion', or 'on recommendation'; secondly, the provision for the reservation of Bills 'for His Majesty's pleasure' was with-

¹ The Agreements and the Act, together with an explanatory memorandum by the Prime Minister, were published together as Ceylon Sessional Paper XXII-1947.

The Soulbury Constitution

drawn; thirdly, the Public Service Commission was given additional powers, and the Governor-General ceased to be the authority for making appointments, dealing with disciplinary cases, dismissals of public offices, etc; and fourthly, the powers of the King in Council to make laws for Ceylon relating to defence and external affairs were removed.

The new Constitution did not involve fresh Parliamentary elections, or any important administrative changes, and, as the form of government introduced by the Soulbury Constitution was suitable for full self-government, the final transfer of power from the United Kingdom Government to the Ceylon Government was effected with smoothness and involved no administrative difficulties.

CHAPTER XIII

The Public Services during the Era of Reforms

FOR so long as Ceylon remained a Crown Colony, with a normal type of Crown Colony Government, i.e. government by a Governor, assisted by Councils with an official majority, with the Secretary of State for the Colonies and the British Government as the final authorities, the members of the services were not, as such, much concerned with political matters. Their appointments, promotions, transfers, and discipline were in the hands of the Secretary of State, the Governor, and the higher officials, and they were responsible to the Governor for their actions in the performance of their duty. They were subject to rigid disciplinary control both in regard to their own conduct as becoming members of the services, and in regard to their conduct of public affairs. Some of the more senior among them were members of the Executive and/or the Legislative Councils, and assisted the Governor in the executive and legislative functions of government. It is true that unofficial members of the Legislative Council were free to criticize the Government, and frequently did so in no uncertain terms. This was recognized as a healthy and desirable state of affairs. Such criticism sometimes, but not very often, included criticism of individual public officers. Senior officers of Government had much responsibility, and many problems to deal with, and this led at times to a congestion of work in the central offices, but generally speaking, from an administrative point of view, Crown Colony government is a form which proceeds with a minimum of 'creaking and groaning'.

The introduction of an unofficial majority under the Constitution of 1920 brought about a new state of affairs, and the Constitution of 1924 carried things a stage further. Theoretically, the position of the public services was not materially changed, but in practice the difference in the position under the

The Public Services during the Era of Reforms

old Constitution and under the new was very marked. The Legislature could now exercise a great deal more influence than in the past, and in the last resort could refuse supply and force the Governor to 'certify' if their wishes were thwarted. The political implications of the changes have already been referred to.¹ Public servants found that the unofficial members of the Council showed more and more disposition to concern themselves with the details of administration, and to criticize individual members of the services, and, in particular, heads of departments. There were no ministers to take responsibility for Government policy or to defend those heads of departments who had no place in the Council. This task fell to the Colonial Secretary. Under the 1924 Constitution, the Legislative Council had its own Vice-President, who generally presided at its meetings. These were properly and fairly conducted, but the restraining influence of the Governor's presence was removed, and criticism became more open and pronounced. The Donoughmore Commissioners attributed these attacks on the Government through the public services as part of the campaign for ultimate self-government, a point of view which could scarcely be expected to appeal to the Government servants who were being attacked.

The Commission possibly over-emphasized the difficulties of the situation, as unofficial members were not wanting at times in generous recognition of good work by public servants, but the fact remains that the period was one of great difficulty for the services, and the atmosphere created by the attacks on them in Council, and especially in the Finance Committee, was scarcely such as to inspire them to their best endeavours. Yet, though the Commission considered that the public services were sorely in need of overhaul, they were constrained to express the opinion that the administrative machine of the day remained potentially as efficient as it had been ten years before.² It was the Constitution rather than the administration that needed amendment. The difficulties of carrying on an efficient

¹ See p. 118

² *Ceylon, Report of the Special Commission on the Constitution*, p. 125.

administration under a Constitution which gave to unofficial members of Council power divorced from responsibility was one of the main reasons which made a further reform urgently necessary.

The Commission of course appreciated that the implementation of its scheme involved the transfer of power in the formulation of policy from official to unofficial hands, with a consequential change in the character of the services, particularly in the higher branches. It now became the duty of heads of departments and of departmental officers to give effect to the policy of their executive committees, and the public services now entered upon a change-over period, from a state of affairs where officials shape policy as well as carry it out, to one when their chief concern is to give effect to the policy of popularly elected ministers, though of course they were at liberty to advise where advice was sought.

To meet this state of affairs the Commission did not propose any drastic change in the structure of the services. It did consider however that the situation demanded that they should be given safeguards which could, on the one hand, prevent undue political influence in matters of appointments, transfers, etc., and on the other, promote the independence and integrity of the services. They proposed three safeguards. The first of these was to give the public servants then in service, whose appointments were subject to the approval of the Secretary of State, in certain cases a restricted, and in others a continuous right to retire on a 'proportionate' pension, with compensation for loss of career. The second was the appointment of a Public Service Commission to advise the Governor in regard to appointments, promotions, and dismissals, and disciplinary control of the public services, and the third was the appointment of an independent Salaries Commission from England to fix basic salaries for Ceylonese officers and overseas allowances for European officers. The first of these proposals was given effect to; it was fair to the services at this important change in their position. It resulted however in the loss of a number of good officers during the next few years, Ceylonese as well as European,

The Public Services during the Era of Reforms

and weakened several important branches, including the Civil Service and the Police, but it gave the public officers concerned a feeling and position of independence from political pressure, which undoubtedly helped to improve their morale.

The second of these proposals would have been more effective had it not been for a provision under the Constitution by which the executive committees had a duty to make a recommendation to the Public Service Commission in the case of certain appointments to the public service. The Governor had in the case of these appointments the advice of the Public Service Commission, and of the executive committees, which did not invariably coincide. This provision, according to the Soulbury Commission report seemed 'specifically designed to perpetuate that interference of ministers and members of Council in personnel questions which the Donoughmore Commissioners rightly deplored'. This was undoubtedly one of the weak points of the Donoughmore scheme, but, notwithstanding, the Commission performed most useful functions. The third of the proposed safeguards was not given effect to, and the principle of an overseas allowance for European officers was not accepted.

It is not altogether easy to assess the effect of the Donoughmore scheme on the public services. The Soulbury Commissioners came to the conclusion that the interference of members of Council and ministers in personnel matters continued 'to be one of the principal sources of discouragement and ill-feeling throughout the public services, especially among the senior officers'. But there can be no doubt that the position and morale of the public services tended to improve during the period. This was due to a number of causes in addition to the Donoughmore safeguards. The Finance Committee had disappeared, and with it much of the uninformed criticism of public servants which had taken place there. The elected and nominated members of the State Council no longer regarded themselves as a kind of unofficial opposition, as executive committees were responsible for policy, and ministers as well as the Chief Secretary had to answer in Council for their officers. There still remained however a great deal of interference with the services, beyond what

the Constitution called for, due apparently in some cases at least, in the state of political development then reached, to a desire to make political capital, or to a wish to favour a constituent, or even a member of a particular community.

The last stage in the evolution of the services during the British period was reached at the introduction of the Soulbury Constitution of 1946. The institution of the new senior official office of Permanent Secretary for each ministry marked, even more clearly than anything that had gone before, the function of the public services in giving effect to the policy of the ministers, for the main task of the Permanent Secretary was to be the administrative head of the departments grouped under the minister, and besides being responsible for financial control of the departments, and for general administration, his duty was to pass on ministerial decisions and see that they were carried out.

The two public services 'safeguards' of the Donoughmore Constitution were continued. The right of certain public officers to retire with proportionate pensions and compensation for loss of career, and the institution of the Public Service Commission remained under the Soulbury Constitution, but the position of the Public Service Commission was strengthened, and it was given more power and independence. It no longer consisted of officials with other duties, but was a specially appointed body, the members of which performed no other functions; while the rights and duties of executive committees to make recommendations in regard to appointments, etc., in the public service was not continued to any political body.

The relationship between the central Government and the public services, particularly those in the lower grades, underwent considerable changes during the British period. In the early days representations were mainly from individuals, and were made to the Chief or Colonial Secretary, the Governor, or the Secretary of State as the case might be, through their senior officers and heads of departments. Gradually however Government servants began to form themselves into associations or unions for various purposes, including the making of repre-

The Public Services during the Era of Reforms

sentations to Government on matters which related to their members as a whole, while matters of individual concern were usually dealt with by petition as before. The associations and unions were recognized by Government so long as they did not offend the terms of regulations made for their control. These arrangements however did not always prove satisfactory, and it was gradually felt that a more intimate system was desirable in which 'official' and 'staff' representatives could meet round a table to discuss matters of common interest, such as salaries, conditions of service, etc. Accordingly, tentative steps were taken with the object of introducing into Ceylon the scheme of Whitley Councils which has been so successful and has become so widespread in England. Any such scheme has, of course, to be worked on a voluntary basis, and there was at first some opposition. This was the position at the end of the British period, and final decisions in the matter were left for the consideration of the new Government.

CHAPTER XIV

Conclusion

THE century and a half of British rule in Ceylon which has been traced in outline in this book thus witnessed vast changes and advances in every aspect of life in the Island, economic, social, and political. To carry on the ordinary day-to-day administration of the country and to facilitate and make possible these advances, an administrative system was developed, which, though it received a number of shocks and set-backs, and occasionally developed weaknesses, nevertheless on balance proved adequate to carry the burden of the many changes in the government and the condition of the country, and the new responsibilities occasioned thereby. It almost broke down at the very outset, when an attempt was made to impose on Ceylon an Indian system of government worked by Indian officers brought to Ceylon for the purpose. It suffered a severe shock when, in the early thirties of the nineteenth century, pensions were denied to new entrants to the Civil Service, salaries were reduced, and the more or less professional nature of the services was interfered with by methods of recruitment designed to overthrow their exclusiveness; and when, in order to eke out their poor salaries, Government servants resorted to the practice of opening lands and of looking after their estates, to the neglect of their official duties. But the administrative system recovered its efficiency after these matters were adjusted by the 'reforms' of 1845, and when these reforms had had time to have effect.

The Constitutional changes which came so rapidly during the last thirty years of British rule threw a further strain on the services, particularly during the period when, as part of the campaign for reform, attacks were made on the Government of the day through the services. In recent years the services were subjected to a further severe test, when the nature of their duties changed and it fell to them to give effect to policy laid

Conclusion

down by ministers and executive committees, and when they had at times to contend with a great deal of political interference. The administrative machine, though by no means unaffected by these events, on the whole stood up to them satisfactorily.

The history of the public services of Ceylon should thus be of considerable interest to the student of administrative methods.

There can be little doubt that the separation of Ceylon from India at an early date and the institution of a completely separate Government, and the establishment of a Civil (administrative) Service of selected men, who generally speaking identified themselves with the country in which they made their careers, were wise steps. The institution of a system of provincial administration, which included the continuance of the headman system, so well understood by the villagers, without however going to the lengths of 'indirect rule', was another step which proved successful, though it disappointed some of the Kandyan chiefs, who had hoped that when the British took over the administration of Kandy, they would become the real rulers, of that part of the country at least. These steps were especially important in a country like Ceylon, which had her own long traditions and cherished customs, and whose people were conservative by nature and wedded to their own habits and ways of life. Indeed it was sometimes said that the officials were more conservative than the politicians, and even opposed useful reforms on the ground that they involved the abandonment of long-standing customs, even when such customs had little in themselves to commend them. Whether this was so or not, there can be no doubt that for many years the cordial relationship which existed between the Government and the people of the country was due in great measure to the work of the Government Agents and other servants of Government, and to the co-operation between them and the chief and minor headmen.

There is, of course, some danger that a service such as the Ceylon Civil Service might become insular in its outlook, and

grow out of touch with developments elsewhere. This may have been the case at times, but the Governor and usually the Chief, or Colonial Secretary, had had service elsewhere, and the help and experience of the Colonial Office was always available. In any case Ceylon experience undoubtedly supports the view that, in the case of a country with a long history and traditions of her own, it is desirable that she should have her own administrative service, most at least of whose members will serve their full official life in the country. The members of such a service must be men of good educational attainments and general ability, and there must be no doubts regarding their integrity. The weakest periods in the history of the Ceylon services have been when members have had cause for anxiety by cuts in salary, or by want of a pension scheme, and suitable provision for promotion. No service can be expected to function properly and efficiently if the conditions of service are such that the members fear pecuniary embarrassment. That at least is the experience of Ceylon.

Another matter in which the experience of Ceylon may be helpful is that of the association of the people of the country with overseas officers in the public services of the country. In Ceylon this probably did not come as early as it might have done, but when it did there can be no question of its success. Great care of course was necessary in the selection of candidates for appointment to the higher ranks of the service, as a lowering of the standard for Ceylonese entrants would be to place them at a handicap as against the overseas members, and to prejudice the success of the whole scheme. It was found that Ceylonese admitted into the higher ranks generally accepted the traditions of the service. As time went on, and the number of Ceylonese fitted for higher administrative appointments increased, a gradually increasing proportion of Ceylonese were recruited, until finally only Ceylonese were taken in.

The history of the technical services in Ceylon is also of interest. In the early days of British rule the technical services were not well organized—it was rather the practice to appoint technical officers for special duties where required, than to

Conclusion

establish a service and recruit to it. The organization of specialized services rather followed than preceded development and expansion. Whether this is a good method or not is one for consideration. Ceylon has been well served by her technical officers, both before and after the creation of specialized departments, but it is possibly the case that more ordered progress would have been made by the earlier establishment and organization of such departments. As in the case of the administrative service, the association of Ceylonese with the technical services is interesting. There were Ceylonese, particularly Burgher, technical officers from an early date, but most of the officers recruited for higher technical work came from Britain. The next step was the appointment of Ceylonese officers who had acquired the necessary training. At first such training was generally obtainable only abroad, but later more facilities were made available locally, the medical services leading the way in this respect. Local recruitment with facilities for study abroad was later adopted, and towards the end of the British period the general practice was to recruit local officers generally for the permanent services and to engage technical officers from overseas with specialized knowledge, on contract for a term of years.

The clerical and subordinate services in Ceylon have always been Ceylonese. In this connexion also the Island was fortunate in having Burghers available in early days, which rendered it practically unnecessary to recruit from overseas, and early educational efforts by Government and by the missionary bodies were intended largely to produce trained Ceylonese of all races for employment in these services. This had the advantage of fitting a number of good men for suitable and interesting careers, but it must be admitted that it tended to give a colour to educational endeavour which might be regarded as not altogether satisfactory. Great stress was laid on the acquisition of English, and the standard of English among the English-educated and English-speaking population was high. This was to the good, but it led to a tendency to neglect the study of local languages and culture. The tendency was

Public Administration in Ceylon

recognized latterly, and led to the introduction of a more balanced educational system. In any case, the result was the establishment of clerical and other services with a high standard of efficiency of which the country has every reason to be proud.

As a fitting conclusion to this study of British Administration in Ceylon, reference may be made to words used of the public service of the Island by the Prime Minister, one year after the granting of independence. He was able to say, 'We have a Public Administration that has earned a high reputation and is considered to be as good as any in the World.'¹

¹ *Independent Ceylon*. Independence Day Souvenir. (Department of Information, The Government of Ceylon, 4 February 1949.)

BIBLIOGRAPHY

THE CHRONICLES

The main source of information in regard to the Ceylon of the days of the Sinhalese kings is to be found in the chronicles of the period which the Island is singularly fortunate in possessing. They have for the most part been translated into English and published. By far the most important of them is the *Mahawansa*. Translations of the first part, Chapters 1-38 (the *Mahawansa* proper) by George Turnour, first published in 1837, and of the second part, Chapters 39-100 (known as the *Culawansa*) by L. C. Wijesinha, first published in 1889, were produced in one volume (344 pages) by the Government Record Office, Colombo, in 1909. More critical translations have since been made by Dr Geiger, and published in London by the Oxford University Press for the Pali Text Society, the *Mahawansa* in 1912 and the *Culawansa* in 1929-30.

GENERAL HISTORIES

For the Sinhalese period the following general histories of Ceylon rely for the most part on the chronicles.

Blazé, L. E. *A History of Ceylon for Schools*, 10th ed. Ceylon, the Christian Literature Society, 1937. 263 pp. This book contains a sketch of the Sinhalese, Portuguese and Dutch periods, and of the British up to 1936.

Codrington, H. W. *A Short History of Ceylon*, London, Macmillan, 1926. 202 pp. Probably the most critical of the general accounts of the Island. The book carries the history up to the year 1833.

Obeyesekera, D. *Sketches of Ceylon History*, Colombo, Bastian, 1923. 60 pp. Also *Outlines of Ceylon History*, Colombo, 1912. 322 pp.

THE PORTUGUESE PERIOD

There are practically no Portuguese records in Ceylon, but much material exists in the archives in Lisbon. The most important history of Ceylon in Portuguese times is probably the *Conquista temporal e espiritual de Ceylão* by Fernão de Queyroz. The original manuscript was discovered by Dr P. E. Pieris, who edited an edition of the work in Portuguese, which was published by the Government Printer, Colombo, 1916. 994 pp. A translation of the work, made by the Rev. Fr. S. G. Perera, S.J., under the title of *The Temporal and Spiritual Conquest of Ceylon*, was published by the Government Press, Colombo, 1930. 1274 pp.

Other original sources

Barros, J. and de Couto, D. *The History of Ceylon from the earliest times to 1600 A.D.* Trans. by Donald Ferguson, *Royal Asiatic Society Journal* (Ceylon Branch), vol. xx, no. 60, 1908.

Ribeiro, J. *History of Ceylon*, with a summary of other authorities, translated by Dr P. E. Pieris. Colombo Apothecaries' Co., 1909. 416 pp.

Schurhammer, G. and Voretzsch, E. A. *Ceylon zur Zeit des Königs Bhuvaneka Bahu und Franz Xavers, 1539-1552*. Leipzig, Verlag der Asia Major, 1928. 2 vols. This work contains a vast amount of original information, particularly in regard to the years mentioned in the title.

Other important works on the Portuguese Period

Perera, S. G. *A History of Ceylon for Schools*, vol. i, *The Portuguese and Dutch periods, 1505-1786*. Colombo, Associated Newspapers, 1947.

Bibliography

Pieris, P. E. *Ceylon: The Portuguese Era: Being a History of the Island for the Period 1505-1658*. Colombo Apothecaries' Co., 1913. 2 vols. This monumental work gives the history of the period mainly from the Sinhalese point of view.

THE DUTCH PERIOD

In contrast with the scarcity in Ceylon of records of the Portuguese period, the archives contain a very large amount of material from the Dutch Period; a *Catalogue of the Archives of the Dutch Central Government of Coastal Ceylon*, compiled for the Ceylon Government by Miss M. W. Jurriaanse, was published by the Government Press, Colombo, in 1943. English translations have been made of many of the more important documents. Particular mention should be made of translations of a number of Memoirs and Instructions of Dutch Governors, Commandeurs, etc., by successive Government archivists, and published from time to time by the Government Press, Colombo.

Other useful books

Anthonsiz, R. G. *The Dutch in Ceylon*. Colombo Apothecaries' Co., 1929, vol. i.

Pieris, P. E. *Ceylon and the Hollanders, 1658-1796*. 2nd ed. Tellipolai, American Ceylon Mission Press, 1918. 259 pp.

THE BRITISH PERIOD

The most important collection of official manuscripts of the British period is also to be found in the Government archives, at present located in Nuwara Eliya, Ceylon. These archives have not yet been catalogued, but the Government archivist is preparing a list. They contain correspondence between the Ceylon Government and the Secretary of State, Minutes and Proceedings of Council Meetings, correspondence between the Chief or Colonial Secretary and Government Departments, Reports of Committees, etc., and Ceylon Government Gazettes. There is also a large collection of records in the Public Record Office, London. P.R.O. Series C.O. 54 and 55 is particularly important. Among Ceylon papers in the British Museum are the Wellesley Manuscripts, which contain much valuable information regarding the earliest period of British Administration, and North's period of Governorship.

A great deal of information can be obtained from the official Blue books and volumes of Administration Reports, issued annually by the Ceylon Government. In this series the most useful modern publication is probably the *Ceylon Year Book*, published annually by the Department of Statistics, Ceylon, in which is incorporated the earlier *Annual General Report*. The *Ceylon Year Book* for 1948 (219 pp.) surveys the period 1939-47 and is an excellent work of reference.

The Ceylon Sessional Papers, including those on Constitutional Reform, are invaluable for a study of the later part of the British period.

Another set of official books published by the Ceylon Government which give much contemporary information are the four volumes of *Addresses delivered in the Legislative Council of Ceylon by Governors of the Colony*. These volumes were published in 1876, 1877, 1900, and 1905.

Other important official papers are the Report of the Donoughmore Commission, *Ceylon, Report of the Special Commission on the Constitution*, published in Ceylon by the Government Printer, Colombo, 1928, and London, H.M.S.O. (Cmd. 3131, 1928), the Report of the Soulbury Commission, *Ceylon, Report of the Commission on Constitutional Reform*, (Cmd. 7667, 1945), and *Ceylon: Statement of Policy on Constitutional Reform*, (Cmd. 6690, 1945).

Among printed books other than Government publications there are some which deal with the British period, or large parts of it, as a whole, while others are mainly contemporary accounts of the events they portray. Among the former are books already mentioned, i.e. Codrington's *Short History of Ceylon*, which stops at 1833,

Bibliography

Blazé's *History of Ceylon for Schools*, which carries the story to G 1936, S. Perera's *History of Ceylon for Schools*; in addition, there is also G. C. Mendis's *Ceylon under the British* (2nd ed. rev. The Colombo Apothecaries' Co., 1948, 135 pp), a well-written book by the Lecturer in History, University of Ceylon, which gives a good general account of the history of the period up to 1913, and then a summary of constitutional development to 1943. Among the latter are:

Campbell, L. D. ed. *The Miscellaneous Works of Hugh Boyd*. London, J. Cadell, Jun. and W. Davies, 1800. 2 vols. An authority for events at the time of the occupation of Ceylon by the British.

Cleghorn of Strathvithie, Hugh, See Neil, W. ed. *The Cleghorn Papers*.

Davy, John. *An Account of the Interior of Ceylon and of the Inhabitants. With Travels in that Island*. London, 1821. 530 pp.

Digby, W. *Forty Years of Official and Unofficial Life in an Oriental Crown Colony; being the Life of Sir Richard F. Morgan, Kt., Queen's Advocate and Acting Chief Justice of Ceylon*. Madras, 1879. 2 vols.

D'Oyley, Sir J. *A Sketch of the Constitution of the Kandyan Kingdom*. Collated under the orders of Government in the Department of Statistics and Office Systems, Colombo, 1929. 158 pp.

Gregory, Lady. ed. *Sir William Gregory, K.C.M.G., formerly Member of Parliament and Sometime Governor of Ceylon. An Autobiography*. 2nd ed. London, J. Murray, 1894. 407 pp.

Jennings, Sir Ivor. *The Constitution of Ceylon*. London, Oxford University Press Indian Branch, 1949, 262 pp. An important book by one who had a place in the events he describes. It is in two parts, the first describing the main features of the Soulbury and Independence Constitutions, and the second containing the constitutional documents of the Independence Constitution.

Knox, R. *An Historical Relation of Ceylon, together with Somewhat concerning Several Remarkable Passages of my Life that hath Happnd since my Deliverance out of my Captivity*. 1681. New edition, with Autobiography, ed. by J. Ryan. Glasgow, MacLehose, 1911. 459 pp.

Marshall, Henry. *Ceylon: A General Description of the Island and Its Inhabitants; with a Historical Sketch of the Conquest of the Colony by the English*. London, 1846. 287 pp.

Mills, L. A. *Ceylon under British Rule, 1795-1932*. London, Oxford University Press, 1933. 271 pp. This is a very valuable and well-documented history. It is, however, unequal in the sense that it deals at much greater length and in much more detail with some events and aspects than with others. It has good chapters on the Civil Service, the Governor, and on native policy.

Namasiviyam, S. *The Legislatures of Ceylon, 1928-1948*. London, Faber for Nuffield College, 1951. 185 pp. A valuable and well-documented study of political and constitutional development during the period covered by the work.

Neil, W. ed. *The Cleghorn Papers—a Footnote to History, Being the Diary, 1795-1796, of Hugh Cleghorn of Strathvithie*. London, A. and C. Black, 1927. 295 pp.

Perera, E. W. Article in *Twentieth Century Impressions of Ceylon*. See Wright, A. A summary of the history of the British period up to 1905.

Pieris, P. E. *Tri Sinhala, the Last Phase, 1796-1815*. The Colombo Apothecaries' Co., 1839. 163 pp.; 2nd ed. London, Heffer, 1945. 248 pp. The history of the last years of the Kandyan Kingdom. Dr Pieris states that the material relied on is almost exclusively taken from the documents preserved at the Public Records Office, London, supplemented to a very limited extent by that available at Colo.nbo.

Ryan, J. See Knox, R. *An Historical Relation of Ceylon*.

Bibliography

- Silva, Colvin R. de. *Ceylon under the British Occupation, 1795-1833*. The Colombo Apothecaries' Co., 1942. 2 vols. An extremely good and detailed account of the period, well documented.
- Skinner, Miss. *Major Thomas Skinner. Fifty years in Ceylon, An Autobiography*. London, W. H. Allen, 1891. 327 pp.
- Steuart, James. *Notes on Ceylon and its Affairs, During a Period of Thirty Years. Ending in 1855. To which are Appended some observations on the Antiquity of Point de Galle, and on the Pearl Fishery*. London, privately printed, 1862.
- Tennent, Sir J. Emerson. *Ceylon, An account of the Island Physical, Historical, and Topographical, with notices of its Natural History, Antiquities, and Productions*. 5th ed. London, 1860. 2 vols. A standard work on Ceylon, which still has a high reputation. Only a small section relates to the history of Ceylon in British times.
- Turner, L. J. B. *Collected Papers on the History of the Maritime Provinces of Ceylon, 1795-1805*. Colombo, Times of Ceylon Co., 1923. 287 pp. The most valuable and detailed account of the beginnings of British rule. It is based on original authorities and is fully documented.
- Wright, A. *Twentieth Century Impressions of Ceylon, its history, people, commerce, industries, and resources*. London, Lloyd's Greater Britain Publishing Co., 1907. 916 pp. This work contains a valuable article on the history of the British period up to 1905, by E. W. Perera.
- Useful histories of Government Departments and Services are:*
- Bingham, P. M. *History of the Public Works Department, 1796-1913, Ceylon*. Colombo, Government Printer, 1921, 22, 23. 3 vols.
- Perera, G. F. *The Ceylon Railway: the Story of its Inception and Progress*. Colombo, The Ceylon Observer, 1925. 297 pp.
- Pippet, G. K. *A History of the Ceylon Police*. vol. i. 1795-1870. Colombo, Times of Ceylon Co., 1938. 284 pp.
- Toussaint, J. R. *Annals of the Ceylon Civil Service*. The Colombo Apothecaries' Co., 1935. 204 pp. Contains information regarding the history of the Civil Service, and biographical notes of some of the more prominent past Civil Servants.
- Journals containing important contributions to the history of Ceylon:*
- The Ceylon Antiquary and Literary Register*. Colombo, 1915-24. (With breaks in publication) Quarterly.
- Royal Asiatic Society Journal (Ceylon Branch)*. Colombo, 1845. Quarterly.

INDEX

- ACCOMMODESSANS, 32
Adigars, *see under* Chiefs and Headmen
 Agriculture, 131-2; Department of, 97, 98; *see also* Irrigation
Amildars, *see under* Chiefs and Headmen
 Anderson, Sir George, 81, 82
 Anderson, Sir John, 115
 Andrews, Robert, 12, 13, 14, 15, 18, 23, 24, 26
 Animal Husbandry, 98, 132
 Anstruther, P., 76, 77
 Anuradhapura, 2, 3, 4
 Appeal, Courts of, *see under* Justice, Administration of
Arachchies, *see under* Chiefs and Headmen
 Arbuthnot, Robert, 30
 Arunachalem, Sir Ponnambalam, 100
 Aviation, Civil, 132

 BADULLA, 47, 48
 Barbut, Colonel, 33, 37
 Barnes, Sir Edward, 42, 52, 53, 55, 56, 57
 Batticaloa, 10, 14, 85
 Blake, Sir Henry, 111
 Board of Commissioners, *see* Commissioners, Board of
 Board of Ministers, *see* Ministers, Board of
 Board of Health, *see under* Local Government
 British East India Company, 11-22, 55
 Brownrigg, Sir Robert, 40, 42-52, 54
 Buddhism, *see under* Religions
 Burghers, 2, 88, 103, 112, 115, 118, 129, 153
 Burma, 17
 Burrows, Sir Frederick J., 135
 Butler, Sir Geoffrey, 119

 CABINET, 134, 137, 139
 Caldecott, Sir Andrew, 134
 Camden, Lord, 41
 Cameron, Charles Hay, 57, 58, 62
 Campbell, Sir Colin, 75
 Canals, *see under* Communications
 Carrington, Sir C. E., 29
 Ceylonese, definition of term, 32
 'Ceylonisation', 69, 96, 97, 101-3, 152, 153; 'March Resolutions', 103
 Ceylon League, 107
 Ceylon National Congress, 115
 Chalmers, Sir Robert (later Lord), 114
Chena, 1, 98
 Chiefs and Headmen, 104-6; *Adigars*, 4, 46, 50; *Amildars*, 14; *Arachchies*, 8, 17; *Disawas*, 5, 6, 8, 46, 50; *Korala*, 8; *Mudaliyars*, 8, 14-19, 32, 39; *Muhandirams*, 8, 17
 Cholera, 92, 94
 Christianity, *see under* Religions
 Cinchona, 83
 Cinnamon, 8, 9, 24, 63, 65, 72; Department, 24; export, 74-5; monopoly, 21, 55-6, 65; Plantation Establishment, 66-7
 Civil Defence Commissioner, 133
 Civil Service, Colebrooke reforms, 66-70; establishment of, 30-4; expansion of (1850-1910), 99-103; pensions, 35, 40, 41, 69, 76; service conditions, 40, 41, 150-2
 Civil Service Commission, 101, 102
 Cleghorn, Hugh, 11, 23, 27
 Clerical services, 103-4
 Clifford, Sir Hugh, 118, 121
 Coconut, 14, 55, 83
 Coffee, 39, 56, 65, 66, 75, 82-4
 Colebrooke, Lt-Colonel, 57; Colebrooke Commission, 57-70
 Colombo, 3, 5, 7, 19, 25, 33, 39, 88, 132; capture (1796), 10; Courts of Appeal, 62; harbour, 85; police, 96; post office, 24; Supreme Court, 40
 Commerce, Chamber of, 74, 115
 Commissioners, Board of, 49, 50, 51, 52, 54
 Communications, canals, 9; harbours, 85; railways, 84, 85; roads, 9, 19, 52, 53, 54, 55, 78, 83, 85
 Constitutions, (1802), 23; (1833), 71; (1912), 112-15; (1920), 115-17; (1924), 117-22; Donoughmore, 123-33; Soulbury, 136-41; Dominion Status, 141-3
 Cotton, 39

Index

- Council, Executive, 59-61, 71, 111, 116, 117, 118, 120, 121, 125; Governor's, 28, 59; Legislative, 59-61, 71-4, 106-8, 110-13, 115, 117-23, 125, 144, 145; State, 106, 125, 126, 129, 130, 131, 133, 135, 140, 141, 147
- Courts, *see* Justice, Administration of
Cowle, 18
- Currency, 19-20
- DAVIE, MAJOR, 37
- de Meuron, Brigadier-General Pierre
Frederic, 11-12, 15-17, 21
- Dharmapala, King of Kotte, 5
- Disawony*, 8
- Disawas*, *see* under Chiefs and Headmen
- Dominion Status, *see* under Constitution
- Donoughmore, Earl of, 119; Commission, 119-22; Constitution, 123-33
- Doyle, Major-General, 11, 15
- D'Oyley, Sir John, 43, 46, 47, 52
- Dutch Administration, 6-10, 19
- Dutch East India Company, 7-10
- EDUCATION, 9, 34, 42-3, 70, 85, 90, 91, 92, 132; Department of, 34, 90; University, 92; University College, 92
- Ehelepola, 43-4, 46
- Executive Committees, 125, 126, 129
- Executive Council, *see* under Council
- FARMING OF REVENUE, 8, 14, 17, 18
- Finance Committee, 111, 118, 120, 121, 145, 147
- First World War, 113
- 'Fiscal', office of, 25, 26, 30
- Forest Department, 97
- Franchise, 125-6
- GALLE, 7, 10, 19, 24, 56, 62, 88, 132
- Gampola, 114
- Gam sabhawas*, 4, 86, 87
- Gangaruwa Estate, 56
- Gardens, botanical, 24, 97
- Goa, Viceroy of, 5
- Gordon, Sir Arthur H., 85, 91, 105, 110
- Government Agents, 88, 108, 112, 132, 151; appeals to, 87; appointment, 102, 103; Executive Council and, 60, 61; functions, 62, 82, 94, 95; local boards of health and, 89; police powers, 96, 97
- Governor, powers of, 22-3, 108, 110, 124, 126-8, 138; authority in Kandy, 46; Colebrooke's recommendations, 59, 60, 61; Executive and Legislative Councils, relations with, 71-4, 111-12, 117, 121-2; public services and, 144-5, 146
- Governor-General, functions of, 142
- Governor's Council, *see* under Council
- Gregory, Sir William, 85, 88, 91, 93, 96
- HAILEYBURY EXAMINATION, 100
- Harbours, *see* under Communications
- Havelock, Sir Arthur, 93
- Headmen, *see* Chiefs and Headmen
- Hobart, Lord, 15, 16, 17
- Hodgson, Major-General Studholme, 107
- Holland, administration in Ceylon, *see* Dutch administration
- Horton, Sir Robert W., 60, 61, 69, 71, 72
- INDIA, trade relations with, 66; for influence of Government on Ceylon, *see* Madras
- Indians, 2, 14, 16, 17, 92, 93, 115
- Irrigation, 1, 2, 84-6, 91, 131; Department of, 94, 95
- JAFFNA, 3, 5, 7, 10, 33, 37, 62; cholera, 92; post office, 24; State Council meetings, 127; Supreme Court, 40
- Johnstone, Sir Alexander, 40
- Joinville, Joseph, 24, 32
- Judicial Service Commission, 138
- Justice, Administration of, 24, 25, 29-30, 40, 50-1, 73; Appeal, Courts of, 25, 29, 62; *Landraads* (Civil Courts), 25, 26, 30, 40; Supreme Court, 29, 40, 62-3
- KACHCHERIES, 14, 19, 104
- Kandy, Kingdom of, 3, 9; British expedition to (1803), 36-8; Convention (1815), 43-5
- Kandy (town), 3, 44, 62, 88, 127, 132
- Kandyan Provinces, British administration, 46-56; rebellion (1817-18), 47-8; union with maritime provinces, 61
- Kandyans, 1, 5, 19, 115
- Korala*, *see* under Chiefs and Headmen

Index

- Korale*, 5, 6, 8, 17
Kotte, Kingdom of, 3, 5
Kurunegala rising, 79
- LANDRAADS, *see under* Justice, Administration of
Land tenure, 4, 31; grants, 32-3, 39, 50, 64; settlement, 98, 99, 131; *see also* Service tenures
Law, *see* Justice, Administration of
Layton, Sir Geoffrey, 132
Legislative Council, *see under* Council
Local Government, 86-90, 108; boards of health, 87, 89; Local Government Department, 132; Local Government Service Commission, 132; municipal councils, 88; road committees, 87; sanitary boards, 89, 132; urban councils, 89, 132; *see also* Government Agents; Provincial Administration
Longdon, Sir James, 91
Lorensz, Charles, 107
Low-country Products Association, 115
- McCALLUM, SIR HENRY, 111
MacCarthy, Sir Charles, 85
Mackenzie, J. A. Stewart, 73, 75
Madras, Government of, 9, 11-16, 18, 150-1; Ceylon's separation from, 21, 22, 26
Magama, 2
Magha, King of Kalinga, 3
Mahabadda, 8
Mahanuwara, *see* Kandy (town)
Maitland, Sir Thomas, 38-43, 54
Malaria, 92, 94, 131
Malays, 2
Mannar, 24, 27, 92
Manning, Sir William, 116-17
'March Resolutions', *see under* Ceylonisation
Matale rising, 79
Medical services, 9, 85, 87, 92-4, 132; bacteriological institute, 93; Department, 34, 94
Meuron, Brigadier-General Pierre Frederic de, *see de* Meuron
Ministers, 139, 140; Prime Minister, office of, 137, 138, 140
Ministers, Board of, 126, 127, 130, 133, 134
Missionary Societies, *see under* Religions
Molligoda, 46, 48, 77
Monopolies, 8, 19, 65
Moodliars, *see* Chiefs and Headmen: *Mudaliyars*
Moore, Sir Henry, 140, 142
Moors, 2, 68, 72, 114
Morgan, Sir Richard, 90
Mudaliyars, *see under* Chiefs and Headmen
*Muhandiram*s, *see under* Chiefs and Headmen
Municipal councils, *see under* Local Government
Muttusamy, 37
- NATHAN, SIR MATTHEW, 119
National Congress, *see* Ceylon National Congress
Nava-kars, 43
North, Frederic, 18, 21-37, 54
- OFFICERS OF STATE, *see* State, Officers of
- PARAKRAMA BAHU, KING, 3, 4
Parliament, 139, 142; House of Representatives, 137, 141; Senate, 137
Pearl fisheries, 27, 68, 84
Pedrutalagala, 1
Peiris, Sir James, 111
Pensions, *see under* Civil Service
Permanent Secretaries, 138, 139, 140, 148
Philip, King of Portugal, 5
Pilima Talawuwa, 36, 37, 43
Pioneer corps, 54-5
Planters' Association, 81, 112
Police, 39, 96-7
Polonnaruwa, 2, 3, 4
Population, statistics of, 1-2
Portuguese Administration, 3, 5-6
Postal services, 24, 104; Department, 99
Prime Minister, office of, *see under* Ministers
Provinces, 62
Provincial Administration, 23-4, 33, 42, 61-2, 151; *see also* Government Agents; Local Government
Public Health services, *see* Medical services *and under* Local Government
Public Service Commission, 127, 138, 143, 146-8
Public Works Department, 34, 52, 95-6, 99

Index

- RAGAMA, 93
Railways, *see under* Communications
Rajakariya, 38, 48, 53-4, 56, 63-4, 70
Rajasingha II, King of Kandy, 6-7
Rajadhirajasingha, 36
Ramanathan, Sir Ponnambalam, 113
Rate sabhawa, 4
Rees, Sir J. F., 135
Religions, Buddhism, 2, 45, 47, 77, 90, 114; Christianity, 2, 6, 42; Hindu, 2, 90; Muslim, 2, 114; Protestant Missionary Societies, 42-3; Roman Catholic Church, 2, 6, 42
Representatives, House of, *see under* Parliament
Rice, 24, 55
Ridgway, Sir West, 91, 93, 98, 108
Riots, (1796), 15; (1848), 7, 80; (1915), 114
Roads, *see under* Communications
Robinson, Sir Hercules, 85, 86, 91, 107
Roman Catholic Church, *see under* Religions
Roman Dutch Law, 9, 63
Rubber, 83
Russell, Lord John, 79

SALARIES COMMISSION, 146
Sanitary boards, *see under* Local Government
Sawyers, Simon, 47
Second World War, 131, 132-3
Secretary of State for the Colonies, 28, 30-3, 35, 43, 53, 55, 116-19; Civil Service, 68, 69, 70, 75, 76, 101-2; Colebrooke reforms, 57, 58, 60, 64, 67; compulsory labour, Order on (1832), 64; Executive and Legislative Councils, 72-3, 74, 111-12; financial reforms, 77-8; military contribution, 106-7; monopolies, views on, 65, 66; public services, 144, 146; Soulbury Commission, appointment of, 134, 135
Senanayake, the Rt. Hon. D. S., 140, 154
Senate, *see under* Parliament
Service tenures, 4, 8, 14, 31-2, 38-9, 50, 54, 64; *see also* *Rajakariya*
Shiels, Dr Drummond (later Sir), 119

Sigiriya, 2
Sinhalese, administrative system, 4-6, 14; early history, 3; membership of Legislative Council, 72, 116, of State Council, 129, 131; statistics of, 1; term distinguished from Ceylonese, 32n
Siriwardanapura, *see* Kandy (town)
Soulbury, Lord, 135; Commission, 135; Constitution, 136-43
Sri Wikrama Rajasingha, 36, 44
Stanley, Sir H. J., 119
State Council, *see under* Council
State, Officers of (Chief, Legal, and Financial Secretaries), 125, 133
Stuart, Major-General, 11, 13, 15, 20, 25
Stubbs, Sir Reginald, 131
Sugar, 56
Supreme Court, *see under* Justice, Administration of
Survey Department, 32, 95, 96

TAMILS, early history, 3; membership of Legislative Council, 72, 116, of State Council, 129, 131; statistics of, 1-2
Tea, 83
Technical services, 152-3
Tennent, Sir J. Emerson, 76-80
Thombos, 17
Thomson, Sir Graeme, 129
Thwistleton, the Rev. J., 43
Tobacco, 66
Torrington, Lord, 74, 77, 79, 80
Trincomalee, 10, 14, 19, 21, 24, 27, 62

UNIVERSITY and UNIVERSITY COLLEGE, *see under* Education
Urban councils, *see under* Local Government

VAN ANGELBEEK, 10, 19
Veterinary Department, 98
Village councils, committees, tribunals, *see* *Gam sabhawas*

WALL, GEORGE, 107
Ward, Sir Henry, 81-6, 96
War Council, 133
Watapuluwa, 37
Whitley Councils, 149
Wodehouse, P. E., 76, 77, 79, 80







