

THE CEYLON JOURNAL OF HISTORICAL AND SOCIAL STUDIES

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FERTILITY TRENDS IN CEYLON

O.E.R. ABHAYARATNE and C.H.S. JAYEWARDENE

Regular and comprehensive censuses taken in Ceylon since 1871 give us a more or less complete picture of the changes that have occurred in the population. At the first census taken in 1871, the population was found to be 2,400,380 while at the census taken in 1963 it was 10,644,809 — an increase of 358.4 % in less than a century. When compared with European countries the rate of change of Ceylon's population is high but in comparison with other countries the rate of change cannot be considered either high or low. It is what would have been normally expected especially when the location of the country is taken into consideration. What attracts attention in the growth of our population, however, is not that the rate of population growth during the ninety-two year period 1871-1963 was inordinately high — it was only a 1.6% per annum increase — but that the rate of growth has increased in recent times. During the period 1946-1953, the growth was 2.8% per annum. It was the same during the period 1953-1963.

The growth of a population is dependent on the natural increase and the migration difference. Migration played a large part in the population growth of this country in the nineteenth century and the early part of the twentieth but in the last few decades its contribution to the increase has gradually decreased, though Ceylon continued to remain an immigrant-recipient country till as late as 1950.¹ At the present time, the contribution made by migration is so small that the present changes in population could be looked upon as solely dependent upon the balance between births and deaths.

The death rate has shown a considerable reduction during the period 1900-1960. This reduction, however, has not been uniform. During the first quarter of the century it remained more or less constant, with occasional fluctuations, around the level of 30 per 1000. During the next 20 years the death rate fell to the level of 20 per 1000 while in the post-war period the death rate fell still further till it now stands around the level of 9. This dramatic reduction in the death rate, unprecedented in the annals of world demography, has been occasioned mainly by the eradication of malaria — the chief cause of morbidity and mortality in bye-gone years — and the more ready availability of better health facilities.

1. *Statistical Abstracts of Ceylon*, 1960, Table 32.

In occidental countries the reduction in the death rate has been slow, and, as the technical know-how necessary for the improvement of the health services could not be borrowed but had to be developed, the reduction was usually associated with an improvement in the socio-economic conditions in the country. Following the fall in death rate was a fall in the birth rate in these countries so that the rate of increase of the population was not inordinately high at any time. In Ceylon the birth rate has shown no significant fall. It has remained more or less constant since the turn of the century around the level of 37.5 per 1000. (See Table 4 and Chart 1).

Births and birth rates are primarily determined by such factors as the number of persons in the reproductive ages, their age and sex distribution, the proportion married, the duration of marriage and the number of children previously born to the woman. As the crude birth rate relates the number of births in a year to thousand of the total population, a constant rate in the face of a rapidly increasing population occasioned by natural increase, as what obtained in Ceylon during the last two decades, indicates variations in these primary determinants.

Populations could be divided from the reproductive point of view into three groups :

(a) the pre-reproductive group

(b) the reproductive group

and (c) the post-reproductive group.

When natural increases cause a rapid rise in population the first group becomes relatively larger and larger. In 1946, the first group contained 37.23% of Ceylon's population as compared with 47.16% and 15.61% in the second and third groups respectively. The comparable figures for 1953 were 39.70%, 44.56% and 15.74%.² As the persons in the first group, whose relative size is increasing are not in the business of reproduction, a constant crude birth rate can be obtained only if those in the reproductive group collectively increase their production to such an extent as to compensate for the increase in numbers of this non-reproductive group. This could result from an increase in family size (a married woman producing more children than before) or an increase in the number of families (a larger proportion of the women in reproductive group producing children).

The capacity of a woman to reproduce is not unlimited. Hindered biologically by various physiological changes her reproductive capacity is limited to what is termed the reproductive period.— that between puberty and menopause. As the age at which these events occur vary from woman to woman the

2. The figures were obtained from the Census Reports for 1946 and 1953. The groups referred to are Pre-reproductive — under 15 years; Reproductive — 15 to 45 years; Post-reproductive — over 45 years.

reproductive period is arbitrarily fixed to denote the period when births are most likely to occur. In Ceylon the reproductive period is considered to be the 30 year period between the ages 15 and 45. Only a very small proportion of persons under 15 and over 45 give birth to children. In the 1946 census it was found that such an event occurred in less than 1% of the cases.

The biological capacity of a woman to reproduce is further restricted by a social incapacity. While a woman is biologically able to give birth to a child during the reproductive period she is socially unlikely to do so unless she is married. Consequently, an important factor in fertility is the age at marriage, which determines the de facto reproductive period. The older a woman is at marriage, the fewer the children she is likely to have, assuming, of course, that planned parenthood has played no part.

The average age of marriage for females in Ceylon has increased since the turn of the century. In 1900 it was 21.0 years while in 1960 it was 23.1 years. The increase has occurred mainly during the post-war period. (See Table 5) The two year increase in the age of marriage means a two year reduction in the reproductive period. Calculated from the average age of marriage, the average reproductive span of a woman during the first decade of this century was 24.13 years. In the succeeding decades it was 24.55 years, 23.95 years, 24.17 years, 23.20 years and 22.31 years respectively.

In the calculation of the reproductive span of a woman a factor that must be taken into consideration is the survival of the woman during this period. Statistics supplied by the Department of Census and Statistics³ show that in the period 1920-1922 only 60.0% of the women of the age 15 years could survive till their 45th year, while in the year 1946, 71.8%, and in the year 1953, 88.2% could do so. The proportion surviving to the different ages is shown in Table 6. Taking these facts into consideration we find that the average reproductive span of a woman was 19.40 years in the period 1920-1922; 20.02 years in 1946; and 20.96 years in 1953. Though the average age at marriage increased, which, in normal circumstances leads to a reduction in the average reproductive span of a woman, the changes in the health of the woman, reflected in the decrease of the death rate, led to an actual increase in this reproductive span. It must, however, be noted that the increase in the span is due to an addition at the terminal end.

The increase in the reproductive span of a woman suggests the possibility of an increase in the number of children produced by a woman in her life time. The Total Fertility Rate tells us how many children a woman would have had when she completes fertility if her reproductive behaviour was not dissimilar to others in the community. Statistical data for the computation of this rate is available only since 1952. Presented in Table 7, these figures indicate a reduction in the size of the family. The total fertility rate was 5.13 in 1952 and 5.07 in 1960.

3. *Statistical Abstracts of Ceylon*, 1960, Table 25.

The Age Specific Fertility Rates, presented in table 7, show that the age group 25-29 years had the highest rate during the period under consideration 1952-1960. The rates for the age groups 20-24 years and 30-34 years were also high. The interesting feature about these rates is that the rates for the age groups 20-24 years and 25-29 years have shown a decline, while the rates for the other groups have shown an increase.

Age Specific Fertility Rates usually point by their variations, to the factors that are responsible for their change. Decreases in the Age Specific Fertility Rates of the older age groups indicate an increased use of contraceptives. When the desired number of children have arrived, births are prevented by the use of contraceptives. Decreases in the younger age groups indicate alternations in marital patterns such as the postponement of marriage. The certainty with which these interpretations could be made, however, depends on the length of the series of statistics. An increase in the use of contraceptives in the younger age groups manifests itself in as a reduction in the age specific fertility of the older age groups only after a period of time. The age specific rates, however, do not justify a conclusion of an increase in the use of contraceptives. The rates reflect changes in the social structure. The decrease in the lower age groups reflect the increase of the age of marriage while the increase in the higher age groups the extension of the average reproductory span of women.

At the 1946 census information was obtained about the children ever born to a woman. When the age groups that have completed fertility are considered the younger age groups are found to have a larger proportion of women having fewer children than the older age groups. Women in the 65 years and over age group, which completed fertility before 1926, have given birth to 6.0 children during their reproductive periods, while women in the 45-49 years age group, which completed fertility during the years 1941-1946, gave birth to only 5.62 children. Similar statistics were not collected at the 1953 census so that comparable figures for more recent dates are not available.

As there is a discernible reduction in family size, the constant birth rate must be maintained by an increase in the number of families. The child bearing population — the 15 to 44 years old females — is in reality only a potential child bearing population, for, as has been already pointed out, the biological possibility of child-bearing is limited by a social improbability. The actual child-bearing population comprises those who are married for it is these people who are both physically capable and socially able to bear children. Table 9 shows the proportion of women over 15 years who are married. During the early part of the century, the figures indicate, that there was a decline in this proportion, but during the latter part of the period there has been an increase.

Fecundity refers to the child-bearing capacity of a woman — her potential for human replacement. Fertility, on the other hand, refers to the reproductive behaviour — her actual contribution to this replacement. Because of the social

restrictions placed on the woman, fecundity is never fully exploited, and consequently, rapid increases in population are often explained with the assumption of a fuller exploitation of fecundity, expressing itself, as it must, in an increase in fertility. Measured in terms of crude birth rates, fertility in Ceylon has remained remarkably constant but measured in terms of children ever born there has been a decline in fertility. This seemingly paradoxical situation resolves itself with the finding that the constancy of the crude birth rate is maintained by an increasing number of women making some use of their child-bearing capacity. The rapid increase in our population is due, to state the obvious, to a dramatic fall in the death rate without a concomitant fall in the birth rate. The birth rate has not recorded a fall not because a woman is producing more children than she used to—actually she is producing fewer—but because a larger proportion of our women are producing children.

As it is the woman who has a potentiality for reproduction the most meaningful measure of fertility is the Gross Reproduction Rate which tells how many females a woman produces in her reproductive period but as all females born do not survive to reproduce the Nett Reproduction Rate, which tells us how many females so born would survive to reproduce gives a more factual picture. Unfortunately statistics available are insufficient for the calculation of such rates. What they would reveal however could be ascertained from the following data which compares the situation at the end of the first quarter and the end of the second quarter of this century.

1. A woman bore during her reproductive period 6 children at the end of the first quarter and 5 children at the end of the second.⁴
2. The sex ratio at birth was 103·7 males to 100 females at the end of the first quarter and 103·3 males to 100 females at the end of the second quarter.⁵
3. Of every 100 females born 60 survived to enter the reproductive period at age 15 at the end of the first quarter while 80 did so at the end of the second.⁶
4. Of every 100 women in the reproductive age group 58 entered the business of reproduction at the end of the first quarter while 65 did so at the end of the second quarter.⁷

This data reveals that for every hundred women in actual reproduction there were hundred and two taking their place at the end of the first quarter and one hundred and fifteen doing so at the end of the second. The difference is due to a higher survival rate and a higher marriage rate.

4. Tables VII and VIII.

5. *Annual Administration Report of the Registrar General of Ceylon on Vital Statistics, 1960.*

6. *Statistical Abstracts of Ceylon, 1960.*

7. Table IX.

TABLE I
Enumerated Population of Ceylon—1871-1963

<i>Census Year</i>		<i>Population</i>	<i>Increase</i>
1871	..	2,400,380	—
1881	..	2,759,738	359,358
1891	..	3,000,739	241,051
1901	..	3,656,954	656,165
1911	..	4,106,350	449,396
1921	..	4,498,605	392,255
1946	..	6,657,339	2,158,734
1953	..	8,097,895	1,440,556
1963	..	10,644,809	2,547,094

Source : Census of Ceylon, 1953, General Report.

The 1963 figure was obtained from the Department of Census and Statistics.

TABLE II
Average Annual Rate of Increase of Population during Inter-censal Periods

<i>Original Year</i>	<i>Final Year</i>							
	1881	1891	1901	1911	1921	1946	1953	1963
1871	..	1.4	1.2	1.3	1.3	1.2	1.1	1.4
1881	..	—	0.9	1.3	1.2	1.2	1.3	1.6
1891	..	—	—	1.7	1.5	1.4	1.4	1.7
1901	..	—	—	—	1.4	1.1	1.4	1.7
1911	..	—	—	—	—	0.9	1.3	1.9
1921	..	—	—	—	—	—	1.5	2.1
1946	..	—	—	—	—	—	—	2.8
1953	..	—	—	—	—	—	—	2.8

Figures are percentages calculated from the figures presented in Table I with the formula $P_n = P_o (1 + r)^n$

TABLE III
Increase in the Population of Selected Countries—1870-1950

<i>Country</i>	<i>Period</i>	<i>Population at</i>		<i>Percentage Increase</i>
		<i>Beginning of</i>	<i>End of</i> <i>Period</i>	
Canada	.. 1877-1951	3,689,257	13,984,329	279·06
Cuba	.. 1877-1953	1,521,684	5,807,057	281·69
U. S. A.	.. 1870-1950	38,558,371	150,697,361	290·83
Puerto Rico	.. 1877-1950	731,648	2,210,703	202·15
Brazil	.. 1872-1950	10,112,061	51,976,357	414·00
Chile	.. 1875-1952	2,075,971	5,900,809	185·69
Columbia	.. 1870-1951	2,391,984	11,266,075	370·99
Italy	.. 1871-1951	27,436,806	46,737,629	70·35
Norway	.. 1875-1950	1,813,424	3,278,546	80·79
Portugal	.. 1878-1950	4,550,699	8,441,312	85·50
Sweden	.. 1870-1950	4,168,525	7,044,939	68·98
Switzerland	.. 1870-1950	2,669,147	4,723,163	76·95
U.K.	.. 1871-1951	27,431,474	50,211,826	83·04
New Zealand	.. 1871-1951	254,928	1,939,472	660·80
Hawaii	.. 1872-1950	56,897	499,794	778·45
Ceylon	.. 1871-1953	2,400,380	8,097,895	237·37

Source : U. N. Demographic Year-book, 1953.

TABLE IV
Crude Birth and Death Rates in Ceylon—1900-1960

<i>Year</i>		<i>Birth Rate</i>	<i>Death Rate</i>	<i>Year</i>	<i>Birth Rate</i>	<i>Death Rate</i>
1900	..	38.5	28.6	1930	39.0	25.4
1901	..	37.5	27.6	1931	37.4	22.1
1902	..	38.5	27.5	1932	37.0	20.5
1903	..	40.0	25.9	1933	38.6	21.2
1904	..	38.5	24.9	1934	37.2	22.9
1905	..	38.7	27.7	1935	34.4	36.6
1906	..	35.7	34.3	1936	34.1	21.8
1907	..	32.8	30.1	1937	37.8	21.7
1908	..	40.1	29.4	1938	35.9	21.0
1909	..	36.7	30.3	1939	36.0	21.8
				1940	35.8	20.6
1910	..	39.0	27.3	1941	36.5	18.8
1911	..	37.9	34.8	1942	36.7	18.6
1912	..	33.3	32.4	1943	40.6	21.4
1913	..	38.6	28.4	1944	37.1	21.3
1914	..	38.1	32.2	1945	36.7	22.0
1915	..	37.0	25.2	1946	38.4	20.3
1916	..	39.0	26.8	1947	39.4	14.3
1917	..	40.1	24.7	1948	40.6	13.2
1918	..	39.2	31.9	1949	39.9	12.6
1919	..	34.2	35.6	1950	40.4	12.6
1920	..	36.4	29.6	1951	40.5	12.9
1921	..	40.8	31.2	1952	39.5	12.0
1922	..	39.4	27.8	1953	39.4	10.9
1923	..	39.1	30.6	1954	36.2	10.4
1924	..	37.3	25.7	1955	36.9	11.0
1925	..	39.2	23.9	1956	36.4	9.8
1926	..	41.0	24.7	1957	36.5	10.1
1927	..	39.5	21.7	1958	35.8	9.7
1928	..	40.0	24.8	1959	37.0	9.1
1929	..	36.5	24.9	1960	36.6	8.6

Source: Annual Administration Reports of the Registrar General of Ceylon on Vital Statistics.

TABLE V
Average Age at Marriage—1900-1960

<i>Year</i>		<i>Males</i>	<i>Females</i>	<i>Year</i>	<i>Males</i>	<i>Females</i>
1900	.. ..	27.3	21.0	1930	27.4	21.2
1901	.. ..	27.3	20.9	1931	27.3	20.9
1902	.. ..	30.9	23.9	1932	26.7	19.0
1903	.. ..	27.0	20.1	1933	27.1	21.0
1904	.. ..	26.5	20.3	1934	27.4	20.2
1905	.. ..	27.2	20.7	1935	28.2	21.4
1906	.. ..	26.6	20.2	1936	27.7	21.4
1907	.. ..	26.5	20.3	1937	26.2	18.9
1908	.. ..	27.1	20.7	1938	27.8	21.5
1909	.. ..	26.9	20.5	1939	28.6	22.2
				1940	28.1	21.8
1910	.. ..	26.8	21.1	1941	28.0	21.7
1911	.. ..	27.3	20.7	1942	28.0	21.3
1912	.. ..	27.2	20.6	1943	27.9	22.3
1913	.. ..	27.2	20.8	1944	28.5	21.4
1914	.. ..	27.2	20.7	1945	28.4	20.1
1915	.. ..	27.0	19.0	1946	28.3	22.4
1916	.. ..	27.0	20.0	1947	28.1	22.2
1917	.. ..	27.0	20.6	1948	28.1	22.3
1918	.. ..	26.9	20.5	1949	28.0	22.2
1919	.. ..	27.5	20.8	1950	28.2	22.1
1920	.. ..	27.2	20.8	1951	28.0	22.3
1921	.. ..	27.3	20.9	1952	28.0	22.2
1922	.. ..	27.2	20.9	1953	28.3	22.5
1923	.. ..	27.1	20.9	1954	28.6	22.6
1924	.. ..	27.2	21.0	1955	28.5	22.9
1925	.. ..	27.7	21.3	1956	28.4	22.8
1926	.. ..	27.3	21.1	1957	28.2	22.7
1927	.. ..	27.2	20.9	1958	28.8	23.1
1928	.. ..	27.1	21.0	1959	28.1	22.7
1929	.. ..	27.3	21.3	1960	28.3	23.1

Source : Annual Administration Reports of the Registrar General of Ceylon on Vital Statistics,

TABLE VI
Number of Survivors at the Different Ages of Every 100 Females
Aged 15 years

<i>Age</i>	<i>Year</i> 1920-22	1946	1953
15 years	100.0	100.0	100.0
20 years	96.1	96.2	97.7
25 years	88.9	91.3	95.9
30 years	81.6	86.1	94.0
35 years	73.9	81.2	92.2
40 years	66.7	76.4	90.3
45 years	60.0	71.6	88.2

Source : Statistical Abstracts of Ceylon 1960. Table 25.

TABLE VII
Age Specific Fertility Rates—1952-1960

<i>Age Specific Fertility Rates per 100 women in age group</i>							
<i>Year</i>	15-19 years	20-24 years	25-29 years	30-34 years	35-39 years	40-44 years	<i>Total Fertility Rate</i>
1952 ..	64.6	253.3	297.8	231.1	141.3	37.3	5.13
1953 ..	59.8	249.1	298.5	230.5	142.7	35.6	5.08
1954 ..	58.1	227.2	272.1	211.5	131.4	33.6	4.69
1955 ..	63.8	231.3	282.3	224.8	130.0	38.2	4.72
1956 ..	70.4	230.5	273.4	223.4	142.9	40.7	4.96
1957 ..	69.5	226.6	269.7	239.8	147.6	41.5	4.97
1958 ..	67.5	220.1	261.6	241.3	144.4	41.7	4.88
1959 ..	68.5	225.8	271.2	251.6	153.5	42.6	5.07
1960 ..	67.5	227.3	261.8	257.5	154.7	43.9	5.07

Source : Annual Administration Reports of the Registrar General of Ceylon on Vital Statistics.

TABLE VIII
Children born to mothers completing fertility in 1946

Age	Completing Fertility	1	2	3	4	Number of Children Born				8	9	10	Children Ever Born 10+
45-49	1941-1946	7.71	9.36	10.40	11.07	11.85	11.51	10.73	9.62	7.49	5.10	5.14	5.62
50-54	1936-1941	7.53	9.35	9.94	11.03	11.42	11.37	11.18	9.69	7.58	5.45	5.48	5.69
55-59	1931-1936	7.02	8.71	9.59	10.57	11.71	11.56	11.22	9.82	8.18	5.67	5.95	5.82
60-64	1926-1931	7.20	8.52	9.72	10.76	11.82	11.63	11.17	9.92	7.84	5.80	5.62	6.00
Over 65	Before 1926	6.51	8.04	8.99	10.42	11.59	11.59	11.49	10.66	8.29	6.02	6.41	6.00

Figures are percentages of the total in each age group.
Source : Census of Ceylon, 1946.

TABLE IX
Proportion of females over 15 years of age who are married

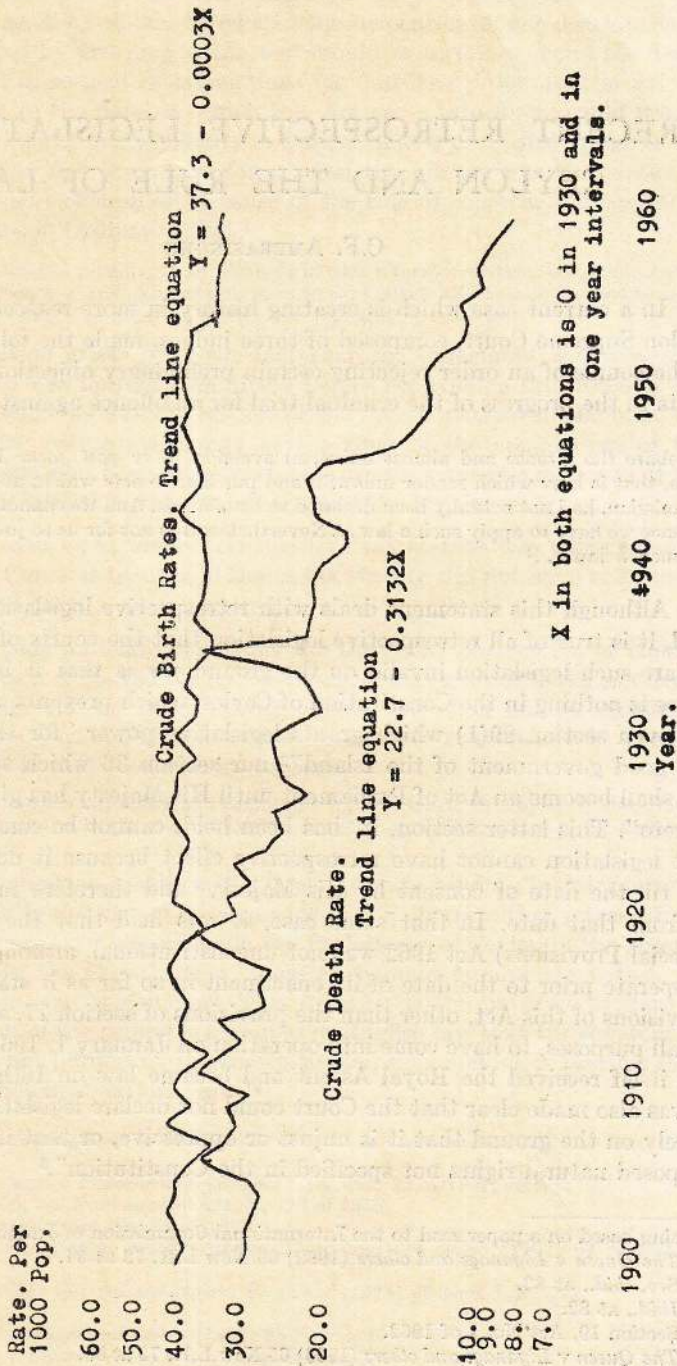
<i>Year</i>		<i>Percentage</i>
1901	..	60.75
1911	..	60.19
1921	..	58.33
1946	..	64.40
1953	..	64.88

Source : Census of Ceylon, 1953.

TABLE X
The Replacement of Reproducing Women

					<i>At the end of the 1st Qr. 2nd Qr. of this century</i>	
Children ever born per woman	..	..	..	6	5	
Proportion females of children born	..	..	..	49.1%	49.2%	
Females ever born per woman	..	..	..	2.95	2.46	
Proportion of females born surviving to reproductive period				60%	80%	
Females ever born per woman surviving to reproductive period	..	..	..	1.77	1.77	
Proportion of females in the reproductive age group married				58%	65%	
Females ever born per woman entering the business of reproduction	..	..	..	1.02	1.15	

Chart 1. Crude Birth and Death Rates in Ceylon, 1900 - 1960.



RECENT RETROSPECTIVE LEGISLATION IN CEYLON AND THE RULE OF LAW*

C.F. AMERASINGHE

In a current case which is creating history in more respects than one the Ceylon Supreme Court, composed of three judges, made the following remarks in the course of an order rejecting certain preliminary objections of the defendants to the progress of the criminal trial for an offence against the state :

We share the intense and almost universal aversion to *ex post facto* laws in the strict sense, that is laws which render unlawful and punishable acts which, at the time of their commission, had not actually been declared to be offences. And we cannot deny that in this instance we have to apply such a law... Nevertheless it is not for us to judge the necessity for such a law...¹

Although this statement deals with retrospective legislation in the penal field, it is true of all retrospective legislation that the courts of Ceylon cannot declare such legislation invalid on the ground *per se* that it is retrospective. There is nothing in the Constitution of Ceylon which prevents such legislation, not even section 29(1) which grants legislative power "for the peace, order and good government of the Island"² nor section 36 which states that "No Bill shall become an Act of Parliament until His Majesty has given his consent thereto". This latter section, it has been held, cannot be construed to mean that legislation cannot have retrospective effect because it does not become law till the date of consent by His Majesty³ and therefore must take effect as from that date. In that same case, it was held that the Criminal Law (Special Provisions) Act 1962 was not unconstitutional, although it purported to operate prior to the date of its enactment in so far as it stated that, "The Provisions of this Act, other than the provisions of section 17, shall be deemed for all purposes, to have come into operation on January 1, 1962"⁴ : while the Act itself received the Royal Assent and became law on 16th. March, 1962. It was also made clear that the Court could not declare legislation "to be void merely on the ground that it is unjust or oppressive, or that it is violative of supposed natural rights not specified in the Constitution".⁵

* Being based on a paper read to the International Commission of Jurists.

1. *The Queen v Liyanage and others* (1963) 65 New L.R. 73 at 84.

2. See, *ibid.*, at 83.

3. *Ibid.*, at 82.

4. Section 19, Act No. 1 of 1962.

5. *The Queen v Liyanage and others* (1963) 65 New L.R. 73 at 83.

In another recent case⁶ the same principle was implicitly conceded when it was held that an Act,⁷ which stated that the suspension of the death penalty which was enacted by previous legislation⁸ should be terminated and the death penalty imposed in respect of convictions for murder or abetment of suicide committed prior to the date on which the Act came into force, could not be construed to revive the death penalty in respect of acts committed prior to the date on which the Act came into force when the offence was conspiracy to commit or abetment of murder, because of the rule of construction contained in the Interpretation Ordinance that,

whenever any written law repeals . . . in whole or in part a former written law, such repeal shall not, in the absence of any express provision to that effect, affect or be deemed to have affected . . . any penalty . . . incurred under the repealed written law.⁹

The implication arises from the fact that the judgement concedes that where the offence was murder committed before the coming into force of the Act under discussion, as was the offence of the fourth accused in the case, the death penalty revived, although at the time of the commission of the offence that penalty had been suspended, because the express provisions of the Act made it clear that this was the intention of the legislature.¹⁰

In another case, an expressly retrospective tax statute was given effect to by the Supreme Court, it being said that a tax statute did not have to be more strictly construed than a penal statute.¹¹

It has also been judicially held that the Universal Declaration of Human Rights, in so far as it declares that retroactive penal laws which make an offence of acts which were not an offence when committed shall not be enacted,¹² does not bind the Ceylon Parliament not to legislate retrospectively even to the extent stated in that Declaration, because,

there is . . . no law properly so called and applicable by the Courts of Ceylon which would justify a decision that the Parliament of Ceylon cannot now validly enact an *ex post facto* law.¹³

Apart from the question whether the Declaration is binding in international law, this position is the logical consequence of the doctrine that international law does not impose legal restraints on the Parliament of Ceylon in the absence of its adoption in the Constitution, since Parliament is supreme within the limits specified in that instrument. This doctrine is the natural corollary in relation to Ceylon of the principle accepted in English law that the sovereignty of Parliament is not limited by international law, thus making it possible for a statute to over-ride international law.¹⁴

6. *The Queen v Mapitigama Buddharakkita Thera and two others* (1962) 63 New L.R. 433 at 482 ff.

7. Suspension of Capital Punishment (Repeal) Act, No. 25 of 1959, section 3.

8. Suspension of Capital Punishment Act, No. 20 of 1958.

9. Section 6 (3), Ordinance No. 21 of 1901.

10. *The Queen v Mapitigama Buddharakkita Thera and two others* (1962) 63 New L.R. 433 at 484.

11. *Abdul Basir v The Government Agent, Puttalam* (1963) 66 New L.R. 219.

12. Article 11 (2).

13. *The Queen v Liyanage and others* (1963) 65 New L.R. 73 at 83.

14. See *Mortensen v Peters* (1906) 8 F. (Ct. of Sess.) 93.

Thus, the conclusion is inevitable, as the law now stands, that the Courts have no power to prevent retrospective legislation of any kind if the legislature manifests a clear intention that such legislation be retroactive. Nevertheless, it is important to note that the courts will not be quick to give a statute retrospective effect, if such an intention is not clearly manifested, since there is a presumption against giving statutes a retrospective operation, which will be applied generally in accordance with the recognised principles of English law.¹⁵ It is true that the Interpretation Ordinance¹⁶ states the principle to be applicable in a limited field, when it says in section 6(3) that,

Whenever any written law repeals either in whole or in part a former written law, such repeal shall not, in the absence of any express provision to that effect, affect or be deemed to have affected —

- (a) the past operation of or anything duly done or suffered under the repealed written law;
- (b) any offence committed, any right, liberty, or penalty acquired or incurred under the repealed written law;
- (c) any action, proceeding or thing pending or incompleted when the repealing written law comes into operation, but every such action, proceeding or thing may be carried on and completed as if there had been no such repeal.

But the principle is applicable generally, since, it is submitted, the Interpretation Ordinance does not state exclusively the rules of interpretation applicable in Ceylon. Thus, the principle will apply to the change of unwritten laws as well as written laws. It is important to note that in English law this general principle of interpretation requires that there be no presumption that such a retrospective effect was not intended where the enactments affect only the procedure and practice of courts, even where the alteration which the statute makes has been disadvantageous to one of the parties.¹⁷ This modification merely means that substantive rights which have already been violated so as to give rise to a remedial right of redress will have now to be enforced according to the new procedure, unless the statute expressly states otherwise, even if remedial machinery has already been set in motion.¹⁸ But even in this case the new procedure would be presumed to be inapplicable where its application would prejudice rights established under the old,¹⁹ or would involve a breach of faith.²⁰ However, in Ceylon it would seem that, in relation to the change of a written law at least, there is a presumption that a repealing statute does not affect the procedure in an action which is pending.²¹

In line with these presumptions of interpretation it could be confidently stated that where legislation states merely that it "shall come into operation on such date . . . as may be appointed by the Minister by order published in

15. For this English law principle see *Young v Adams* (1898) A.C. 469.

16. Ordinance No. 21 of 1901.

17. *Welby v Parker* (1916) 2 Ch. 1 (C.A.).

18. See cases cited in Maxwell on Interpretation of Statutes (1953) at 226-227.

19. *Ex parte Phoenix Bessemer Co.* (1876) 45 L.J. Ch. 11.

20. *Vansittart v Taylor* (1855) 4 E. and B. 910, 119 E.R. 338.

21. See section 6 (3) (c) Interpretation Ordinance, No. 21 of 1901.

the Gazette",²² it is interpreted as meaning that the Minister cannot appoint a date for the commencement of its operation which is prior to the date on which the Royal Assent was given to that legislation because the presumption is that that legislation cannot have retrospective effect. Thus, though section 4 of the Ceylon Petroleum Corporation (Amendment) Act proposed certain amendments to the principal Act,²³ which could have taken effect on an "appointed date" and this is explained in that section itself to mean,

such date as may be appointed by the Minister, with the approval of the Government, by Order published in the *Gazette* (being a date prior to January 1, 1964) . . .

it would not have been possible for the Minister to appoint a date prior to 22nd August, 1963, which was the date on which the amending Act received the Royal Assent. On the other hand, where legislation is to come into force on a day to be appointed by someone, such as the Governor-General, and it is specifically stated in that legislation that that date may be prior to the date on which that piece of legislation becomes an Act of Parliament, then it would follow that the appointed date may be prior to the date on which the legislation became an Act of Parliament and the legislation will have retrospective effect, albeit as a result of a decision directly taken by someone other than the Queen in Parliament but authorized by the Queen in Parliament. Thus, the Finance Act of 1963²⁴ made provision for this kind of retrospective effect by an explicit statement in section 161, such retrospective effect being possible in regard to the provisions of the Act relating to National Lotteries, Exchange Tax, Estate Duty, Gift Tax, acquisition and disposal of premises by the People's Bank, Stamp Duty and Business Turnover Tax. In actual fact, under the provisions of this Act, the changes in the law relating to estate duty and gift tax were made operative as from 1st. August, 1963 which was prior to the date on which the Royal Assent was given to the Act,²⁵ while the changes in the remaining areas mentioned above were made operative as from dates subsequent to the date of the Royal Assent to the Act.²⁶ The kind of retrospective legislation effected in the case of estate duty and gift tax under this Act by this mechanism of delegation cannot be prevented by the courts as long as express words are embodied in the Act.

The part that the independent judiciary of Ceylon can play in preventing the retrospective effect of legislation being of a limited nature, it is in terms of some guide to legislative action that the subject of retrospective legislation

22. See e.g. the Ceylon (Parliamentary Elections) (Amendment) Act No. 26 of 1959, section 1 (2); the Ayurveda Act, No. 31 of 1961, section 1; the Anuradhapura Preservation Board Act, No. 32 of 1961, section 1 and the Ceylon Petroleum Corporation (Amendment) Act, No. 5 of 1963, section 4.

23. Ceylon Petroleum Corporation Act, No. 28 of 1961.

24. Act No. 11 of 1963.

25. See Proclamation of the Governor-General in The Ceylon Government Gazette (Extraordinary) No. 13,868 of 24.12.63 at 2162.

26. See *ibid*, and Proclamation of the Governor-General in the Ceylon Government Gazette (Extraordinary) No. 13,904 of 6.1.64 at 17.

in Ceylon must be discussed. Clearly, the content of the concept of the Rule of Law as envisaged in the definition arrived at in New Delhi by the International Commission of Jurists does provide such a guide. The force of such a guide, it is admitted at the very outset, must in the context of Ceylon law in its present state be extra-legal and political.

The Rule of Law as understood by the International Commission of Jurists is based on the principles, institutions and procedures which the experience and traditions of lawyers in different countries of the world have shown to be important to protect the individual from arbitrary government and to enable him to enjoy the dignity of man.²⁷ At New Delhi in 1959, an International Congress of Jurists, meeting under the auspices of the International Commission of Jurists, concluded that, among others things, the principle that the Legislature must abstain from retrospective legislation was essential to the protection, by the Rule of Law, of the individual against arbitrary government.²⁸

It is significant in this context that the Universal Declaration of Human Rights does not go so far as to prohibit all kinds of retrospective legislation but does in Article 11(2) state that a certain kind of retrospective legislation connected with penal law is a violation of human rights:

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Presumably, there are kinds of retrospective legislation which would not amount to a violation of the Declaration, whereas according to the conclusion of New Delhi, there apparently can be no exception to the principle that retrospective legislation is a breach of the Rule of Law.

With due respect to the learned jurists who met at New Delhi, for comparison with their categorical approach might also be taken the statement made by Sir Carleton Kemp Allen that "there may be occasions when public exigency compels a departure from the general principle, and it is impossible therefore to say that retrospective legislation is in all circumstances unjustifiable".²⁹ In similar vein is the approach taken by a great English judge Willes J., when he said,

Allowing for the general in-expediency of retrospective legislation, it cannot be pronounced naturally or necessarily unjust. There may be occasions and circumstances involving the safety of the state, or even the conduct of individual subjects, the justice of which prospective laws made for ordinary occasions and the usual exigencies of society for want of provision fail to meet, and in which the execution of the law as it stood at the time may involve practical public inconvenience and wrong — *summum jus summa iniuria*.³⁰

27. N.S. Marsh, "Domestic Jurisdiction and International Concern", 1 (1) Journal of the International Commission of Jurists (1959) 3 at 6; J.F. Lalive, "The Rule of Law in a Changing World", 2 (1) Journal of the International Commission of Jurists (1959) 3, note 2.

28. "International Congress of Jurists — Conclusions", 2 (1) Journal of the International Commission of Jurists (1959) 8 at 9.

29. *Law in the Making*, (1951) at 444.

30. *Philips v Eyre* (1870) 6 Q.B. 1 at 27.

Indeed, it is submitted that, to say the least, a law, for example, which makes available a defence to a crime retrospectively when the criminal law is notoriously defective cannot be characterized as unjust. Thus, if insanity were only a mitigating circumstance to the offence of homicide and a law were to be passed making it a complete defence to that offence that the accused was insane, the law to take effect in respect of offences already committed at the time the law was passed, it would seem that this is a case where one may correctly say that the retrospective effect of the law is not unjustified. Yet, it is difficult to disagree with the view that retrospective legislation is in principle to be avoided, though there may be exceptions to the principle. In this sense the injunctions against retrospective legislation must be accepted, if

the Rule of Law . . . is not in its final analysis a purely formal and legalistic conception but presupposes (whether such presuppositions are incorporated in a constitution or not and whether or not that constitution is subject to judicial review) the acceptance of certain fundamental human values in the structure of government and the legal system.³¹

It is with these considerations in mind that the following analysis of the retrospective legislation of recent years in Ceylon is offered. In terms of chronology, the suspension of Capital Punishment (Repeal) Act³² which became law on December 2nd. 1959 has been chosen as a starting point. This Act was passed soon after the assassination of Prime Minister Mr. S.W.R.D. Bandaranaike and is a convenient starting point, since there was a change in the leadership of the country at that time.

The legislation since that date can be examined conveniently for the purposes of this paper under the following heads :

1. Penal laws,
2. Procedural laws,
3. Election laws,
4. Laws affecting Pension and Employment Rights,
5. Laws affecting Property and Rights connected therewith,
6. Laws affecting other rights of individuals excepting taxation laws,
7. Taxation laws.

1. Penal Laws

The Suspension of Capital Punishment (Repeal) Act 1959 purported to impose capital punishment for the offence of murder and abetment of suicide, not only in relation to such offences among others committed after the date on which the Act came into force by repealing the Suspension of Capital Punishment Act,³³ but in regard to such offences which were committed prior to that date, provided the accused was convicted of such offence on or after the date of commencement of the Act.³⁴ As a result of this Act there were cases

31. N.S. Marsh, "The Rule of Law: Form and Substance", 1(2) Journal of the International Commission of Jurists (1958) 153.

32. Act No. 25 of 1959.

33. Act No. 20 of 1958.

34. Act No. 25 of 1959, section 3.

in which the accused was sentenced to death for murder when at the time at which he committed the offence he could have expected only a penalty of life imprisonment, the case of the assassin of the late Mr. S.W.R.D. Bandaranaike being one of them.³⁵ The Supreme Court has interpreted this Act to mean that the retrospective effect of the change of penalty from life imprisonment to death in regard to offences committed before the commencement of the Act does not extend to crimes other than the two specifically mentioned, such as conspiracy to or abetment of murder.³⁶

The Motor Transport (Amendment) Act of 1961 contains a provision which creates new offences.³⁷ This provision is retrospective³⁸ to the date on which the principal Act³⁹ came into force, i.e. 31st. October, 1957, although the amending Act was passed on 15th. May, 1961. That provision states that any person who contravenes or fails to comply with any provision of the Act or any regulation made thereunder shall be guilty of an offence punishable by not more than six months imprisonment or a fine not exceeding Rs. 500/-. Thus, violations of the principal Act and regulations made thereunder become offences, although committed before 15th. May, 1961 when they were not such offences at the time of commission. Also, certain acts done before that date which would not have been offences at the time they were committed, nor were violations of the principal Act at that time, now become punishable offences, if they violate the amending provisions of the amending Act, since all the provisions of the amending Act are retrospective to the date of the coming into force of the principal Act.⁴⁰ That provision of the Act of 1961 which creates these new offences also has the effect of making violations of the principal Act (as amended by the Act of 1961) as amended by the Motor Transport Act of 1962, sections 3 to 8, offences, even though the acts constituting such violations were not violations of the law when committed, since the Act of 1962 states that sections 3 to 8 of that Act shall be retrospective to the date on which the principal Act came into force,⁴¹ although that Act became law on 5th. December, 1962.

The Criminal Law (Special Provisions) Act 1962⁴² came into effect as from 1st. January, 1962, although it was passed on 16th. March, 1962,⁴³ in respect of certain changes in the penal law. Thus, the changes were intended to have an effect on acts done between January 1st., 1962 and March 16th. 1962. That the *ex post facto* effect of this law was valid has been decided by the

35. *The Queen v Mapitigama Buddharakkita Thera and two others* (1962) 63 New L.R. 433.

36. *Id.*, at 482 ff.

37. Act No. 22 of 1961, section 23.

38. *Id.*, section 26.

39. The Motor Transport Act, No. 48 of 1957.

40. Act No. 22 of 1961, section 26.

41. Act No. 34 of 1962, section 11.

42. Act No. 1 of 1962.

43. *Id.*, section 19.

Supreme Court of Ceylon.⁴⁴ This retrospective effect extends to the creation of certain new offences and the attaching of stricter penalties to existing offences. These may be analysed as follows :

- (i) (a) a conspiracy or an attempt or preparation to overthrow the Government of Ceylon, otherwise than by lawful means;
- (b) any act, or a conspiracy or attempt or preparation to do an act, calculated to overthrow, or with the object or intention of overthrowing, or as a means of overthrowing the Government of Ceylon, otherwise than by lawful means;
- (c) a conspiracy or attempt to murder the Governor-General or the Prime Minister or any other members of the Cabinet of Ministers with the intention of compelling him to exercise or refrain from exercising in any manner any of the lawful powers of such Governor-General, Prime Minister or Cabinet Minister;
- (d) the wrongful confinement of or conspiracy or attempt or preparation to wrongfully confine the Governor-General, or the Prime Minister or any other member of the Cabinet with the intention of compelling him to exercise or refrain from exercising in any manner any of the lawful powers of such Governor-General, Prime Minister or Cabinet Minister, are to be visited with death or imprisonment from ten to twenty years and forfeiture of property.⁴⁵

Some of these offences were already offences under the general penal law, such as (c) under the general law of homicide, but in these cases the punishment has been changed retrospectively. For instance, in regard to the attempt to murder in (c) above the punishment now imposed is death or imprisonment from ten to twenty years and forfeiture of property, while prior to the act an attempt to murder fetched a punishment of imprisonment up to twenty years and a fine.⁴⁶

Other offences are entirely new with retrospective effect. Thus, conspiracy or attempt or preparation to overthrow the Government of Ceylon, otherwise than by lawful means, mentioned in (a), covers wider ground than conspiracy to overawe, by means of criminal force or the show of criminal force the Government of Ceylon which was already an offence.⁴⁷

(ii) The offence of waging or attempting to wage or abetting the waging of war against the Queen was punishable by death or imprisonment up to twenty years and forfeiture of property.⁴⁸ The penalty has now been made more stringent retrospectively. It is death or imprisonment between ten and twenty years and forfeiture of property.

44. *The Queen v Liyanage and others* (1963) 65 New L.R. 73 at 81 ff.

45. Act No. 1 of 1962, section 6 (2).

46. Penal Code, Ordinance No. 2 of 1883, section 300.

47. Penal Code, Ordinance No. 2 of 1883, section 115.

48. *Id.*, section 114.

However heinous and obnoxious the offences concerned in these changes may be, the retrospective effect of this legislation may still be impeached as a violation of principle.

By the Finance (Amendment) Act of 1962,⁴⁹ certain amendments were made to the Finance Act of 1961.⁵⁰ These amendments were stated to be deemed to have taken effect on the date on which the latter Act became law, i.e. 12th. October, 1961, although the former Act was passed on 25th. May, 1962.⁵¹ The Finance Act of 1961 made it an offence to contravene or fail to comply with any provision of the Act or any regulation made thereunder.⁵² The subsequent Act makes certain changes in the scope of these offences with retrospective effect :

- (i) In so far as it added to the tax obligations contained in the previous Act, it makes it an offence retrospectively to have evaded these obligations.⁵³
- (ii) It also adds to this list of offences retrospectively, offences involving the making of incorrect declarations of income, the practising of professions when the registration is deemed to be suspended under the provisions of the Act and the carrying on of businesses in similar circumstances.⁵⁴
- (iii) It also provides retrospectively for the implication in offences of directors and officers of bodies corporate and partners of firms unless such director, officer or partner proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.⁵⁵

The Finance (Amendment) Act of 1963⁵⁶ has the effect of creating new offences with retrospective effect. The amendments made in this Act are stated to have taken effect on the date on which the principal Act, the Finance Act of 1961,⁵⁷ came into effect, namely 12th. October, 1961,⁵⁸ while the Act itself was passed on 27th. March, 1963. The amending Act makes obligatory the renewal of registration of professions⁵⁹ and businesses⁶⁰ in accordance with the Act among other things not mentioned in the principal Act. By section 21, failure to renew registration of professions and businesses in accordance with the Act is made an offence retrospectively punishable with a fine not exceeding Rs. 1,000 or imprisonment not exceeding one year or both and a fine of Rs. 50/- for each

49. Act No. 9 of 1962.

50. Act No. 65 of 1961.

51. Act No. 9 of 1962, section 35.

52. Act No. 65 of 1961, section 61.

53. This is the effect of Act No. 65 of 1961, section 61 and Act No. 9 of 1962.

54. Act No. 9 of 1962, section 30.

55. *Id.*, section 31.

56. Act No. 3 of 1963.

57. Act No. 65 of 1961.

58. Act No. 3 of 1963, section 23.

59. *Id.*, section 10.

60. *Id.*, section 14.

day on which the failure is continued after conviction. As a result of the retrospective effect of these sections, there can be prosecutions for non-renewal at a period when such non-renewal was not obligatory by law. As a result of this amending Act certain classes of companies⁶¹ that should have registered are exempted from registration. In these cases, the Act has an indemnifying effect, where such companies had not registered.

Further, like the Finance (Amendment) Act of 1962,⁶² this Act has the effect of creating new offences by imposing new obligations, the violation of which become offences retrospectively.

Under the Ceylon Petroleum Corporation (Amendment) Act, retrospective effective as from June 5, 1963, was given to certain provisions which became law on August 22nd., 1963.⁶³ These provisions relate to the termination of employment, payment of *ex gratia* benefits and certain information which is to be forwarded to the Commissioner of Labour relating to the payment of benefits within a certain period.⁶⁴ It is possible that acts or omissions were committed by an employer which at the time they were committed were lawful but became unlawful as a result of this legislation. As a result of section 69 of the Ceylon Petroleum Corporation Act 1961,⁶⁵ these acts would have become punishable as offences, though at the time of commission they were not.

In none of these cases does it seem that the creation of offences retrospectively can be justified. Generally it may be said that a retroactive penal statute is undesirable, unless, perhaps, it purports to mitigate punishment or indemnify.

2. Procedural Laws

In matters of procedure, a change in the law may be regarded as retrospective if it purports to affect the procedure in actions already begun at the date on which the statute became law.

In the Supreme Court Appeals (Special Provisions) Act of 1960,⁶⁶ section 5 states that the Act shall apply to appeals to the Supreme Court on or after the commencement of the Act as well as to appeals presented before the date of commencement of the Act but not finally disposed by the Supreme Court. The provisions of the Act permit an appeal to be submitted to the Supreme Court in spite of error, omission or default in complying with any written law relating to such appeal and to empower the Supreme Court not to dismiss the appeal only because of such error, omission or default unless material prejudice has been caused thereby to the respondent, provided such error,

61. *Id.*, section 14 [47 (3)].

62. See *supra* at p. 9.

63. Act No. 5 of 1963, section 11.

64. *Id.*, section 4 (5F).

65. Act No. 28 of 1961.

66. Act No. 4 of 1960.

omission or default is rectified according to the directions of the Supreme Court⁶⁷. The proviso pertaining to material prejudice which it is left to the Supreme Court to apply takes away much of the hardship that might otherwise have been suffered.

The Language of the Courts Act of 1961⁶⁸ was passed on 10th January, 1961. It purported to permit the use of English in the courts after the 31st. December, 1960, though the Official Languages Act of 1956⁶⁹ required that the courts operate in Sinhala at the latest after 31st. December, 1960. Since the courts had functioned in English from 31st. December, 1960 to 10th. January, 1961, section 8 of the Act validated all such proceedings. It would appear that practical exigency required that this legislation be given retrospective effect.

The Criminal Law (Special Provisions) Act of 1962⁷⁰ made far-reaching changes in the realm of criminal procedure which were intended to take effect in relation to prosecutions instituted as a result of a certain offence committed before the promulgation of the Act. The major changes concern police powers of investigation, confessions, trial at bar, trial in absentia, and appeal in regard to offences against the state.

(i) In regard to investigation the usual procedure under the Criminal Procedure Code Chapter XII,⁷¹ was dispensed with by section 13 of the Act and no limitations were imposed on police powers of investigation, thus legalizing virtually any action taken by the authorities in this regard. The safeguard that in the case of these offences, where an investigation could not be completed in 24 hours, the police must report to a Magistrate and hand the suspects over to him, thus enabling the Magistrate to decide whether the detention of the suspects is necessary,⁷² had also been retrospectively removed.⁷³

(ii) By section 12 of the Act all statements and confessions made by a suspect to a police officer even while in custody can be proved against him provided they were made voluntarily and to a police officer not below the rank of Assistant Superintendent, the burden being on the accused to prove that the statement was not voluntary. The provisions of the Evidence Ordinance which imposed certain stringent restrictions on the admissibility of confessions have been circumvented. These required that a confession made after a person was taken into custody should not be admitted, unless it was made before a Magistrate, who before recording it had to be satisfied that it was being made voluntarily.

Also the protection afforded by section 30 of the Evidence Ordinance⁷⁴ against confessions made by one of several accused being tried jointly was removed by section 12 (a) of the Act which permits proof of statements and confessions of one accused, if corroboration in material particulars is forthcoming.

67. *Id.*, sections 2-4.

68. Act No. 3 of 1961.

69. Act No. 33 of 1956.

70. Act No. 1 of 1962.

71. Ordinance No. 15 of 1898.

72. *Id.*, section 126A.

73. Act No. 1 of 1962, section 13.

74. Ordinance No. 14 of 1895, sections 24, 25 and 26.

(iii) Under the Criminal Procedure Code a trial at bar by three judges without a jury on the directions of the Minister of Justice is permitted in the case of an offence under section 120 of the Penal Code, namely sedition, or any other offence which by reason of civil commotion, disturbance of public feeling or any other similar cause, the Minister of Justice may consider to be appropriately triable in this manner.⁷⁵ A direction by the Minister of Justice in the case of sedition could not be questioned but in any other case the Court could examine whether there was reasonable ground for the Minister's belief that there was good cause for such a trial.⁷⁶ Section 8 of the Act made the Minister's direction final and conclusive and beyond question in any court as regards the offences in the Act.⁷⁷ As these offences need not necessarily fall into the category of sedition for the purposes of the Criminal Procedure Code, there was an extension of the old law. But this provision and the only direction given thereunder was subsequently withdrawn or declared null and void by legislation⁷⁸. Section 9 of the Act empowered the Minister of Justice to nominate the three judges of the Supreme Court for the trial at bar but it has been held by the three judges so appointed that this power was *ultra vires* the Constitution so that the power of appointment lay with the Chief Justice.⁷⁹ The only nomination so made was also declared null and void by the subsequent legislation.⁸⁰ Further, the court of trial was given the power to determine its own procedure.⁸¹

(iv) Trials in absentia of an accused were not permitted by the general law but this Act made provision for such trial, if the court was satisfied that he was evading arrest, or absconding or feigning illness.⁸²

(v) The Act by section 15 took away the right of appeal to the Court of Criminal appeal in connection with the offences with which it deals.

These procedural changes, in so far as they were to take effect in relation to offences already committed, were retrospective. It is difficult to justify them, even though the offence which they were designed primarily to meet may have been exceptionally grave.

3. Election Law

For the resolution of doubts it was enacted that the new register of elections used for the bye-election to the electoral districts of Ratgama and Kurunegala to fill a vacancy which occurred after the last general election was the proper register to be used, even though such registers had not been certified by the registering officer as required by the Ceylon (Parliamentary Elections) Order in

75. Ordinance No. 15 of 1898 section 440 A (1).

76. *The Queen v Thejawathie Gunewardene* (1954) 56 New L.R. 193.

77. Repealed by the Criminal Law Act, No. 31 of 1962, section 2.

78. Criminal Law Act, No. 31 of 1962, section 6.

79. *The Queen v Liyanage and others* (1962) 64 New L.R. 313.

80. Criminal Law Act, No. 31 of 1962, section 6.

81. Act No. 1 of 1962, section 4(2), repealed by Criminal Law Act, No. 31 of 1962, section 2.

82. *Id.*, section 14, repealed by Criminal Law Act No. 31 of 1962, section 2.

Council, 1946, section 15(2).⁸³ The procedure laid down for the preparation of electoral registers is intended to safeguard the integrity of democratic elections. Giving retrospective effect to changes in such procedure so as to validate an illegality may endanger democracy itself.

4. Laws Affecting Pensions and Employment Rights

The Motor Transport (Amendment) Act 1961 contains certain provisions relating to employees which are to have retrospective effect.⁸⁴ The Act became law on 15th. May, 1961 but these provisions were to take effect as of the date of operation of the Motor Transport Act 1957⁸⁵, namely 31st. October, 1957.⁸⁶ These provisions relate among other things to the remuneration of persons employed by the Ceylon Transport Board and taken over from holders of stage carriage permits for regular omnibus services, payment to be made by such former employers to those who leave their services, transfer of certain funds held by such former employers in connection with their employees to the Ceylon Transport Board, the commutation of the liability of such former employers to pay pensions and Labour Tribunals. Some of these provisions cast retrospective burdens on employers while others affect retrospectively the rights of workers against the Ceylon Transport Board.

The Port of Colombo Reserve (Gratuities) Act⁸⁷ purports to provide for the payment of gratuities and certain other monies in respect of persons who, at the time of the dissolution of the Labour Reserve established under the Port of Colombo (Administration) Act⁸⁸ were in that Reserve. Provision is made for the payment of gratuities on specified bases by the Port Commissioner⁸⁹ from the Fund maintained by him under the Port of Colombo (Administration) Act 1950 and the Consolidated Fund. Although no gratuity was payable at the time the workers concerned were employed or demobilized, a gratuity is now payable in respect of work done and employment terminated before the passing of the Act.

On 19th June, 1961, an Act⁹⁰ was passed to validate contributions made to the Public Service Provident Fund by those non-pensionable employees of the Government whose posts or offices were not specified or described in the schedule to the Public Service Provident Fund Ordinance⁹¹ by inadvertence. In place of the scheduled posts and offices, non-pensionable employees of the Government as such are admitted to the benefits of the Act. The main retrospective facets of this legislation are :

- (i) Certain interests and bonuses are to be credited to the account of the employee as from 1st. April, 1962⁹².

83. Parliamentary Elections (Special Provisions) Act, No. 11 of 1961.

84. Act No. 22 of 1961, sections 11 to 17.

85. Act No. 48 of 1957.

86. Act No. 22 of 1961, section 26.

87. Act No. 47 of 1961.

88. Act No. 10 of 1950.

89. *Id.*, section 2 (2).

90. Act No. 52 of 1961.

91. Act No. 18 of 1942.

92. Act No. 52 of 1961, sections 6 and 13.

- (ii) Contributions to the provident fund were to be permitted as from 1st. October, 1957.⁹³
- (iii) There is also a provision which validates non-payment to the employee of the amount credited to the account of the employee on transfer to any other non-pensionable post or office, as from 1st. October, 1957.⁹⁴ The employee does not suffer substantially as he continues to have that amount in the provident fund.
- (iv) Provision is made for the inclusion of uncertificated Government teachers who become eligible for pensions under the School Teachers Pension Regulations, 1928,⁹⁵ to be included under the rules relating to the payment of the sums standing in their account to the Government, this provision to take effect as from 1st. October, 1954.⁹⁶

The Special Areas (Colombo) Development (Amendment) Act of 1961 makes provision for the creation, regulation, administration and management of a scheme for the grant of gratuities to daily paid servants of the Board or their widows and children.⁹⁷ This provision is to take effect from 1st. October, 1947 although the Act itself was passed on 19th. June, 1961.⁹⁸

Under the Local Government Service Pensions (Special Provisions) Act 1961 certain persons who retired from the Local Government Service after 1st. April, 1946 but on or before 1st. April, 1955 had their pensions increased in the manner set out in the schedule to the Act as from 1st. October, 1957, the Act having become law on 19th. June, 1961.⁹⁹

The Police (Amendment) Act of 1962 gives the Minister to whom the Police Department is assigned power to make regulations for the establishment and operation of a scheme for the grant of compensation in respect of the permanent total or partial disablement or death of police officers in discharge of their duties.¹⁰⁰ These provisions are with retrospective effect as from 4th. February, 1948 although the Act became law on 26th. May, 1962.¹⁰¹ Particular reference is made to the fact that regulations made under the provisions of the Act may be given retrospective effect as from a date not earlier than February 4th, 1948.¹⁰² Thus, it is possible for a police officer or his heirs to be given benefits under the Act in respect of events occurring before the date on which the Act became law and also accruing due before that date.

93. *Id.*, section 5.

94. *Id.*, section 7.

95. Gazette No. 7, 631 of February 24th 1928.

96. Act No. 52 of 1961, sections 9 and 13.

97. Act No. 56 of 1961, section 4.

98. *Id.*, section 10.

99. Act No. 59 of 1961, sections 2 and 4.

100. Act No. 15 of 1962, section 2.

101. *Id.*, section 3.

102. *Id.*, section 2, 28 A (3).

Under the Ceylon Petroleum Corporation (Amendment) Act of 1963, which became law on 22nd. August, 1963, certain provisions relating to employees of persons who were carrying on business as importers, sellers, suppliers or distributors of petroleum were made retrospective as from 5th. June, 1963.¹⁰³ The employment of such employees could not be terminated except with the written approval of the Commissioner of Labour or otherwise than in accordance with the terms or conditions subject to which such approval was granted. Terminations of employment made between 5th. June, 1963 and 22nd. August, 1963 which had not complied with these requirements would have become "illegal". Also, where on or after 5th. June, 1963 any such employer granted to any employee any *ex gratia* gratuity or compensation or other benefit, then every person who was an employee of that employer on 5th. June, 1963 became entitled to receive the same *ex gratia* benefits, the amount being determined by the Commissioner. Thus, an employee whose employment was terminated between 5th. June, 1963 and 22nd. August, 1963 would have retrospectively become entitled to such a gratuity, if another employee whose employment had been terminated had also received a similar gratuity.

The Overseas Telecommunication (Amendment) Act 1963 makes provision for the establishment of a scheme by the Government for the payment of pensions or gratuities to certain employees of the Overseas Telecommunication Service of the Postal and Telecommunication Department who were permanent employees of Cable and Wireless and Co., Ltd. on 31st. May, 1951 and who have agreed both to the transfer to the Ceylon Government of the liabilities of the Company in respect of any pension or superannuation fund maintained by the company in relation to them and to be subject to the Government Pension Scheme.¹⁰⁴ The Act which received Royal Assent on 15th. November, 1963 is to be deemed to have come into operation on 1st. April, 1961,¹⁰⁵ and the Minister of Finance is empowered to make regulations which may take effect on such earlier or later date as may be specified in that regulation.¹⁰⁶ Presumably, because the Act itself is effective as from 1st. April, 1961, these regulations cannot be retrospective beyond that date. This means that benefits can be deemed to have accrued in favour of the employees concerned under such regulations as from a date prior to the passing of the Act, provided that date is later than 1st. April, 1961, if the regulations specifically say so.

By the Local Authorities Pensions (Special Provisions) Act 1964, monthly pensions paid to retired servants of local authorities who were at the date of retirement in receipt of a salary on a rupee scale and not members of the Local Government Service and monthly pensions paid to retired employees of provincial and District Committees are to be increased in accordance with

103. Act No. 5 of 1963, section 4 (5F).

104. Act No. 8 of 1963, section 2.

105. *Id.*, section 1 (2).

106. *Id.*, section 3, 6 (3).

provisions contained in the schedules to the Act with effect from 1st. October, 1957, the Act having been passed on 9th. January, 1964.¹⁰⁷ Benefits accrue retrospectively under this Act.

In so far as most of these Acts grant certain retrospective benefits to employees as against the Government or local government bodies, it may be said that their effect does not cause undue hardships to private citizens as such, but some amendments such as those in the Ceylon Petroleum Corporation (Amendment) Act do give the employee certain rights which involve retrospective burdens on private persons which could involve hardship on the face of it.

5. Laws Affecting Property and Rights connected therewith

The Motor Transport (Amendment) Act of 1961 amended some provisions relating to the taking of property and the payment of compensation of the Motor Transport Act 1957¹⁰⁸ retrospectively.¹⁰⁹ The provisions were to take effect as from 31st. October, 1957, while the amending Act became law on 15th. May, 1961. This means that the content of the individual rights against the Ceylon Transport Board and the Government in respect of the taking of property and the payment of compensation have been changed retrospectively. Thus, among other things, what was illegal in respect of the former at the time of the taking has been legalized and the amount of compensation which the individual could have expected at the time the property was taken and had accrued due at the time has subsequently been changed.

The Special Areas (Colombo) Development (Amendment) Act 1963 contains certain provisions which are deemed to have come into force on the date of the amended enactment, namely 1st. October, 1947, while the amending Act itself became law on 19th. June, 1961.¹¹⁰

(i) Thus, the standard for the calculation of rentals payable by the Government in respect of land requisitioned under the principal Act is to be a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of such land during the relevant period under a lease granted immediately before the beginning of that period whereby the tenant undertakes to pay all usual rates and taxes and to bear the cost of repairs and insurance and other expenses, if any, necessary to maintain such land in a state to command that rent. The previous standard which was contained in the Defence (Compensation) Regulations was different. It seems that the retrospective effect redounds to the benefit of the individual affected.¹¹¹

107. Act No. 4 of 1964, section 2.

108. Act No. 48 of 1957.

109. Act No. 22 of 1961, sections 5 to 10 and 18 to 25.

110. Act No. 56 of 1961, section 10.

111. *Id.*, section 2.

(ii) Land requisitioned for the purposes of fire-gaps under emergency powers are, although no demolition operations may have been carried out thereon under such powers, deemed to be land on which demolition operations have been so carried out for the purposes of the principal enactment.¹¹² This means that whereas such land was not considered land on which demolition operations had been carried out for the purpose of the application of the provisions of the principal Ordinance¹¹³ at the relevant time before the passage of the amending Act it now becomes land on which demolition operations had been carried out. Thus, such fire gaps as are described in the amending section become land covered by the principal Ordinance, though at the time they were acquired they were not. This may work to the detriment of the private individual.

The Motor Transport (Amending) Act of 1962 which became law on 5th. December, 1962, contains certain provisions relating to the amount of compensation for property acquired¹¹⁴ under the Motor Transport Act, 1957, which are to take effect on the date on which the Motor Transport Act of 1957¹¹⁵ came into force, namely 31st. October, 1957.¹¹⁶

The Finance Act of 1963 purports to annul the sales of certain motor cars made between 2nd. August, 1963 and 20th. December, 1963 unless a certain tax imposed by that statute is paid,¹¹⁷ the Act having been passed on 31st. December, 1963. Where the tax is not paid the purchaser will lose his ownership in the car as from the date of the sale.¹¹⁸

Retrospective legislation relating to property rights, in so far as it causes hardship to individuals, is undesirable, but in so far as the legislation examined above purports to confer benefits upon the individual as against the Government, perhaps, it may be regarded as not repugnant to principle.

6. Laws relating to other Rights of Individuals excepting Taxation Laws

The Industrial Products Act of 1949¹¹⁹ purported to regulate the importation of certain industrial products in order to facilitate the sale of the industrial products of Ceylon and was passed on 20th. May, 1949. There existed a scheme devised for the issue of import licenses, coupons for a proportionate quantity of the local product paid for by the importer which were to enable the purchase of imports, and delivery warrants, among other things. Certain changes were made in this scheme¹²⁰ by the Industrial Products (Amendment) Act 1961, which were to be retrospective in effect as from the date of commencement of

112. *Id.*, section 9.

113. Ordinance No. 40 of 1947.

114. Act No. 34 of 1962, sections 5 to 8.

115. Act No. 48 of 1957.

116. Act No. 34 of 1962, section 11.

117. Act No. 11 of 1963, Part X, especially sections 114 and 110.

118. *Id.*, section 107 (2).

119. Act No. 18 of 1949.

120. Act No. 69 of 1961, sections 2 to 5.

the principal Act,¹²¹ although the amending Act was passed on 7th. December, 1961. These changes affect the rights of individual citizens by making matters more complicated for them. The retrospective effect of such changes may, thus, have the effect of making illegal acts done in the simpler form which were legal when done. For instance, a person to whom a coupon or delivery warrant was issued is not entitled to any refund of the price paid by him for any quantity of sarongs locally produced by reason of the fact that any such quantity of that product which was specified in that coupon or delivery warrant was not delivered to him upon surrender thereof during the period of the validity of that coupon or delivery warrant, or that such quantity was offered or taken after that period¹²². Whereas, a person may have in these circumstances been entitled to a refund, he loses this right retrospectively.

Certain provisions of the Criminal Law (Special Provisions) Act 1962¹²³ retrospectively affect the rights of the individual relating to freedom from arrest and detention. The Act, which was passed on 16th. March, 1962, came into affect retrospectively from 1st. January, 1962 and that part of the Act concerned with arrest and detention is specifically limited in its application to offences against the state alleged to have been committed on or about 27th January, 1962.¹²⁴ Thus, the changes validate past illegalities connected with the arrest and detention of persons charged with these offences. The effect of the provisions of the Act are as follows, the effect being retrospective :

(i) Offences against the state in general having been made cognizable,¹²⁵ arrest could have been made without a warrant, provided there was a reasonable complaint, creditable information or reasonable suspicion, and this was true of any offence against the state. Prior to the Act, arrest made without a warrant in connection with these offences was illegal.¹²⁶

(ii) In regard to the specific offences against the state above mentioned in addition to the powers of arrest under (i) the Inspector-General of Police, acting on mere suspicion could arrest or authorise the arrest of a person for such offences.¹²⁷

(iii) A person arrested under (ii) could be removed from the place of arrest to any other place situated anywhere in Ceylon and detained in custody for a period which could extend to 60 days, provided the place of detention and any subsequent change of such place was notified to the Magistrate.¹²⁸ The general

121. *Id.*, section 6.

122. *Id.*, section 5.

123. Act No. 1 of 1962.

124. *Id.*, section 19.

125. *Id.*, section 5(2).

126. Criminal Procedure Code, Ordinance No. 15 of 1898, First schedule section 114.

127. Act No. 1 of 1962, section 2(1).

128. *Id.*, section 2(2).

law contained in the Criminal Procedure Code, whereby a person arrested without warrant must be brought before a Magistrate without unreasonable delay but not later than 24 hours after the arrest,¹²⁹ has been declared in-applicable.¹³⁰

(iv) The Prisons Ordinance¹³¹ and rules made under Part IX of that Ordinance pertaining to Visits and Correspondence were to apply only at the discretion of the Permanent Secretary to the Minister of Defence and External Affairs.¹³² This affected the right of communication. Where the suspect was detained in any other place than a prison he had no rights at all in this respect.¹³³

(v) The power which the Supreme Court had to grant bail was qualified in the case of offences to be tried at bar without a jury by the requirement that the consent of the Attorney-General was necessary.¹³⁴ This provision was not, in fact, put into effect retrospectively.

Further, the ordinary limitations on police powers of search under the general law or by court orders or warrant¹³⁵ were relaxed retrospectively in relation to these offences against the state by giving a person who had the power to arrest a person in the manner described in (ii) above the power to search such person and seize, remove and retain anything used or suspected to be used in or in connection with the commission of any such offence and the power to enter and search any such premises as may be necessary for those purposes.¹³⁶

The effect of some provisions of the Control of Insurance Act of 1962¹³⁷ may be considered retrospective in so far as they affect rights under transactions already entered into by individuals. Provision is made for a life insurance policy which has acquired a surrender value after the payment of premia for three consecutive years not to lapse in the event of non-payment of further premia, notwithstanding any agreement to the contrary, but to be kept alive to the extent of its paid-up value.¹³⁸ Among other provisions with similar effect,¹³⁹ is section 12 which in-validates certain acts done by insurers between 24th. November, 1961 and the date on which the Act commenced, the Act having been passed on 16th. June, 1962. These acts were (a) investment of monies forming part of the assets relating to the life insurance business in other than approved securities, (b) loaning of monies in a manner not in accordance with

129. Ordinance No. 15 of 1898, sections 36, 37, 38.

130. Act No. 1 of 1962, section 2(8).

131. Ordinance No. 16 of 1877.

132. Act No. 1 of 1962, section 2 (5).

133. *Id.*, section 2 (4) (a).

134. *Id.*, section 4 (3).

135. Ordinance No. 15 of 1898, Chapters IV and VI.

136. Act No. 1 of 1962, section 2(3).

137. Act No. 25 of 1962.

138. *Id.*, section 25(1).

139. See *Id.*, section 25(2), 26, 55.

the provisions of the Act (c) alienation of assets except where the loan or investment is in the best interests of the policy holders in the opinion of the appropriate Minister.

In passing it may be noted that the rights of village headmen to be called "Grama Sevakas" have been recognized by the Village Headman (Change of Designation) Act, 1964, which came into operation on 25th. January, 1964, with retrospective effect from 1st. May, 1963.¹⁴⁰

With the exception of this last piece of legislation, it may be concluded that the retrospective effect of legislation in this category has been to cause hardship.

7. Taxation Laws

Taxation Laws generally impose taxes on incomes earned during a preceding year. Thus, in Ceylon, the taxes on incomes earned or monies spent during the period 1st. April, 1963 to 31st. March, 1964 could generally be imposed after the latter date during the tax year 1964/65. This is made possible because such taxes would generally be collected after September 1964. Such imposition of taxes cannot strictly be considered retrospective. If this were not so, almost all the recent Finance Acts imposing taxes on incomes and expenditure would have to be regarded as retrospective legislation. However, where taxes are imposed on incomes earned or expenses incurred at a time prior to the beginning of a tax year at a time after the end of that tax year, then such legislation must be termed duly retrospective.

Also taxes imposed on past transactions or on a past state of affairs must be regarded as retrospective.

As an example of a tax statute passed in the period under review which is not retrospective in the sense defined above may be given the Surcharge on Income Tax Act 1961 which was passed on the 20th. February, 1961 and imposed a 15% surcharge on incomes earned between 1st. April, 1959 and 31st. March, 1960,¹⁴¹ as also the Finance Act of 1961 which was passed on the 12th. October, 1961 and imposed a 15% surcharge on incomes earned between 1st. April, 1960 and 31st. March, 1961.¹⁴² Sur-tax was imposed in respect of incomes earned during the same period¹⁴³ and certain minor changes were made in the levy of expenditure on amounts spent during the same period¹⁴⁴ by the same Act. The Finance (No. 2) Act 1963 contains provisions imposing a 20% surcharge on incomes earned between 1st. April, 1961 and 31st. March, 1962,¹⁴⁵ the Act having being passed on 21st. March, 1963.

140. Act No. 6 of 1964, section 2.

141. Act No. 6 of 1961, section 2(1).

142. Act No. 65 of 1961, section 13(1).

143. *Id.*, section 18.

144. *Id.*, section 17.

145. Act No. 2 of 1963, section 20 (1).

However, there has been retrospective legislation both in the field of income and expenditure tax and in the imposition of other duties and taxes.

The Rubber Export Duties (Special Provisions) Act of 1961 retrospectively validated the levy and payment of increased rates of export duties during a three and half month period and of fees for the licenses for the export of rubber for a one year period, which had been imposed by orders made without confirming resolutions passed by the House of Representatives as required by the empowering Act.¹⁴⁶ It was also enacted that license fees not paid during that one year period could be recovered as a debt.¹⁴⁷

Under the Business Registration (Surcharge) Act of 1961, a surcharge was imposed on the fee paid for registration as a business under the Business Names Ordinance¹⁴⁸ as from 15th. September, 1960, even if the concern had gone out of business since then, though the Act was passed on 25th. April, 1961.¹⁴⁹

The Plumbago Export Duty (Special Provisions) Act of 1961 validated the levy and payment of duty on plumbago at a reduced rate between 12th. November, 1959 and 24th. April, 1961,¹⁵⁰ the Act having been passed on 25th. April, 1961 and the 'reduced' levy not having been authorized by the Customs Ordinance.¹⁵¹

The Heavy Oil Motor Vehicles Taxation (Amendment) Act of 1961, expands the definition of 'heavy oil' contained in the Heavy Oil Motor Vehicles Taxation Ordinance¹⁵² with retrospective effect as from 13th. July, 1956 although the Act was passed on 25th. April, 1961,¹⁵³ so that the tax in the Ordinance falls on a wider category of vehicles. In like style the definition of 'motor vehicles' in the Ordinance has been expanded with retrospective effect from 1st. September, 1951, thus further widening the area of incidence of the tax.¹⁵⁴ In *Abdul Basir v The Government-Agent, Puttalam*¹⁵⁵ it was specifically held that the former amendment was valid though retrospective.

The Land Tax Act of 1961 passed on 24th. May, 1961 was to be effective as from 1st. April, 1960.¹⁵⁶ As a result of this Act owners of more than 100 acres of land were to be taxed for the years of assessment commencing 1st. April, 1960 and 1st. April, 1961 at the rate of Rs. 15/- per acre of land on the land held by them on the date prior to the date of commencement of the year

146. Act No. 15 of 1961, sections 2 and 3.

147. *Id.*, section 3.

148. Ordinance No. 6 of 1918.

149. Act No. 16 of 1961, section 3.

150. Act No. 17 of 1961, section 2.

151. Ordinance No. 17 of 1869.

152. Ordinance No. 56 of 1935.

153. Act No. 20 of 1961, section 2.

154. *Id.*, section 2.

155. (1963) 66 New L.R. 219.

156. Act No. 27 of 1961.

of assessment.¹⁵⁷ This tax was retrospective in effect. There are certain exceptions and reservations. The tax was repealed as from the year of assessment commencing on 1st. April, 1961.¹⁵⁸

In the Companies Tax Act of 1961 provision was made for the imposition of a tax on companies, based, *inter alia*, on share capital.¹⁵⁹ The tax was imposed for the year of assessment beginning on 1st. April, 1961 and was to depend on a state of affairs prevailing on 31st. March, 1961, although the Act was passed on 6th June, 1961.

The Finance (Amendment) Act of 1962 which was passed on 25th. May, 1962 made certain amendments in details of the Finance Act 1961¹⁶⁰ which was to be effective as from the date of the latter Act, namely 12th. October, 1961.¹⁶¹ These had effect over a wide range of matters including Sur-tax and National Development Tax but the purpose of the Act was largely to clarify and simplify.

Section 22 of the Finance (No. 2) Act of 1963¹⁶² had the effect of validating retrospectively certain duties imposed on certain kinds of "wireless goods and apparatus" under the Revenue Protection Ordinance¹⁶³ by the redefinition of the categories of such goods in which specific duties could be imposed.

The Finance (Amendment) Act of 1963, passed on 27th. March, 1963, but retrospective to 12th. October, 1961,¹⁶⁴ contains certain provisions which impose retrospectively heavier burdens on the tax payer. Thus, in so far as bonuses and commissions of employees were included in income for the purpose of the National Development Tax¹⁶⁵ a heavier burden was retrospectively imposed.

The Finance Act of 1963¹⁶⁶ became law on 21st. December, 1963. As pointed out earlier,¹⁶⁷ it contains provisions which leaves room for wide retrospective effect. But in fact the retrospective effect of the Act has been limited to certain provisions alone. The general retrospective effect of the Act may be analysed as follows :

(i) By sections 56 and 57, gifts made between 1st. August, 1963 and 20th. December, 1963 are to be taxed according to a schedule containing higher rates of taxation than were to be applied to such transactions before the Act was passed.

157. *Id.*, section 2 ff.

158. The Finance Act No. 65 of 1962, section 15.

159. Act No. 35 of 1961, section 3.

160. Act No. 65 of 1961.

161. Act No. 9 of 1962, section 35.

162. Act No. 2 of 1963.

163. Ordinance No. 33 of 1921. Certain regulations had been made under this statute, and the redefinition pertained to these regulations.

164. Act No. 3 of 1963.

165. *Id.*, section 6 [33(3)].

166. Act No. 11 of 1963.

167. See *supra* p. 4.

(ii) Certain transfers of property to persons who are not citizens of Ceylon made between 1st. August, 1963, and 20th. December, 1963 became liable to tax, although they were not so liable before the Act.¹⁶⁸

(iii) Estate duty imposed on the estates of persons who died between 1st. August, 1963 and 20th. December, 1963 are to be on a higher scale than was current at the time of their death.¹⁶⁹

(iv) Under section 114 of the Act, the sale of certain motor cars which occurred between 2nd. August, 1963 and 20th. December, 1963 are to be taxed retrospectively in accordance with the provisions of section 110 of the Act. This tax works out to 80% of the difference between the sale price, and the purchase price plus Rs. 250/-.

Such tax legislation which imposes added burdens on the tax payer retrospectively can cause hardship and cannot in principle be reconciled with the rule of law.

Conclusion

Most of the legislation analysed above has had the effect of increasing the burdens of individuals with retrospective effect. In exceptional cases, notably in the case of legislation concerned with pension and employment rights, individuals have stood to benefit from the retrospective effect of legislation. The conclusion seems inevitable that the retrospective legislation of the period examined is predominantly violative of the essential principle of the rule of law against retrospective legislation even if it were qualified in meaning in so far as it purports to impose burdens on individuals retrospectively or grant benefits to individuals at the expense of other individuals retrospectively.

168. Act No. 11 of 1963, sections 53 and 54.

169. *Id.*, section 61.

RURAL CREDIT IN CEYLON

Some Sociological Observations

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The recent debate in Parliament regarding the scope and functions of the People's Bank have highlighted the need for extending credit facilities to the peasant sector of Ceylon's economy. As R.H. Tawney has stated, "In all countries where farming is in the hands of small producers, the fundamental problem of rural society is not that of wages, but of credit".¹ Indeed, in a country where the rural sector comprises approximately 72% of the population the magnitude of this problem cannot be over-emphasised. A survey of rural indebtedness carried out in 1957 found that in 1950-51, 30% of rural families were indebted and that by 1957 numbers had dramatically increased to 54%.²

Table I
Incidence and Burden of Debt : 1950-51 and 1957

Data of Indebtedness	Occupational Groups						
	All Families	Agri-culture	Trade	Handi-craft	Labour, non-Agri-culture	Fish-ing	Other Occupations
1. Percentage of indebted families to total							
(a) 1950-51 ..	30	32	29	31	20	*	29
(b) 1957 ..	54	60	51	55	52	64	43
2. Average debt per indebted family							
(a) 1950-51 Rs. ..	263	226	492	215	123	*	249
(b) 1957 Rs. ..	790	753	1964	446	300	844	1203
3. Total No. of families							
(a) 1950-51 No. ..	22082	8733	1534	1114	3824	*	6877
(b) 1957 No. ..	19860	7452	1802	1276	5270	367	3693

*Fishing families were not separately shown in 1950-51 but were included under "other".

1. R.H. Tawney, *Land and Labour in China* (London, 1937), p. 58.

2. *Survey of Rural Indebtedness* (Monograph 12), p. 7.

One of the conclusions of this survey was that even these findings represent an interim stage in an "upward trend" in the incidence and burden of debt in the rural sector. Since then several attempts have been made by the Central Government to facilitate easy credit to the peasantry. The Department of Agrarian Services has initiated a series of "cultivation loans" and the People's Bank has been set up with the express purpose of catering to those groups which had little or no opportunity of transacting business with the commercial banks. This paper attempts to review these available facilities for rural credit in the context of the social organisation of Ceylonese rural society and to suggest a solution to the present dilemma of extending credit facilities to this sector while maintaining the profit making character of a banking system.

Fundamentally the problems of extending Rural Credit in Ceylon cohere round two main issues :—

(1) Resolving the dilemma of advancing credit to a class of persons who are unable to provide guarantees and securities, which enable loan giving agencies to recover the monies advanced, in cases of default. If such conditions which are normal criteria of commercial banking are observed, it would seem that the vast majority of the peasantry will have to be excluded from its services, for as a recent writer on agricultural credit has commented, "Credit Banks have an obligation to their depositors and must keep their assets liquid. Their cash operations are based mainly on marketable security, which farmers find difficult to provide".³

(2) That of recognising the real credit requirements of the peasant. The basic defect in this sphere is that no cognizance has been taken of the fact that the peasant is a person who plays many "roles" in his society. The present tendency is to look on the peasant as a cultivator, pure and simple, who would be satisfied if the financial commitments towards his agricultural pursuits are satisfied by the intervention of the state. Indeed, the loan schemes which have been put into operation by the Commissioner of Agrarian Services are based on such a premise. For the purpose of "asweddumisation", a peasant may obtain loans from this department for jungle felling, clearing, fencing, ridging, ploughing, manuring, for seed paddy and for harvesting. This no doubt is a rather comprehensive itemisation of the what I would call the "production" aspect of a peasant's requirements. Even in this sphere, in the actual procedure of transference of the loan from the government authority to the peasant there are many operational delays. It must be noted that

3. A.V. de S. Indraratne, *An Analysis of Agricultural Credit in Underdeveloped Countries (Ceylon J. Historical and Social Studies, 11/2, 1959)* p. 189. For a detailed account of the sources of credit vide W.M. Tilakaratna, *Agricultural Credit in a Developing Economy — Ceylon* (Central Bank of Ceylon, 1963) Chaps. VI-VIII, and X.

paddy cultivation is closely bound up with the vagaries of weather and a host of traditional practices. In these matters the description given by Robert Knox in the 17th Century holds true even today. "Thus they time their corn to their harvest. Some sowing sooner, some later, but all reaping together unless they be the fields that are enclosed by themselves: and peculiar to one man".⁴

For instance, the buffaloes for mudding the fields in a village are rotated on a fine system of reciprocities. Thus if a villager misses his schedule the whole operation is put out of gear. The *attam*⁵ and *kaiya* organisation, which are institutionalised devices in our peasant society for the maximum utilisation of available man-power, presupposes a certain timing in the cultivation operations of the whole community. It does not work well if an "individualistic" attitude predominates. A production loan which is not given in time to fit in with these cultivation arrangements is rarely used for the purpose that it was intended. The rise of a category of money lenders or middlemen who advance loans to cultivators, holding the crop as security, is largely a result of delays on the part of officials to make payments at the required juncture. Unlike the trouser-wearing, English speaking official who has no direct stake in the agricultural activities of the cultivators, the *mudalali* is easily approachable and money is transferred without red tape. In any event the middleman is even physically more proximate and can be contacted readily in an emergency unlike the credit giving institutions located in urban centres.

This "mudalali-system" has become a regular feature in many of the colonization schemes. A colonist mortgages his crop to the middleman for a round sum of money or in lieu of a series of borrowings. He hopes to set off this debt against the money that he is likely to earn from the sale of paddy under the Guaranteed Price Scheme (G.P.S.). In effect this has meant that in most cases the beneficiary of the G.P.S. is not so much the cultivator as the middleman who advances money before harvesting. A recent survey of a colonization scheme in Gal Oya Valley⁶ showed that *mudalalis* invested in crops at the rate of Rs. 6/- per bushel of paddy which means a profit of Rs. 6/- or 100% when the paddy is handed over to the Paddy Stores. This type of irregularity also leads to a state of "normlessness" in the management of the Co-operative institutions, which in turn leads to corruption. For instance, when the whole crop is mortgaged to a third party, the incentive for intensive agriculture which is the objective

4. Robert Knox, *An Historical Relation of Ceylon* (1681 Ryan's ed., Glasgow, 1911, p.13).

5. "When they till their grounds, or reap their corn, they do it by whole towns generally, all helping each other for Attoms, [*attam*] as they call it; that is, that they may help them as much, or as many days again in their Fields, which accordingly they will do" (Knox, *ibid.*)

6. Wilfred Jayasuriya, *Some Aspects of Colonization in Gal Oya Valley* (*Ceylon J. Historical and Social Studies*, VI/2, 1963) p. 182.

of the Guaranteed Price Scheme is lost. Equally, since recent legislation necessitates the sale of paddy only through the Multi-Purpose Co-operative Societies the *mudalalis* who are power figures in the area are led to interfere in the working of the Co-op. itself.⁷ Thus, the mobilisation of the members of the co-operatives on partisan lines and the subservience of the interests of the community to those of the power figures in the area is facilitated. The peasant members of the Co-operative often become the tools of middlemen who have an economic stranglehold on them.

The emergence of these "power figures" is one of the most striking features of social change in rural areas. Like the Bossism analysed by Robert Merton this *mudalali* elite perform in the eyes of the villager many latent functions which warrant their continuity. As S.J. Tambiah has pointed out,

No doubt they exploit the needs of the peasantry. But it has to be borne in mind that the peasant will continue to borrow from them so long as adequate alternate credit facilities are not available to them. There is a scarcity of capital in the rural sector: this alone will inflate rates of interest. In addition, the risk borne by these creditors is often great, the securities being of a doubtful nature. Furthermore, the collecting function of the middleman and the distribution function of the shop keeper in small quantities over an extensive area not blessed with easy communication are tiresome and essential services have to be remunerated.⁸

Although the villager presents his crop as security to the *mudalali*, he settles his debt principally because of the *mudalali's* prestige in the village. Since the paddy has to be handed over to the Multi-Purpose Co-operative Society (M.P.C.S.) which allows a quota for each member according to his paddy holding, the villager must hand over the paddy as if it were his own, even though he will not be the beneficiary. Whenever the *mudalali* has excess paddy which cannot be sold in this manner under the G.P.S. he has to resort to more openly fraudulent techniques in collusion with Managers of the M.P.C.S. and the Keepers of Paddy Stores. The *mudalali's* influence is far flung. He mediates with Government officials on behalf of the villagers; he is the local agent of political parties. Since he is often an owner of a vehicle and has ready capital the villagers turn to him in their distress. Since their operations depend not so much on a legal validation but on the prestige and influence they can muster among the villagers the *mudalalis* are compelled to play the role of public benefactors as well. In a colonization scheme in my experience all communal festivals were generously backed by them. Last Vesak one such individual transported a magnificent Pandal from a town about forty miles

7. *Administration Report of the Commissioner of Agrarian Services*, 1962-3, p. 53. No cultivator could any longer afford to be indifferent to the Co-op. Society because membership is to be made an essential condition of purchase of produce under the Guaranteed Price Scheme.

8. S.J. Tambiah, in *The Role of Savings and Wealth in Southern Asia and the West* ed. Lambert and Hoselitz, (UNESCO, Paris, 1963) p. 92.

away and set it up entirely at his own expense. He is the chief "dayakaya" of the village Temple and is referred to by all the colonists as "Upasaka Mahattaya" (the Pious One).⁹

The peasant is a man enmeshed in a status system. This necessitates his intrusion into various spheres of activity which though seemingly economically disadvantageous has great meaning for him. In Ceylonese village society, the status of an individual is closely interwoven with the nature of his piety, expressed quite frequently in the form of alms-giving, and donations to religious causes.¹⁰ In times of illness and stress, propitiation rituals are undertaken even by the humblest of villagers. Also celebration of the "rites of passage" such as puberty, marriage and death are prescribed and the manner in which they are observed is considered an index to a man's "respectability". Most important however is the peasant's inability to make ends meet, which results from the continuous fragmentation of land holdings and the rapid increase of population, in addition to extraneous reasons such as the rise in the prices of consumer goods. In all these circumstances, the tendency is for the party concerned to seek immediate relief in the form of loans.

It is in this light that the credit requirement of the peasant must be categorised as (a) consumption loans, (b) production loans. By consumption, I mean credit facilities for purchases required in day-to-day living and the socially sanctioned spending such as on religious observances, dowries, festivals, and unexpected contingencies. The 1957 *Survey of Rural Indebtedness* found that in 1950-51, 46.7% and in 1957, 44.8% of the loans were non-productive, or what I have called, consumption loans.¹¹

It must be admitted that a certain share of the loan demand is, as it were, absorbed by the villagers' kinship system itself. The first choice of a person from whom money can be borrowed is often made within the ranks of one's kinsmen. The 1957 survey showed that 44.2% of the loans had been obtained from relatives or friends. But in a society with a rapidly increasing population, without a parallel increase in the per capita income, this solution is increasingly found to be inadequate. For instance, in a colonisation scheme an indebted colonist enumerated his commitments, which I have found to be typical, in the following manner :

9. R.K. Merton : *Social Theory and Social Structure* (Glencoe : The Free Press, 19 p. 72). Proceeding from the functional view, therefore, that we should ordinarily (not invariably) expect persistent social patterns and social structures to perform positive functions which are at the time not adequately fulfilled by other existing patterns and structures, the thought occurs that perhaps this publicly maligned organisation is, under present conditions, satisfying basic latent functions.

10. S.J. Tambiah, *op. cit.*, p. 97.

11. *Rural Indebtedness Survey*, 1957, p. 9.

- (a) loan of Rs. 200/- for cultivation from a nephew who is a tractor-driver in Hambantota.
- (b) a loan of Rs. 200/- from an affluent relative in Hambantota.
- (c) a loan of Rs. 150/- from a power figure or *mudalali* in the area with the promise of payment with interest after harvesting. The *mudalali* has one boutique near the scheme and another at Beliatta. This loan is an accumulation of his debts incurred by purchasing currys-stuffs etc. The Government subsidies given to the colonist had been used to partly pay off these debts.
- (d) Rs. 25/- sundry credit from a boutique, which will be repaid after harvesting.

Loans (a) and (b) are interest-free loans since they had been advanced on a basis other than that of a purely commercial transaction, (c) is of the special 'middleman's loan' category described earlier and loan (d) is a current business

Table II

Purpose of Loans (Percentage Distribution)

<i>Purpose</i>	<i>Rural Economic Survey of Rural Survey, 1950-51 Indebtedness 1957</i>				
A. Productive use					
1. Cultivation	6.8	10.1			
2. Purchase of cattle	1.0	0.4			
3. Purchase, leases and improvements of land	9.2	11.2			
4. Trade	8.6	16.6			
5. Building-residential and commercial ..	7.8	13.6			
6. Purchase of vehicles	2.2	1.9			
7. Other productive use	17.6	2.4			
B. Non-Productive use					
8. Purchase of food	10.2	9.5			
9. Medical aid	18.9	10.1			
10. Repayment of debt	5.2	7.4			
11. Ceremonial expenditure	7.9	6.9			
12. Other unproductive use	4.5	9.1			
13. Unspecified	—	0.8			
Total all purposes ..	100.0	100.0			

transaction with no interest attached. Thus, it should be recognised that the average peasant is indebted in a multiplicity of ways, and that the kinship system to a fair degree cushions the peasant against the rigours of a purely commercial monetary transaction.

An important factor in extending credit facilities to the peasant is the machinery whereby the loan is transferred to him. In the context of a bifurcated society wherein the norms and values of the elite officer category are not consonant with the values and demands of the majority of the peasantry, the institutional devices set up to facilitate the obtaining of credit can in turn become inflexible and defeat the objectives for which the machinery itself was established. Since the People's Bank has modelled itself a great deal on the Commercial Banks in the form of the internal organisation of its cadre, the methods of transacting business, and means of advertising its services the dangers of such a dysfunctional bureaucratisation are greatly increased.

According to the present distribution, location and administrative machinery of People's Banks, it becomes well nigh impossible for individual peasants to draw loans. A prerequisite of what is called a consumption loan by the People's Bank is the guaranteeing of that loan by a person who is willing to stand personal security. This is very obviously a self-defeating condition because no peasant will be able to find guarantors, on these terms. This is why the vast majority of the consumption loans which were initially meant for the peasant category have been diverted to the lower and middle classes, especially the regular salary-drawing group. The nature of investments, security and interest that a peasant can offer in return for a loan is a fundamental difficulty which has confronted other Government agencies as well.

In a situation such as this, one is tempted to suggest the channelling of loans through intermediary agencies such as the Multi-Purpose Co-operative Societies and Rural Development Societies. In fact many of the Government agencies such as the Department of Agrarian Services do make use of this device. According to the recent scheme of the latter Department, credit is made available to a member of the M.P.C.S. on the basis of the number of shares held by him in the Co-operative. Thus a person with a larger number of shares would be entitled to a bigger loan which is calculated on a percentage basis from the allocation (called the Maximum Credit Limit) made to the Society by the Commissioner of Agrarian Services. Although there were a large number of defaulters initially, after the decision was made that paddy purchases under the G.P.S. should be made only through the M.P.C.S., un-repaid loans have been minimized to about 10 per cent. Now the People's Bank too proposes to channel its loans through such "creditworthy" Multi-Purpose Co-operative Societies.

Even so, the M.P.C.S. can hardly be looked upon as an unmixed blessing. Firstly, there would now be a duplication of functions in the disbursement of loans. If the People's Bank loans are available to members of the Multi-Purpose Societies, it would not be necessary to advance credit from the Commissioner of Agrarian Services on the "share capital" basis, since it would be a duplication of loans, with the added danger that both lending agencies will hold the same crop return as security.

The problem of rural credit vis-a-vis economic development is not so much the advancing of money to peasants, but of ensuring that this credit is used for increasing production. Such a credit policy must be a dynamic one which goes beyond the intention of merely saving the peasant from borrowing from "undesirable" sources. I have pointed out earlier that the peasant's "social" or "consumption" requirements are elastic. Thus indiscriminate credit facilities would not be conducive to development of the peasant economy. The truth of this assertion is highlighted dramatically in the case of peasants who are unable to pay off the loans obtained from the Multi-Purpose Co-operative Societies. Since the credit drawn by them was not used for the purpose of increasing production, they are now unable to repay their loans. On the other hand, if they hand over their produce to the M.P.C.S. for sale under the G.P.S., deductions will be made on behalf of the Commissioner of Agrarian Services for the monies borrowed. Under these circumstances many of these indebted peasants are compelled to sell their paddy to *mudalalis* at rates lower than the Guaranteed Price.

Also the interplay of village factions,¹² the absence of constructive central control, and the lack of experience in handling capital among its members has led to the breakdown of many of these Co-operative organisations. The

12. In many rural areas the election of a Committee for the M.P.C.S. is a decisive trial of strength for the various factions in the locality. This is particularly so in peasant colonization schemes, since there are no other institutionalized means for the expression of leadership among colonists. Vocal, "upwardly-mobile" individuals first display their leadership potentialities at these meetings. The belief that the villagers have a "golden vision" for the community at large when they select office-bearers to the M.P.C.S. is hardly borne out by the facts. In actual practice, the managers of the M.P.C.S. and the village *mudalalis* have a great say in these elections. For a manager who manipulates the organisation to suit his own ends, it is imperative that he "packs" the M.P.C.S. Committee. Very often key voters are entertained, especially with arrack, on the days before and after the elections. A favourite technique whereby the ends of Government are defeated is this: the monies advanced by the Co-operative Department for the purchase of paddy is divided among a "ring" of powerful individuals within the M.P.C.S. The ordinary member who brings his paddy to the Co-operative Store is told that the allocation of money has run out, and that he will have to take back his paddy. A villager who brings his produce to market will, in almost every instance, never take it back home. Apart from the humiliation and frustration it entails, it is also considered magically inauspicious. At this stage the members of the ring offer to buy the villager's paddy, but at a rate lower than the Guaranteed Price. Acceptance also requires the villager to sign against his quota (*daḍppu*) which shows for administrative purposes that he has sold his paddy quota under the Guaranteed Price Scheme. Thus the balance between the money paid out to the producer and the Guaranteed Price, accrues to the "ring".

regular changing of office-bearers prevents the fixing of responsibility, and the Society often is unwilling to accept responsibility for the misdeeds of its previous committee members. In such an event the Multi-Purpose Co-operative Societies can be given only limited powers in effecting the "rapprochement" between the loan-giving agency and the peasant. Even at present, the M.P.C.S. performs many functions. For instance, it is responsible for paddy collection, and its sale to government, thereby making a profit of fifty cents per bushel of paddy. It also runs retail stores and provides various other facilities for its members. In addition, it can also be given the responsibility of presenting its members for the purpose of drawing credit and thereby eliminating much of the hardship which is likely to be caused to the individual peasant in his transactions with a Bank. One basic problem still remains. What has the peasant to offer to the loan giving agency first as security and then as interest? A survey of the existing credit facilities in the non-government sector shows clearly that loan transactions by the peasant revolves round his crop, *viz.* in most cases paddy. The *mudalali* is quite willing to accept the paddy crop as sufficient security and interest. The Government sector has now taken cognisance of this. This is further simplified by the availability of the Guaranteed Price Scheme. Any monies accruing to the loan giving agency is deducted direct from the cultivator's account with the Commissioner of Agrarian Services. Even so, this scheme of giving loans on the security of the crop cannot be considered a safe risk until a broad based scheme of Crop Insurance is introduced.

THE "REBELLION" OF 1848 IN CEYLON

K. M. DE SILVA

The riots of 1848 which broke the stillness that had settled on Ceylon since the Great Rebellion of 1817-18, were a mixture of the old and the new; in many ways the last major riot in Kandyan history, they were also the first occasion when the forces of European Radicalism were to have any influence on Ceylon. There were two centres of disturbance in 1848, one in Colombo, and the other in the Kandyan provinces in Matale and Kurunegala, and all they had in common was a spirited opposition to the new taxes imposed in 1848—the shop-tax, the gun-tax, the dog-tax, and the Road Ordinance—all of which bore heavily on the local population, chiefly, the peasants.

By the end of 1845 the Colonial Office had come to realise that the triumph of coffee culture in Ceylon had had a revolutionary impact on the Colony's economy, and that it was time to effect some reforms in its revenue system, more particularly "to look for a reduction in some of the items of taxation which press most heavily and the reduction of which might be attended by only a temporary reduction of Revenue". But it was not till the end of 1846 and in the shadow of a sudden adverse change in the government's finances, that the first substantial changes in the revenue system were planned. Since the men who planned these latter changes happened to be the new Secretary of State for the Colonies, the third Earl Grey, and the new Colonial Secretary of the Ceylon government, Sir James Emerson Tennent, intellectuals both and strong adherents of the new *laissez-faire* economies of their age—with its emphasis on Free Trade—the reforms they recommended were altogether more radical and systematic than those thought of in 1845. At this time Grey was busy completing the process of destroying the Old Colonial System with its emphasis on Protection and Empire Preference. It is "our duty" he explained, to remove "restrictions from industry", and to securely establish "a system of free trade throughout the empire..."¹ It was in this spirit that the reforms of 1846-7 were conceived.

The revenue system of Ceylon in the post Colebrooke era was characterised by an emphasis on indirect taxation, the bulk of government revenues being derived from export duties and to a lesser extent, import duties. There were three

1. Grey, The Third Earl, *The Colonial Policy of Lord John Russell's Administration*, 2 vols., (London, 1853) I p. 12.

other important sources of revenue; the pearl fishery (which yielded very little after 1837), the revenue from the sale of lands for plantation agriculture, and the land tax (which affected only the paddy lands).

The first and most decisive shift from this system came at the end of 1846 with Tennent's *Report on the Finance and Commerce of Ceylon*,² a classic in the field of administrative reports, brilliantly written, skillfully argued, and displaying a surer grasp of economic theory than Colebrooke ever did. The basic recommendation of this report was that government revenues should in future be derived in the main from direct taxes in preference to indirect taxes. Export duties and import duties were to be either totally abolished or sharply reduced; and foreign imports were to come in on the same terms as British goods. The implementation of these measures would naturally result in a sharp reduction of government revenues. Tennent proposed to bridge this deficit by three devices; first, it was hoped that the Imperial Treasury would agree to the abolition of the military payment of £24,000; secondly, there were to be series of new taxes the bulk of which were to affect the peasantry; and finally there was to be a new land tax — the key recommendation of the report — which was to be the mainstay of state revenues.

Tennent's land tax was to be an acreable tax and not an assessment on production; it was to be collected not by middlemen renters but by the salaried officers of the government. A land tax of this nature was not without its advantages to the peasant. For one thing it would supersede the existing paddy tax an oppressive and inefficient levy described by one official — F.J. Templar, the Treasurer of the Ceylon government — as being "a tax most hateful to the people, and open to more abuse and vexation than is generally known".⁴ But there was the disadvantage than an acreable tax would not distinguish between the land under coffee yielding a relatively high return on investment, and land under the traditional subsistence crops; a tax of this nature was bound to fall more heavily on the latter. From Tennent's —and Grey's—point of view, however, the supreme advantage of a tax of this nature sprang from the fact that it was a direct impost.

At the Colonial Office Tennent's report was subjected to the scrutiny of a committee of experts who reported favourably on the bulk of these reforms. But on one matter the Colonial Office would not relent — the military payment of £ 24,000. Indeed on this question the attitude of the Colonial Office became more rigid with the passage of time and not merely with regard to Ceylon.

2. *Reports on the Finance and Commerce of the Island of Ceylon* (H.M.S.O. 1848).

3. In 1837 the Imperial Treasury imposed an annual payment of £ 24,000 towards the cost of Ceylon's garrison; this was in addition to the £ 55,000 contributed annually by the Ceylon government towards its military expenses.

4. *Report on the Finance and Commerce of the Island of Ceylon* (H.M.S.O. 1848). p. 132.

They argued that with the adoption of the principle of Free Trade and with the abandonment of the protective tariffs and preferential duties of the Old Colonial System the advantages derived by the mother country from the possession of colonies were substantially reduced and that in these circumstances the colonies should take upon themselves "a larger proportion than heretofore" of the expenses incurred for their defence.⁵ Whether Tennent actually believed that the Colonial Office would consent to the abolition of the military payment, it is difficult to decide, but the refusal to abandon it certainly upset the calculations on which he based his recommendations. Still, the core of his plan — the land tax and his recommendations on export and import duties — had been approved.

It was left to the new Governor, George Byng, the seventh Viscount Torrington — Grey's *protege* — to implement these plans. But he arrived in Ceylon at a most inopportune moment, at a time of grave crisis in the coffee industry and with the cinnamon industry irretrievably doomed. The planters and merchants clamoured for an immediate reduction of export duties as a means of saving the cinnamon industry and reviving the coffee industry. For the first time a recession in the metropolitan country was seriously affecting Ceylon's economy. The severity of the depression took the government — and the planters and merchants too — by surprise. But though its own revenues were drastically affected the government was sufficiently jolted to realise that only radical measures taken immediately would save the plantation economy. One aspect of Tennent's plan was put into immediate effect. "It was determined that the export-duties should be abolished, except that upon cinnamon, which was to be reduced by two thirds . . . It was further resolved that the differential duties upon exports should also be abolished by reducing the duties on foreign to the same rate as on British goods. The total loss of income from these reductions was calculated to exceed £ 40,000".⁶ These measures fitted in with the scheme of things Grey had in mind and it would appear that Torrington was sent to Ceylon with instructions to repeal these export duties as a matter of principle.⁷

It was now necessary to meet the deficit that stemmed from these measures. One line of action that immediately commended itself to Torrington was to issue instructions to the administration to exercise the strictest economy in expenditure. Retrenchment and economy, however, could meet only a small fraction of this deficit. Other measures were clearly necessary, and the Government considered the imposition of the land tax, Tennent's key proposal. But the news that the Government intended to impose a land tax alarmed the merchants and the planters. Backed by the press — *The Ceylon Examiner* led the agitation

5. For a review of the Colonial Office policy on military expenditure in the empire, see Schuyler, R.L. *The Fall of the Old Colonial System*, (O.U.P. 1945), particularly chapter VI.

6. Grey, *op. cit.* 11, p. 170.

7. *The Second Report on Ceylon* (1849). The evidence of P.E. Wodehouse, p. 131.

on this occasion — they lobbied against the land tax and persuaded the administration that the plantations were in no position to bear a tax of this nature at this time of depression. But there were other reasons as well for the governments' decision to abandon this project. Tennent had clearly under-estimated the difficulties involved in imposing this tax, among which the lack of statistical information, of trained personnel and above all the lack of cadastral survey, were the most important.⁸ Besides the Executive Council in Ceylon was thinking of other taxes almost all of which would be borne mainly by the peasants.

These taxes fall into two categories; the first of these consisted of a series of relatively unimportant taxes (some of them had been recommended in Tennent's report of 1846, while others had been thought of as early as 1841-2) among which were an increase in stamp duties and the imposition of license fees on dogs, guns, carts and shops, all yielding comparatively little in revenue. Some of these taxes had other disadvantages as well. In 1842 when it was proposed to impose a license fee on guns and dogs, the Colonial Office had made the pertinent comment that "the former can only be collected by vexatious and irritating inquisitions, and the latter is open to objection as being calculated to violate native prejudice with respect to that animal".⁹ These objections were as valid in Torrington's day as they had been in 1841-2 though nobody in the administration realised it.

In a category of its own was the Road Ordinance of 1848, skillfully drafted by P.E. Wodehouse, which replaced Tennent's land tax in the calculations of the British officials in the colony, as the pivot of the new financial system.¹⁰ The Road Ordinance laid it down that every male inhabitant of the island between the ages of 18 and 55 should perform six days labour on the roads, or pay a tax of 3sh. in commutation; two thirds of the labour provided was to be utilised on what was termed "Principal Roads" (presumably roads serving the plantations) and one third on minor roads and paths.

It was designed with the plantations in mind, and in particular the construction of roads for the plantations. Earl Grey explained the aims of this Ordinance thus "The construction and maintenance of roads was one of the heaviest charges upon the Colonial Treasury; yet, so far from its being advisable to curtail [this] work... it was of the highest importance to the progress and prosperity of Ceylon that the roads should be improved and many new ones made. The imperfection of the existing means

8. CO 54/247. Torrington to Grey, 57 of 16th March 1848. Grey Mss. Torrington to Grey, 10th October 1847, and Grey to Torrington January 19th. 1848.

9. CO 54/190. Stanley to Campbell. 99 of October 21st 1841.

10. See CO 54/248. Torrington to Grey, 91 of 6th May 1848 a long and comprehensive despatch, "drawn up" Grey, commented "with so much ability as to reflect great credit upon the Council of Ceylon".

of transit, and the consequently heavy expense of bringing down their produce and of sending supplies to the higher country which is the best adapted for the growth of coffee, was one of the greatest difficulties with which the planters had to contend".¹¹ This ordinance was devised "... to relieve the Colonial Treasury from a heavy burden, and to provide for an extension and improvement of the means of communication".¹²

The Road Ordinance had other, and more enlightened, objectives as well, though these were seldom given the prominence they deserved. Thus in its original form, this measure was designed "as the beginning of a system of Municipal organisation",¹³ but in its actual working in the early 1850's at least, this aspect of the ordinance was quietly forgotten.

For Grey, perhaps the most important aspect of the Road Ordinance was that it was a 'direct tax' on the peasantry;¹⁴ indeed for him this was the supreme justification of this as well as of the other taxes imposed in 1847-8. He had a doctrinaire's faith in the virtues of direct taxation in tropical colonies. "In all European countries", he averred, "the necessity of supplying their daily wants is, to the labouring classes, a sufficient motive to exertion"; in the tropics on the other hand the necessities of life are easily obtained, and men are disposed "to sink into an easy and listless mode of life, quite incompatible with the attainment of any high degree of civilization".¹⁵ Thus in these regions taxes imposed on the working classes "should somewhat increase the amount of exertion required for procuring a subsistence". "Nor is it to be lost sight of", he continued "that while direct taxation is, in such circumstances, calculated to promote the progress of society, indirect taxation has the very opposite effect. To create a taste for the habits of civilised life

11. Grey, *op.cit.* 11 p. 172.

12. *Ibid.*

13. A local organization was to be established to regulate the application of the labour or money contributed under the ordinance. In each province there was to be a Provincial Road Committee with the Government Agent as chairman; among the other members were to be the Commissioner of Roads or one of his assistants, and two persons not holding office under the Crown. The "Principal Roads" were to be under the jurisdiction of the Provincial Road Committee, while the minor roads and paths were to be under District Road Committees appointed by the provincial organisation.

The District Committee was to be assisted in the performance of its duties, and more particularly in making out lists of persons liable to serve under the provisions of the ordinance, by "Division Officers", who were to be elected by the householders in the 'divisions' into which the 'districts' were to be subdivided. In the first instance the 'Division Officers' were to be the only elected administrative officers; presumably the principle of election was to be extended in the future.

14. When the Road Ordinance — Ordinance No. 8 of 1848 — was sent to the Colonial Office for approval, Grey approved it with the comment that "... I have to express my entire approbation of the principle on which it is founded and my hope that it may be productive of very important advantages to the Colony...". Grey's minute [n.d.] on Torrington's despatch 91 of May 6th 1848 in C.O. 54/248. See also Grey MSS. Grey's letter to Torrington of July 14th 1848.

15. CO 54/249. Grey to Torrington 260 of 19th July 1848. This despatch expatiated on the virtues of direct taxation in tropical colonies. He considered this despatch sufficiently important to have copies of it sent to the governments of the various West Indian colonies. And it was printed in Grey. *op.cit.* 1 pp. 81 ff.

in a rude population, it is requisite that they should have before them the example of civilised men, and the gratification of the wants of civilized life should be rendered as easy to them as possible, but with this view imported articles should be rendered cheap, and those branches of trade and industry which require the direction of civilized and educated men, such as the production of sugar and coffee, should be encouraged. Hence, the peculiar importance of avoiding the imposition of any taxes which can interfere with trade, and the expediency of adopting the very opposite policy to that which would be proper in Europe, by endeavouring, in the imposition of taxes, to make them press, so far as prudence will admit, rather upon those who are content with a more subsistence, than upon the possessors of property and the purchasers of luxuries".

It is seldom that an Imperial Statesman writes with such clarity and candour about the principles on which an ordinance of this significance was based. But Grey suffered from that most dangerous of maladies — the pursuit of principles to their logical conclusion irrespective of the facts of the situation, a defect which, in this instance, manifested itself among the Ceylon officials as well. All these taxes were designed to weigh heavily on the peasants, but at no stage (at least not till after July 6th 1848) did the local officials attempt to test the peasants' reaction to them. The Road Ordinance, for instance, was bound to be obnoxious to the peasants, particularly in the Kandyan areas who would look on it as a revival of *rajakariya* in a most odious form.¹⁶ The Kandyan peasants resented the opening of the coffee plantations; they looked upon the roads serving the plantations as vexatious intrusions into the privacy and quiet of their villages. Thus, to compel them to work on roads designed to serve the plantations was certain to lead to opposition. Perhaps Grey's comments above provide a clue to the working of the official mind — they were not too concerned about the reactions of the peasants. Not surprisingly, therefore, when opposition to these taxes developed, and indeed when the storm broke in the rebellion of 1848, the administration was taken by surprise.

In Colombo the opposition to these taxes was led by Dr. Christopher Elliott who had been (till 1847) the Editor of *The Colombo Observer*, and by some Burgher lawyers the most notable of whom was the young Richard Morgan. For Elliott and his associates the agitation against the taxes presented an opportunity to embarrass an administration which had disappointed them on the Verandahs question. This latter issue had begun at the tail end of Campbell's administration and it represented, from the Government's point of view, no more than an attempt to assert legal rights over encroachments on the public highway in the town of Colombo but because these encroachments — they were actually verandahs of houses — had stood for considerable

16. See the petition of 6th July 1848 from the people of Dumbura enclosed in Torrington to Grey 126 of July 9th 1848. The fourth paragraph of this petition referred to the Road Ordinance as a revival of *rajakariya*, and remarked "We cannot understand what crime we have committed to deserve so great a punishment".

periods of time, more than mere legal title and the comfort of the users of the public highway were involved. Tennent was deeply involved in this issue and his clumsy handling of it annoyed and irritated the Burghers, particularly those living in the Pettah at that time the residential area of Colombo. If Torrington had handled the agitation on the verandahs question with a modicum of tact and understanding he might have begun his administration by winning over the more vocal elements in the local population. But tact was something alien to Torrington's nature, and this combined with his arrogance had the consequence of alienating these people even further. In English court circles Torrington had won a reputation for wit, charm and indiscretion;¹⁷ in Ceylon, however, his wit and charm had deserted him and he was merely arrogant, indiscreet, and on occasion, boorish and petulant. Earl Grey had to advise Torrington on "the good policy for our own sake of treating these Colonial agitators with great courtesy and in a very conciliatory spirit".¹⁸ On one occasion when Torrington was accused of a particularly boorish display of ill-temper, Grey explained that "In this country the deputations wh[ic]h so frequently pester the Gov[ernme]nt are always asked to sit down, and those little civilities whi[ch] cost nothing smooth away much ill-feeling and get rid of much troublesome opposition."¹⁹

It is not surprising therefore that Torrington succeeded in making enemies so easily. Elliott and his associates offended and humiliated by Torrington's treatment proved to be a more formidable opposition than he thought they would be. Elliott was a master of all the devious arts of pressure group agitation. The agitation temporarily silenced in Ceylon was continued in England where an active agent, T. Y. McChristie, lobbied at the Colonial Office and in Parliament on behalf of his Ceylonese clients. And the organisation created for the purpose of the Verandahs agitation proved to be invaluable in the future. (It was Elliott and McChristie with their valuable contacts with the Radicals in the British Parliament who brought the issue of Torrington's handling of the 1848 riots before British public opinion, and persuaded the Radicals to prevail on Lord John Russell's administration to appoint a Commission of Enquiry).

The Ceylon government did not anticipate any opposition to the taxes. When widespread and sustained opposition developed the administration was caught unawares. The fact is that these taxes were a radical departure from normal taxation and since they affected every stratum of society it would have been politic to have kept the people informed of the nature of the taxes and the need for them, but the government made no such move. In the Colombo district the shopkeepers were affected by the new shop-tax, the lawyers (and

17. R. Fulford, *The Prince Consort*. (London, 1948) p. 51.

18. Grey Mss. Grey's letter to Torrington of 19th May, 1847.

19. *ibid.* Torrington had kept a deputation, which had called on him on the verandahs question, standing while he himself had remained seated all the while.

their numerous clients) by an increase in stamp fees, and the people at large by the Road Ordinance. The widespread dissatisfaction over the taxes provided Elliott and his associates with another opportunity to embarrass the administration, but in Elliott's hands this agitation took an altogether more honourable form than a mere attempt to embarrass.

Elliott was an Irishman with distinct Radical leanings, and the plight of the peasantry aroused his sympathy. A man of very wide vision he had through *The Colombo Observer* campaigned steadily for adult suffrage and representative government (the classic demands of European Radicalism) — and racial equality. 1848 was the year of Revolution in Europe: and on the arrival of news from France of the Revolution of 1848, Elliott sought to stamp these Radical ideas on the agitation in Ceylon against the taxes. *The Colombo Observer* conducted a sustained propaganda campaign against the Government's taxation proposals. On 3rd July 1848 that newspaper published a letter by "An Englishman" in which the people of Ceylon were called upon to follow the example of the French, to refuse to pay the new taxes and to agitate for the establishment of a radical democratic society based on racial equality and universal suffrage. Great emphasis was given to all this by saying that these blessings were being conferred on the French colony of Pondicherry and asking pointedly why Ceylon should be considered worse or more backward. These demands were far in advance of their time, and no colonial regime could have conceded them, but the fact that they were made at all gave this Colombo agitation a stamp of its own. Elliott's was the authentic voice of modern democracy.

The newspaper campaign was accompanied by the usual Radical methods of agitation — mass meetings and petitions. On the 26th of July there was a meeting of townsfolk and peasants at Borella to protest against the taxes. It soon became an inflamed mob intent on storming the fort of Colombo, and they might even have embarked on this foolish enterprise had Elliott not persuaded them to adopt the idea (shades of Chartism!) of a petition to the Governor. The petition demanded the repeal of the obnoxious taxes, and it contained also the threat of a refusal to pay the taxes if the Government persisted in its policy. In spite of Elliott's efforts to prevent it there was a clash with the military, but there were no casualties. Elliott, no believer in physical force, pinned his faith on a sustained agitation, on newspaper propaganda, mass meetings and petitions.

In the Kandyan areas opposition to the taxes was even more widespread and sustained than it was in the Colombo District. Elliott sought to influence this agitation too. The letter of 3rd. July was translated into Sinhalese, printed in pamphlet form and distributed among the people. The Government was later to make much of this pamphlet but though the idea of a pamphlet in Sinhalese seemed attractive and intelligent enough, still it ignored the fact that the bulk of the people were illiterate. It is thus difficult to calculate the

circulation of this pamphlet, or to estimate its influence on the disturbances that followed. But the truth is that Elliott himself had little influence on the Kandyan disturbances. Indeed it took a form of which he could not have approved; the Kandyan agitation ultimately reacted violently and causes of this violence lay in the recent history of the Kandyan provinces.

The disturbances broke out in that region of the Kandyan provinces where planting activity was at its height, and many contemporary observers suggested a causal connection between planting activity and the disturbances. The government's land sales policy was the subject of frequent complaint.²⁰ George Ackland,²¹ whose agency house of Ackland Boyd and Co. controlled 35 coffee estates on the first phase of coffee cultivation in Ceylon, stated that "There were a great many disputes constantly between the natives and the parties applying to purchase land. . . . The Government, unless the natives could show a title to it was anxious to sell as much land as possible; and [did not] in all cases [show] as much leniency . . . towards the natives as perhaps ought to have been shown; [there were] instances in which lands have been taken from them in which they had not a legal title, but in which it would have been policy to have conceded to them possession".²² It would appear, however, that this question of land sales became less dangerously combustible because of two developments both of which began in the late 1830's — the discovery that coffee thrived best on cleared forest land rather than on abandoned chena land (chenas were much more valuable to the peasant than uncleared forest) and that the region above 1700 foot contour, the more isolated and more sparsely populated region of the Kandyan Provinces, was as well suited to coffee cultivation, as the regions around Kandy, Matale and Kurunegala which constituted the heart of the old Kandyan kingdom.²³

20. C.O. 54/196. Campbell to Stanley, 56 of Apr. 18th 1842.

21. Ackland G. (died 1867), resided in Ceylon from 1827 to June 1848. He founded the firm of Ackland, Boyd and Co. (perhaps the largest agency house of this period) which had substantial investments in coffee and sugar plantations. Ackland, Boyd and Co. failed in the depression of 1847-8. He was appointed a member of the Legislative Council in 1837 by the local government on the recommendation of the merchants; and again in 1847. During the latter period he made a notable contribution to the discussions of the Legislative Council; he is best remembered for his two memoranda on constitutional reform. He left for England in June 1848 and during his stay there was one of the major witnesses before the Parliamentary Committee in Ceylon.

22. *The Second Report on Ceylon*, the evidence of Ackland G., p. 12.

23. Lewis, R.E., *Coffee Planting in Ceylon* (Colombo, 1855) pp. 36-8; Ferguson A.M., *Ceylon in 1837-46*, (Colombo, 1886) p. 36.

Had the planters continued to buy up abandoned chenans, and if the myth about the 1700 foot contour had not been exploded, disputes over land sales might have become a formidable problem in the Kandyan areas, and the 'rebellion' of 1848 may have assumed the form of a real peasants' revolt. A study of the local newspapers shows that up to 1841-2 disputes between the planters and the peasants were largely over land sales; thereafter the most frequent cause of complaint was the question of cattle trespass.

The Kandyans found the plantations a sorely irritating foreign presence; indeed Torrington was to remark that "our coffee estates are a source of deadly hatred to the Kandians [sic]."²⁴ The Planters for their part found their estates surrounded by land which the peasants had for generations looked on as common property. In these circumstances conflicts were inevitable, but in the years preceding the riots of 1848 by far the most frequent and most serious cause of friction in the planting districts was not the question of land sales so much as the trespass of village cattle and buffaloes on the coffee plantations.²⁵ The gravity of this problem caused the government in 1852 to appoint a Committee with C.R. Buller, Government Agent of the Central Province as Chairman, and a membership of four prominent planters and three Kandyan chiefs to review the question of cattle trespass in all its aspects.²⁶ The planters complained to the committee that buffaloes caused considerable damage on the coffee plantations and demanded the right to shoot buffaloes trespassing on coffee plantations *at night*. The Kotmale Rate Mahatmaya made a sensible defence of the Kandyan position. He explained that "The buffaloes that are now in the habit of trespassing upon coffee estates are generally such as have been accustomed to roam about the forest prior to the formation of coffee plantations". To remedy the problem he urged that "...while on the one hand the owners of buffaloes should take care to prevent their doing damage to the coffee estates, the owners of the estates should on the other hand take care of their coffee by fencing their estates; we fence our paddy fields and gardens to prevent cattle trespass and so ought the coffee planters their estates to remedy the same evil".²⁷ The deliberations and recommendations of the Committee were indecisive, but the mere appointment of the Committee was of real significance — it was official recognition that cattle trespass was a very serious problem.

If cattle trespass was the major cause of friction between the planters and the peasants, there were others only slightly less irritating to the planters, among which the practice of burning *patanas* annually to produce tender grass for feeding cattle was perhaps the most dangerous. In 1849 for instance, there

24. Grey MSS. Torrington to Grey, Aug. 11th 1848.

25. *The Ceylon Examiner*, of July 11th 1846, March 1st 1848 and May 10th 1848 would provide a fair sample of newspaper comment and agitation on this issue. Other newspapers reported incidents relating to cattle trespass just as frequently. Perhaps the most balanced study of the problem appeared in *The Colombo Observer* of December 3rd 1849. The newspapers frequently called for effective legislation to check the menace of cattle trespass; they pointed out that during the coffee blossom season the mischief that half a dozen stray buffaloes could cause on an estate was incalculable. To help the planters the government introduced Ordinance 5 of 1849 "To give jurisdiction to the Police Courts in cases of cattle trespass". Hitherto the District Courts had jurisdiction over these cases, but "as the distance at which these courts are situated from the places at which cases of cattle trespass generally occur rendered it extremely difficult and inconvenient for the injured parties to obtain redress, it [was] decided to transfer such jurisdiction to the Police Courts". See C.O. 54/260. Torrington to Grey, 141 of October 10th. 1849.

26. *The Report of the Committee on Cattle Trespass*, 1853.

27. *ibid.* pp. 2-3.

was considerable damage to the Gal-Oya, Wattegoda and Hindagalla estates in the Hantana range in the vicinity of Pèradeniya, and to several plantations at Ramboda, where in fact the government rest-house narrowly escaped destruction, and the peasants themselves suffered severe losses when the village of Ramboda was destroyed by a patana fire. *The Ceylon Times* drew attention to "the native habit of burning waste lands for their cattle, totally reckless of the vast amount of European property at stake, the destruction of which they would doubtless hail with delight".²⁸

As for the Kandyans, by 1848, their real grievance against the coffee industry was not the physical presence of the plantations — these had existed for over a dozen years now and the peasants were sufficiently realistic to understand that they had to 'co-exist' with the plantations — but the incidental inconveniences which arose from that presence. Among these there was the fouling of running streams by casting adrift the pulp of the coffee berries during the process of drying and curing coffee.²⁹ Besides the sale of forest lands deprived the peasants of pasture lands for their cattle.³⁰ Even more important, the operation of coffee planting led to the introduction of Europeans as settlers in the midst of the hills and forests; the bulk of the coffee planters 'the riff-raff of the round world' as a contemporary described them, were held in great contempt by the Kandyans.³¹ Torrington remarked that "The mass of the coffee planters, many of the very *worst* class of Englishmen has very much tended to lower and degrade our *caste* and character in the eyes of natives . . . and [among] the Kandians [sic] a coffee planter was a term of reproach . . .". What gave the Kandyans "much greater offence [was] the introduction of Malabar coolies who came there in search of labour; that is what . . . chiefly affected the mass of the people".³²

The fact is that the plantation and their network of roads destroyed the privacy of the Kandyan villages. The coffee region came to possess all the characteristics of a "boom-town", providing opportunities for trade, arrack rents, toll-rents, transport of coffee, contracts of various types on the estates, and for skilled craftsmen (particularly carpenters). "[The] genius of the Kandyans being morbidly opposed to traffic of all kinds, and to [association] with

28. *The Ceylon Times*, March 6th 1849.

29. *The Colombo Observer*, Sep. 13th. 1849.

30. The planters were not inclined to sympathise with the difficulties of the peasants in this regard. One of the more articulate of the planters spoke of the danger to the estates from "... those ugly, savage looking animals, the buffaloes which (I am convinced almost without a doubt) are actually driven by the natives themselves, into the estate, for the purpose of their grazing; more especially if there are any fine patches of guinea grass ... growing for estate purposes. These animals are an everlasting nuisance and not only rob the planter of his grass, but they often go in pairs, tied together neck and neck by a stout pole, up and down the hills, and through the coffee bushes ... to the repeated destructions of branches, berries and blossoms". Anon. *Extracts of Letters from Ceylon on Courtship, Marriage etc. with a peep into Jungle Life* (London, 1848) p. 81.

31. Grey Mss. Torrington to Grey. Aug. 11th. 1848.

32. *The Third Report on Ceylon*, the evidence of Tennent, J.E. p. 172.

strangers", it was the low country Sinhalese, for whom the rapidly developing Kandyan region proved to be a great attraction, who benefitted from these ventures. But lawlessness followed in their wake; the coffee-region attracted the fugitives from justice, the gamblers and thieves as well. Partly at least the government was to blame for this situation in that it was its excise policy that was attracting the less desirable of the low countrymen. A 'liberal' excise policy encouraged the opening up of taverns in the Kandyan areas, a region not noted for any large-scale consumption of liquor, or the encouragement of its production. Between 1815 and 1848, 133 arrack taverns were opened up in the Kandyan provinces alone.³³ The vice of intemperance became an enormous evil in these regions. Skinner, a stern critic of these unfortunate developments described the *modus operandi* of the tavern keepers thus: "To give the people a taste for the use of spirits, it is often necessary to distribute it gratuitously, the tavern keepers well knowing that with the use the abuse of the indulgence follows as a certainty". The consequences were deplorable — in districts where "some years ago, not one in a hundred could be induced to taste spirits, . . . drunkenness now prevails to such an extent, the villages have been known to pawn their crops upon the ground to tavern keepers for arrack . . ."³⁴ The Matale and Kurunegala districts in particular earned a reputation for lawlessness.

The situation in the Kandyan provinces may not have been so unfortunate if the administration had realised the gravity of some of these problems but the truth is that the government was not even aware of their existence. This was largely the result of the deterioration of the civil service which followed Colebrooke's disastrous civil service reforms. The Ceylon Civil Service had never been a particularly efficient body of men at the best of times but Colebrooke's reforms made them even more incompetent and inefficient than they were. Encouraged by the Government during the administration of Governor Stewart Mackenzie the bulk of the civil servants took to plantation agriculture to the obvious neglect of their official duties. Since the bulk of the senior civil servants, — Philip Anstruther, the Colonial Secretary from 1830, had been the most prominent of them — were so deeply involved in the coffee industry it was almost inevitable that they came to identify their interests with those of the planters and in the clash between the interests of the planters and the peasants particularly

33. *The Ceylon Temperance Journal* 1851, quoted in the *Ceylon Examiner* March 22nd. 1851, pointed out that the total revenue from arrack had increased from £ 27,623 in 1834 to £ 60,953 in 1849; this increase had taken place chiefly in the Central Province where the Government had established 133 taverns. In 1830 the Matale tavern was leased for £ 15; in 1849 it was sublet for £ 500. Indeed, for the year ending 30th June 1848 arrack consumed in the Districts of Kandy, Udunuwara, Udapalata and upper Bulat-gama was as much as 2·22 gallons per head of the population.

See also, C.R. Buller's report on the disturbances of 1848, dated Sept. 13th. 1848 enclosed in Torrington to Grey, 165 of Sep. 15th 1848, where he makes the point that one of the main grievances of the *bhikkus* was the opening of taverns in every district in the Kandyan provinces and the spread of the vice of intemperance.

34. Skinner, *Fifty Years in Ceylon* (London, 1891) p. 220.

over the question of land purchase it was not unnatural that they came down firmly on the side of the planters. The Stanley-Campbell reforms laid definite checks on land purchase and planting activity on the part of the civil servants but there was little immediate improvement in the efficiency of the civil service. The civil servants had neglected their study of the indigenous languages, and they were still reluctant to go on circuit to the remoter areas of their districts. Some of these remoter districts had not seen a European official for decades. Thus a wide gap separated the administration from the people. The government did little for the peasants. Peasant agriculture was on the decline, and the bulk of the irrigation works of the Kandyan areas (and of the Southern Province too) were, still the end of 1850's, in a sad state of neglect and disrepair. It was natural therefore for the peasants to conclude that they were faced with a most unsympathetic administration and one totally unconcerned about their welfare.

In these circumstances much depended upon the chiefs whom Tennent described as "the only medium of communication between the civil officers of the Government and the people". Tennent was aware of the peculiar difficulties of this situation. "... [The] civil officers of the Government do not themselves mix sufficiently with the people, consequently they are more dependent upon the chiefs than ... is conducive to the public interests ...". The British Government was deeply suspicious of the Kandyan chiefs and ever since the Great Rebellion of 1817-17 sought to reduce their powers. In this they had more or less succeeded but the loss of their former powers and privileges had not resulted in any appreciable decline in the influence of the aristocracy over the people. And this influence was a fact of some political importance, for as Skinner remarked "Respect, approaching to veneration, for aristocracy, in a pure ancient and unblemished family descent, pervades every class". There had been instances where the Government, despite its reluctance to trust the aristocracy, had found it advantageous to try to win them over. Thus in 1844 after a scare of rebellion in 1843, Campbell had re-established the office of Disave of the Four Korales and Molligoda who had been the First Adigar of the Kandyan provinces was appointed to this post. The Colonial Office recognised that this post had been re-established "for political reasons connected with the tranquillity of Ceylon" and they approved it with reluctance and only "under the peculiar circumstances of Ceylon and especially of the Kandyan Provinces". Had the British government been more consistent in its friendliness they might very well have won over the bulk of the aristocracy, but they were always inhibited by a lingering fear of this class.

And then in the 1840's there developed in Ceylon an agitation to dissociate the state from Buddhism. The local administration aware of the unpopularity of any such move, and fearing that this religious agitation would result in civil strife, refused to be stampeded into indiscreet action. The missionaries, however, succeeded in imposing their views on the Colonial Office where James Stephen

the permanent under-Secretary became an ardent advocate of their views, and under his influence successive Secretaries of State urged a reluctant Ceylon government to attempt this dissociation.³⁵ The outcome of it was to alienate the Kandyan aristocracy, and the *bhikkus*, who as the natural leaders of Kandyan opinion looked upon these proceedings as a gross betrayal of a solemn undertaking given at the Kandyan Convention. The Buddhist policy of the Colonial Office alienated the two most influential groups in Kandyan society; by 1848 the chiefs and the *bhikkus* had a deep sense of grievance.³⁶ Indeed these fears for the safety of Buddhism affected other classes as well. C.R. Buller, the Government Agent of the Central Province, reporting on the disturbances of 1848 remarked that "It is not the taxes that are in reality so obnoxious. On the contrary, whenever an individual of the lower classes is inclined to give his candid and unbiased opinion, it will be found that his objections arise from some vague idea of the advantages to be derived from having a king professing the religion of the Buddha [sic], and who will not only protect but also maintain the religion inviolate".³⁷

The immediate cause of the disturbances at Matale and Kurunegala was undoubtedly the decision to impose the taxes of 1848. And it was from the period immediately preceding the imposition of the taxes, to the actual outbreak of violence (i.e. from about 1st July to 29-31st July) that the shortcomings of the British administration in the Kandyan region were revealed in all their immensity. The gap that divided the administration from the people was never wider than it was then. Here was an administration intent on imposing a variety of taxes affecting every stratum of society. And many of the taxes were novel. In these circumstances one would have expected the government to make some effort to explain to the people the nature of the taxes and the need for them. But no such attempt was made. And since there was a variety of taxes it is not surprising that these should have been rumours of additional taxes, rumours which followed in the wake of the Government's attempt to collect detailed information for the annual Blue Book of statistical information. It was in this atmosphere of rumour, doubt and suspicion that the hostility to the taxes developed, and it is a measure of the government's separation from the people that they were unaware of the depth of this hostility.

On the 6th July a crowd of several thousands gathered at the Kandy Kachecheri to protest against the taxes. They came apparently to make a strong demonstration and to protest against the injustice they apprehended; they came unarmed and without any premeditated design to use force. Their immediate object was to meet the Government Agent C.R. Buller, and to explain to him

35. For a detailed study of this problem see de Silva, K.M. *Social Policy and Missionary Organisations in Ceylon, 1840-1855* (London, 1965) particularly Chapters II and III.

36. C.O. 54/251. Torrington to Grey, 165 of Sep. 15th. 1848. C.R. Buller report of 13th 1848 enclosed.

37. *ibid.*

why they objected to the taxes. A more enterprising group actually entered the Kachcheri premises in search of Buller. The evasive Buller had in the meantime "retreated" to the octagan of the Maligawa and harangued the mob from there. But his explanations did not satisfy the crowd who grew increasingly excited and hostile in demanding the abolition of the taxes. The crowd got out of hand, the police lost control of the situation, and the military was called in to disperse it. Tennent later explained that though the crowd displayed much obstinacy, this was attributable in a great degree to the impossibility of conveying to such a multitude any satisfactory explanation or assurance. "Besides, any excitement or violence which was exhibited was only on the part of a small section, evidently under the influence of intoxication. Some of these offenders, when arrested, exhibited the utmost alarm on recovering their senses, and were dismissed to their villages on payment of a fine, and furnishing securities for good behaviour".³⁸

The events of July 6th made it very clear to the administration that the taxes were unpopular, and it was only at this stage that an attempt was made to explain the nature of these new taxes to the people. On 8th July Tennent met the chiefs and headmen of the districts near Kandy,³⁹ at the King's Pavilion in Kandy, to brief them on the taxes and to listen to their grievances. He had in the meantime first suspended from office and later dismissed from service the Rate Mahatmayas of Uda Dumbara and Pata Dumbara. They were accused of having done little to "counteract the false impressions" by which the people of their districts had been misled — the bulk of the peasants who had gathered to protest against the taxes had been from Dumbara. Both he and Buller were convinced that the punishment of these two Rate Mahatmayas had the effect of chastening the other chiefs and headmen.

Tennent's speech to the chiefs assembled at Kandy on July 8th was a clever, flippant and extra-ordinarily naive performance. It is true that he made a detailed analysis of the new ordinances, assured the gathering that the collection of information for the Blue Book had nothing to do with any plans for the imposition of other taxes, explained that the taxes were necessary because of a fall in government revenue, and insisted that the money raised by these measures would be used for the development of the country. But more significant is the manner in which he dealt with the few questions that were raised by the bolder members of the audience. A minor headman — an arachy from Dumbara — one of the very few who summoned the courage to voice his opinions told Tennent when the latter asked rhetorically whether 2s. 6d. a year was too much to contribute towards the public revenue for the privilege of possessing a

38. Tennent's report on the incidents of July 6th 1848 in C.O. 54/249 Torrington to Grey, 126 of 9th. July 1848.

39. For a full list of the chiefs and headmen who met Tennent see C.O. 54/249 Torrington to Grey 131 of 12th. July 1848, Tennent's report on the meeting of July 8th.

gun, that they did not think it too much to pay once, but that they wished to have only *one* registration because they could not afford to pay annually. Tennent in reply asked "which they would prefer the old law to keep no gun, or the new one to register them? The new one, to pay 2s. 6d. annually, or the old one to be flogged for having firearms at all?" He reported that the aratchy "could make no reply to this".⁴⁰ Tennent knew as well as every member of his audience that the old law had never been enforced. This was Tennent at his worst, cleverness without commonsense, eloquence without substance, intelligence without humanity.

Carried away by his own logic and eloquence, he was certain that the crowd gathered for the occasion had been satisfied with his explanations and had dispersed to their homes 'apparently disabused in many of the errors which they had adopted, and better disposed to put confidence in the good intentions of the government'.⁴¹ But he had misjudged the situation. The crowds had dispersed sullen and disappointed.

A report written on the 8th July by the Sinhala Interpreter of the Police Court at Kandy, Muhandiram D.D. Wijayasinghe neatly tabulates the complaints against the Government made by the people who came to listen to Tennent. (Wijayasingha had been sent out to the Katugastota ferry to meet the people who were coming into Kandy on the 8th July and to enquire from them what grievances they had against the Government. He claims to have interviewed about a thousand individuals. Thus his report is a document of real value). Every single person interviewed had a complaint against the new taxes, and every one of them had misapprehensions respecting the object of requiring returns for the Blue Book. But there were other complaints as well. Some had misgivings about the Buddhist policy of the Government—against the decision to dissociate the state from Buddhism. The plantations figured prominently in these complaints. Many referred to the injuries sustained by themselves in consequence of cattle trespass on the plantations; and others complained of vexations as a result of the opening up of new roads through villages. The other complaints concerned the system of administration and the courts; there were many complaints against the heavy charges of the proctors, and against the practice of setting up false witnesses in court; and it was stated that the Rate Mahatmayas failed to publicise the Government's ordinances and as a consequence several people suffered penalties through ignorance of the law.

An administration more responsive to the feelings of the people could have given them some satisfaction on the bulk of these complaints. Indeed if the question of the taxes, the most vital and most urgent of questions in 1848,

40. C.O. 54/249 Torrington to Grey 131 of 12th, July 1848. Tennent's report on the meeting of July 8th.

41. *ibid.*

had been handled with more intelligence the Government could have saved the situation. But Tennent's performance on the 8th of July was puerile and naive. The opportunity was lost, and the disappointed crowd went home to listen to other voices and other plans. Between 8th July and 29th July — the day of the riots at Matale — the mass movement against the taxes was taken over by a small group of men who sought to channel this discontent into an attempt to drive the British out of Kandy.

The force that inspired these men was that of Kandyan nationalism, a nationalism poles apart from the nationalism of the 20th century but none the less nationalism for all that. Torrington came nearest to understanding this force when he explained that "By [Kandyan] nationality I mean the feelings, the habits, associations and customs which still obtain among a people who only 34 years ago were for the first time subjected to our authority and whose amalgamation with the Maritime Provinces never appears to have made much progress".⁴² Kandyan nationalism was essentially conservative — the product of a long historical development. It was nationalism of men rooted in the soil, men with "a heirarchy of allegiances to their village, to their district and to their country."

Ever since the deposition of the Nayakkars from the throne in 1815 there had been a series of pretenders all claiming to be descendants of Sri Wickrama Rajasinghe and apparently there were hordes of people willing enough to take them at their word.

In 1842/3 there were many reports of the existence of a pretender to the Kandyan throne moving about in the district of Upper Dumbara "collecting arms and endeavouring to excite the people to rebellion". Though Campbell admitted that he had received no reports "upon which implicit credit could be placed" he still felt it necessary to apprehend the pretender or at least "to disperse his adherents because the people were in a state of alarm in anticipation of disturbances. Five men were brought to trial at Kandy on a charge of High Treason but the charge could not be proved and they were acquitted. (There were reports also of "seditious meetings" in Kotmale and Uva. Several people were arrested near Nuwara Eliya and were subsequently brought to trial. One of them, Chandragupta Seelawansa Sarankara Unnanse, was convicted and sentenced to a term of imprisonment. The rest were acquitted).⁴³

The evidence given at these various trials would indicate that it was very easy for a pretender to win support among the peasants, provided of course that there was a measure of discontent among the latter. In 1842 for instance Campbell declared that there was a great deal of discontent among the peasants, "... arising almost entirely from the unsatisfactory condition at which the

42. *The Report of the Committee of the Executive Council on the Fixed Establishments of Ceylon*, (H.M.S.O. 1848) p. 112.

43. C.O. 54/197. Campbell to Stanley, 70 of May 9th, 1842.

administration of justice has arrived, and in some though in a much lesser degree, from the encroachment of European settlers on lands belonging to Natives or claimed from them. The former frequently endeavour to have lands belonging to Natives put up for sale and they were frequently neither considerate nor conciliatory in their intercourse with their neighbours". In 1848 peasant discontent centred on the new taxes was much more widespread and the people were more inclined to resort to desperate remedies.

The leaders of the disturbances remain to this date rather elusive and anonymous figures. The one fact on which all contemporaries were agreed was that the pretender was Gonedallegoda Banda. A report sent to Torrington a few days after the disturbances at Matale describes him as a low-countryman (though his mother was a Kandyan) following the profession of a *vederala*.⁴⁴ Henderson in his *History of the Rebellion in Ceylon* describes him as a man "... of low caste and said also to be a low-countryman, though this seems to be a mistake. For several years previous, he appears to have been living on the charity of the credulous Kandians [sic] to whom he proclaimed himself a member of the royal family of Raja Singha [sic], and whom he flattered with the hope of again seeing a native king on the throne of Singhala [sic]. He has been variously represented as of the ... jaggery makers' caste; as having been a bullock driver on the Kandy road; and as having latterly followed the profession of *vederala* [sic] ...".⁴⁵ Apparently he was in Kandy a few days before the meeting of July 6th (he is reported to have mingled with the crowd) and is said to have lived in the Maligawa.⁴⁶ Of his supporters the best known are Dingeralle and Purang Appu, the latter a most resourceful and courageous man who took a leading part in these events. One report described Purang Appu as being amongst "the closest attendants" of the pretender, and one of his "most active, formidable and zealous" supporters.⁴⁷ A confidential letter sent to the Government by a person described as a Proctor of the Supreme Court at Kandy and a Native Kandyan Chief (it is very likely to have been J.A. Dunavila) and written on 3rd. August 1848, a few days after the outbreak of the riots at Matale made the point that Purang Appu's capture "... is the winning half of the battle".⁴⁸

They were all men of peasant stock, some of them hailing from the low country. Their aim was a return to the old Kandyan system with its traditional values, which — somewhat naively perhaps — they aspired to cherish by

44. Appendix to Reports on Ceylon (1849-50) pp. 240-1. Colonel Drought's report to Torrington of 12.10.1848.

45. Henderson, *A History of the Rebellion in Ceylon during Lord Torrington's Administration* (London, 1868) p. 9.

46. Drought to Torrington *op.cit.*

47. Appendix, *op.cit.* p. 309. Report of C.H. Stewart, Deputy Queen's Advocate Kandy to Tennent, 22.11.49.

48. Appendix, *op.cit.* pp. 136-7. Private and confidential letter to de Saram, Maha Mudaliyar,

making one of their number king. Theirs was a blind protest against the changes and uncertainties brought by British rule, and they yearned for the old society, the only one they knew and understood. They had the support of a substantial section of the population and some at least of the *bhikkus*, though the aristocracy stood aloof from their movement.

It is not difficult to explain why the people followed these men. To men in this "pre-political" state of existence, the ruler symbolizes and represents the people and their way of life. The ruler and the system of government which he represents may be evil, corrupt and unjust, but in so far as the society over which he presides is stable and traditional he represents the norm of life. This norm may not be a very happy one for the common people but because it was the traditional society they would accept its manifold defects as part of man's fate. The pretender and his associates provided the people of the Kandyan region with an opportunity to return to the rule of their own "kings", to their norm of life, to the traditional society, and to a world where there were no planters, no Indians and no new and revolutionary taxes. They could understand monarchy and authoritarian rule but they could make little sense out of the cold and impersonal British administration.

Within this general thesis, there is another significant theme — in the traditional society, where the people at large were deeply dissatisfied with the ruler, whether on a political or economic issue, riot or rebellion was a common means of expressing their disapproval. Such movements would not be inspired by any particular ideology, and on such occasions the people would riot without any specific ideas beyond the merely immediate need to show their disapproval. Riots such as these were not only a protest; the people expected to achieve something by them. They assumed that the rulers would be sensitive to these movements, and would probably make some sort of immediate concession. This would to a large extent explain the behaviour of the peasant mob during the disturbances of 1848. While the peasants may have sympathised with the political objectives of the leadership, these political objectives were perhaps less important to them than the more urgent need to compel the government to make concessions on the matter of taxation.

Between the 6th of July and the 27th of July 1848 the pretender and his associates moved about the Kandyan areas gathering support. On the 25th, along with Purang Appu and Dingeralle he was at Nalanda whence the whole party proceeded to Dambulla where on the night of the 26th Gonegallegoda Banda was crowned at the ancient *vihara*.⁴⁹ Apparently it was their intention to proceed to Anuradhapura to collect forces but knowing that

49. C.O. 54/251 Torrington to Grey 165 of Sep. 15th 1848, C.R. Buller's report of Sep. 13th 1848 enclosed.

their activities had attracted the attention of the police and the local headmen, and finding that their numbers were gradually increasing they marched towards Matale with the 400 men who had been present at the "coronation".

From about the 23rd. July the headmen of the Matale district were sending in reports to the Kandy Kachcheri of the activities of the pretender. On the 26th the Mailapitiye Korale Mahatmaya reported that the "rebels" were due to assemble at Dambulla on that date. On the 27th Golahella Rate Mahatmaya reported that the "rebels" were gathering support in Matale, Nuvarakalaviya, Tamankaduwa, the Seven Korales and Harispattuwa. He referred to a "king" living in a cave in the Dambulla region, and declared that the pretender and his associates were due in Dambulla and Matale by the 27th. On the same date the Maha Nilame reported that the 'pretender' was coming from Dumbara having collected a band of men (estimated at about 100) from Matale, the Seven Korales and Nuvarakalaviya as well as the low-country. He informed Buller that groups of men were on the move between Matale and Dambulla intent on raising a rebellion; and he feared that there were plans to attack Kandy after an assault on Matale. Each of these reports made urgent requests for the despatch of troops, the police force being utterly inadequate to cope with this situation. On the 28th the Maha Nilame reported that the "rebels" were at Palapathwela travelling in the direction of Harispattuwa. On this occasion he urged Buller to come to the Matale district with a body of troops. These reports were all remarkably accurate, but the civil officials in the Central Province paid little heed to them. And when the crowd actually entered Matale and proceeded to sack the Government buildings there, they caught the officials off guard. Matale was attacked on the 29th. On the 31st a crowd of about 4000 attacked Kurunegala. But at both places the success of the "rebels" was short lived. At Kurunegala a subaltern with 30 men proved more than a match for the "rebels"; the Matale "rebels" were routed at an abandoned coffee estate at the village of Wariyapola on the outskirts of Matale. In less than a week order was restored in both districts.

The rebels failed signally in all their objectives and it is not difficult to see why they did; a contemporary planter described them as being "merely a mass, a mob, with not the slightest pretension to military discipline, display or armament; the men were armed with old flint guns, crude spears, knives... The only source of danger was in their numbers but even that without a trained military leader was of little use".⁵⁰ The leaders were naive and unsophisticated men quite unsuited to lead a "rebellion" against a major imperial power. And in this sense these proceedings in the Kandyan hills have a parallel not in

50. Millie, P.D. *Thirty Years Ago, or the Reminiscences of the Early Days of Coffee Planting in Ceylon* (Colombo, 1878) Chap. XIII.

contemporary events in continental Europe so much as in Ireland, where the "rebellion" of 1848 ended in tragic farce of 'king' Smith O'Brien and widow Mc Cormack's cabbage patch.

The character of the victims of the riots provides an index to the general aims of the movement. Though there were scores of isolated plantations very vulnerable to attack from the Kandyans, very few coffee plantations were actually attacked and at both Kurunegala and Matale the 'rebels' concentrated their assaults on government buildings in the town — the Kachcheri, the jails, the Government Rest Houses — and the houses of officials.⁵¹ In the process they did attack other buildings but in these instances it is very likely that it was only proximity to Government buildings that prompted the attack.⁵² As far as the peasants were concerned they participated in these attacks to show their disapproval of the new taxes; but as regards the leadership the riots were a quixotic attempt to expel the British from Kandy.

The British administration insisted that it was the Kandyan aristocracy and the *bhikkus* who had engineered the 'rebellion', and that the pretender and his associates were mere puppets who danced to their tune; but at no stage were they able to provide any evidence in support of their contention. Had the aristocracy and the *bhikkus* backed the rebels to any great extent the British would have been confronted with a rebellion altogether more formidable and one that would have taxed the resources of the British Government more severely. As it was the back of the "rebellion" was broken in the space of a few days. On 29th July Purang Appu and Dingeralle were captured; Gongallegoda Banda evaded the British troops for a while till he was captured by a band of Malays while hiding in a cave in the Elkaduwa area. Purang Appu apparently died a courageous death; but Dingeralle and Gongallegoda Banda proved to be weak men who cringed before their captors and the latter issued — almost certainly under duress — a statement implicating almost every Kandyan chieftain of note.

In spite of the ease with which the "rebels" had been defeated (the British had just one soldier wounded in this whole campaign — and that too by a

51. For a detailed analysis of the damage inflicted on Kurunegala by the rebels, see, H. Templar's letter of August 9th 1848 to Tennent *Appendix to the Reports on Ceylon*, p. 119 ff. and A.O. Brodies' letter to Tennent of October 12th 1848 *ibid.* pp. 196-8.

52. Among the buildings attacked at Matale was the Baptist chapel in the town. See, *The Missionary Herald*, 1848, Rev. J. Allen's letters of August 12th and September 13th 1848. A.O. Brodie in his letter to Tennent quoted in footnote 51, above, made the point that apart from the government officials at Kurunegala, the low country shop keepers suffered the heaviest losses. "A couple of days after the outbreak, I rode up to the immediate vicinity of Kurunegala, and throughout a distance of many miles found every boutique by the wayside deserted, while not a few were smoking in ruins. I met large bodies of low landers fleeing for refuge to the maritime districts. These fugitives were the boutique-keepers, for no Kandyan has a shop; add to this when the country became settled, no class was found to have suffered so much loss of property as was the case with the low land Sinhalese resident in the interior.

stray bullet—while the Kandyan lost at least 200 men) the government panicked. They had visions of the great rebellion of 1817-18 over again. The rebellion of 1817 had been led by the chiefs and the *bhikkus* and it was these two groups that Torrington and Tennent suspected once again of organising a rebellion. It became Torrington's aim to avoid all the mistakes Governor Brownrigg was supposed to have made in 1817-18. Brownrigg had been criticised in 1817 because he had delayed to impose martial law and had thereby unnecessarily prolonged the rebellion. So Torrington immediately declared martial law and ruthlessly suppressed the "rebellion". Martial law was not lifted till 10th October, though there was no clash with the army after the incidents of 29th and 31st July. Earl Grey justified this policy with the comment that "these decided measures . . . produced the desired effect; tranquillity was completely restored . . . Many lives and much misery were saved by this speedy re-establishment of order". There were other considerations too, only slightly less important than this " . . . that a very heavy pecuniary loss to the Colony was prevented, by the early return of a feeling of security, after the great alarm which had existed at first. A crop of coffee, of great value, was nearly ready for gathering when the insurrection occurred; if the alarm had continued only a little longer, the labourers would have been deterred from coming as usual from India, to secure it, and the loss to many of the Planters would have been ruinous . . ."⁵³ These were Grey's words but he was merely echoing the sentiments of Torrington and Tennent.⁵⁴ Indeed coffee and coffee planting had a great deal to do with the repressive policy followed after the outbreak of the insurrection. The man on whose advice martial law was imposed was Colonel 'Tiger' Fraser⁵⁵ who had earned his sobriquet for his ferocity during the rebellion of 1817-18; he was a coffee planter with coffee estates at Haragama near Kandy, less than twenty miles from Matale, the scene of the disturbances, and another at Ramboda. The Government's most trusted adviser at Kandy during the disturbances was Lt. Gen. Herbert Maddock,⁵⁶ a retired East India Company official who was a coffee planter at Matale. (His coffee store in Matale bazaar was burnt down by the rebels). He was the evil genius behind the whole policy of repression. During the disturbances Maddock persuaded Tennent to attempt the establishment of 'colonies' of

53. Grey, *op.cit.* I, pp. 185-6.

54. *The Third Report on Ceylon*, the evidence of Tennent, p. 167.

55. Fraser, Lt. Gen. John (1790-1862) Colonel of the 37th Regiment and for many years Deputy Quarter-Master General of the troops serving in Ceylon. He served in the Kandyan campaigns of 1815 and 1817-18. Thereafter he was frequently consulted on Kandyan problems. The satin-wood bridge at Peradeniya was designed by him and set up under his superintendence in the years 1832-33.

56. Maddock Lt.Gen., Sir Thomas Herbert. (1790-1870) first went to India in 1814. He rose to the position of Secretary to the Government of India in the Legal, Judicial and Revenue departments, 1838-43; member of the Governor General's Council 1843-8; and Deputy Governor of Bengal in 1845 and 1848.

Indians (to work on the coffee plantations) on lands to be confiscated from the rebels. Tennent later admitted that these 'colonies' were not established because sequestration of land had fallen far short of expectations.⁵⁷

The fact is that Torrington crushed the "rebellion" with a ferocity that was hardly warranted by the situation he was faced with. And his severity soon attracted the attention of critics in Ceylon, chiefly Elliot, who had during the early stages of the disturbances been as surprised and alarmed as the Government itself at the turn of events in the Kandyan areas. But when Torrington's policy because needlessly repressive Elliot began to campaign against it, and *The Colombo Observer* which had observed the clashes at Matale and Kurunegala with a mixture of fear and regret once again became critical of the Government. It was at this stage that the organization and contacts designed to agitate against the Verandahs tax came to serve a different and more enlightened purpose. Through T.Y. Mc Christie, Elliot succeeded in interesting the Radical M.P. Joseph Hume in the situation in Ceylon.

The "rebellion" in Ceylon served to intensify the mounting opposition to Earl Grey's colonial policy in Parliament. In the course of the years 1848-49 Grey's prestige as a Colonial Reformer steadily waned in the face of a succession of colonial crises. In the West Indies the planter dominated legislatures of Jamaica and Guiana made skillful use of constitutional procedures to attract attention to their grievances. Cape Colony was agitated over an attempt to establish a convict settlement, while Canada was in the throes of a political crisis over the Rebellion Losses Bill. In the Australian colonies, labour problems, controversies on the transportation of convicts and the rejection by New South Wales of Grey's constitutional proposals all served to accentuate differences between the colonial groups and the mother country. The Colonial Reformers seized the opportunity provided by these colonial issues to charge Grey with 'misgovernment' in the colonies, and to call in question the fundamentals of his colonial policy.

Besides, Grey, though much the ablest Secretary of State for the Colonies in his day, was personally unpopular, 'a politician with whom ordinary men could not work.'⁵⁸ 'The House of Commons (swarmed) with his bitter enemies, and he (had) very few friends.'⁵⁹

57. See my article, "Indian Immigration to Ceylon — The first phase 1840-1855", *The Ceylon Journal of Historical and Social Studies*, IV (II) pp. 130-1.

58. MacCarthy, J.M. *History of Our Own Times*, i. 327.

59. Greville, C.C.F. *The Greville Memoirs. Second Part* iii 303.

In 1849 his colonial policy was under heavy attack from the Radicals. Among the causes they championed was that of Ceylon; they secured the appointment of a Parliamentary Committee on British Guiana and Ceylon, which soon came to concentrate its energies on Ceylon alone.⁶⁰

The incompetent Torrington succeeded in attracting the attention of critics in England to the more notorious episodes of his administration. Two incidents in particular drew severe criticism. First there was the shooting of a *bhikku*, Kadahapola Kuda Unnanse, on a charge of treason; while the bulk of Torrington's critics concentrated on the charge that he had hurt the religious susceptibilities of the Kandians by executing a *bhikku in his robes*, a more perceptive critic asked the more pertinent question whether the whole business had not been a gross miscarriage of justice.⁶¹ Next, when the Chief Justice, Sir Anthony Oliphant, recommended for mercy a few rebels who had been condemned to death Torrington gave in with ill-grace, provoking an exasperated Grey to remark that "you have brought down upon yourself all the odium of the utmost severity without the advantage of the terror which severity would have inspired and have enabled critics to hold you up to the House of Commons as a person thirsting for more blood and resenting your disappointment by an angry letter to a humane and upright judge".⁶²

The Parliamentary Committee which began its sittings in 1849 summoned a number of witnesses to give evidence before it. One of the major critics of Torrington's administration before the committee was Philip Anstruther whose forthright if inordinately hostile evidence made a deep impression. The evidence of P.E. Wodehouse, more balanced and sober than Anstruther's, tended however to strengthen the impression of mal-administration on the part of the colonial government; Torrington deeply resented what he took to be a deliberate attempt on Wodehouse's part to conceal his own share in the evolution of taxation policy, in the imposition of martial law, and in the conduct of the campaign against the rebels. Tennent, perhaps the most notable of the witnesses stood up well under cross-examination, and defended the Ceylon administration with professional competence. In Ceylon, Elliot and a few associates travelled around the Kandyan areas gathering evidence to set before the Committee; more than once Torrington was inclined to have him arrested but Grey dissuaded him from doing so.

60. The Chairman of this Committee was Henry Baillie the Radical M.P. for Inverness. Its members included Sir Robert Peel, W.E. Gladstone and Benjamin D'Israeli. Joseph Hume and Sir William Molesworth, noteworthy critics of Grey's colonial policy, were among the most effective members. Benjamin Hawes organized a very competent defence of Torrington's administration on Grey's behalf.

61. Forbes, J. *Recent Disturbances and Military Executions in Ceylon* (London, 1850) pp. 23.

62. Grey Mss. Grey to Torrington, 21 Feb. 1849.

The investigations of the Committee had a most unsettling effect on the colonial government in Ceylon. Many of the senior officials went to England to appear before the Committee, and their long absence hampered the island's administration; there was an understandable tendency to postpone decisions on major issues till the Committee had issued its report. But the most regrettable consequence of the Committee's deliberations lay in the worsening of personal relationships between Torrington and some of his senior officials. He developed an almost pathological hatred for Wodehouse who became the victim of an unscrupulous campaign of slander and intrigue directed by Torrington himself. Indeed at this stage the administration in Ceylon had a touch of the Byzantine Court. The investigations of the Committee brought out the worst in Torrington's character—petulance, self-pity and vindictiveness. C.J. MacCarthy the Auditor-General who stayed aloof from these intrigues wrote to Grey that "... a great change has come over (Torrington) of late. There is a hysterical violence in his moods, that really make me tremble for his sanity ..."⁶³

In the meantime the Committee ambled along well into 1850 and gave every indication that it would end its sittings with no tangible results achieved. The Colonial Reformers had been foiled in their attempt to secure a censure of Torrington's administration. So well had Benjamin Hawes, Grey's Parliamentary under-Secretary performed his task that as late as 20 May 1850 Grey could tell Torrington that "nothing has occurred here for a long time which is likely to occasion any fresh difficulty to you. Ceylon has been in a great measure forgotten and the enquiry of the Committee is proceeding very tediously but in a manner highly satisfactory to us".⁶⁴ At this stage the situation changed when Wodehouse in desperation produced some private letters written to him by Torrington at an earlier date in which he had made some indiscreet accusations against Tennent. In turn Tennent sought to soften the impact of this revelation by the production of other letters written to him by Torrington. The production of these private letters proved disastrous for Torrington as well as for Tennent and Wodehouse themselves. It created a most unfavourable impression in the minds of all the members of Committee as regards Torrington; indeed these letters "fatally damaged him in the opinion of the Committee".⁶⁵ Still Hawes succeeded in preventing the Committee from adopting "the very hostile resolutions moved by Hume," and averted with much difficulty "the carrying of any resolution condemning Torrington's conduct".⁶⁶ However, Grey could no longer keep Torrington in Ceylon; he was recalled along with Tennent and Wodehouse. In a letter to Torrington Grey explained that "after the disclosure of the

63. Grey Mss. MacCarthy to Grey, 13 December 1849.

64. Grey Mss. Grey to Torrington, 20 May 1850.

65. Grey Mss. Grey to Torrington, 19 June 1850.

66. Grey Mss. Grey to Torrington, 24 July 1850.

private letters and what passed between yourself, Wodehouse and Tennent, it is impossible that you should with advantage continue to hold the government of the Colony . . ."⁶⁷

By mid-July the work of the Committee was over; it issued a most inconclusive report. (In fact its most constructive achievement was to leave behind for posterity a rich mass of documents—despatches, reports, judicial records, and several volumes of evidence collected under cross-examination—such as is available for no other episode in the British occupation of Ceylon). But the Colonial Reformers thwarted in the Committee revived their attacks in Parliament. In May 1851 a motion of censure was moved in the House of Commons. It was defeated by 282 votes to 202 despite a very effective speech in its support by Gladstone in which he "condemned both the new direct taxation and still more the new Buddhist policy on the broad ground that the wishes and feelings of the natives had not been sufficiently taken into account."⁶⁸

In Ceylon itself the "rebellion" of 1848 had a much slighter immediate impact on most aspects of British policy than might have been expected from the publicity these events had received. The taxes of 1847/48 were repealed (all save the most important of them—the Road Ordinance). But the plantations continued to expand, and even if the Kandyan objected to that, it was impossible to stop that expansion, or to prevent the entry of Indians into the Kandyan provinces in search of employment on the plantations there. And the process of amalgamating the Kandyan with the Maritime provinces did not receive anything more than a temporary set back.

On one aspect of policy, however, the disturbances did have a profound impact. Torrington and Tennent believed that it was the *bhikkus* and chiefs who had engineered the disturbances and that it was the Government's Buddhist policy that had driven them to this opposition. They succeeded in convincing Grey that this indeed was what happened. After the "rebellion" the Government's Buddhist policy became noticeably more liberal and less "evangelical". In 1852 Grey made the significant admission "that much mischief had resulted from measures adopted by my predecessors and myself upon imperfect information and which are not consistent with the spirit of our engagements to the people of Ceylon".⁶⁹ Though the Colonial Office still

67. Grey Mss. *ibid.*

68. Morrell, W.P. *British Colonial Policy in the Age of Peel and Russell* (O.U.P., 1930) p. 530.

69. C.O. 54/282. Greys' minute of 7 January 1852 in Anderson to Grey 170 of 4 November 1851.

insisted on a separation of the state from its connection with Buddhism they no longer advocated a total separation but agreed that the state should continue the performance of certain legal and traditional functions. This new policy of compromise owed a great deal to the courage and sagacity of Torrington's successor Sir George Anderson who resisted a well organised and sustained missionary campaign against it. The missionaries poured scorn on this compromise but the Colonial Office backed Anderson in his policy of moderation.

FACTORS AFFECTING MARITAL SELECTION

A Study of Matrimonial Advertisements by Middle Class Sinhalese

P.T.M. FERNANDO

Introduction

This paper¹ attempts an analysis of Matrimonial Advertisements which have appeared in two Ceylon weeklies—the *Sunday Times of Ceylon* (ST) published in English and the Sinhala Sunday paper *Rividina* (R).² The 156 English advertisements examined appeared in ST during the three months May-July 1964. To enable comparisons with the Sinhala language advertisements, those advertisements inserted by non-Sinhalese in the English paper were excluded from consideration. This discussion therefore, is confined to *Sinhalese* advertisers in the two media. The Sinhala advertisements were obtained by selecting at random two copies of R, from issues of the paper over the same three months (May-July 1964). These two copies of R alone yielded 224 advertisements. 54% of the advertisements in R and 35% in ST were inserted by males.³ (Cf. Appendix).

Since newspaper advertisements are costly and charged for per word,⁴ one can reasonably assume that matrimonial advertisements give a fair indication of the factors people consider essential for the success of a marriage. When a man (or woman) inserts an advertisement, he mentions mainly characteristics about himself and those desired in the partner which he considers vital for a successful marriage, thus indicating factors most valued in marital choice, while revealing also, the attitudes of people to marriage generally.

1. I am grateful to Professor Ralph Pieris for his encouragement and for valuable comments on the first draft of this paper. I also wish to thank Mr. S.A. Meegama for his advice, Mr. S. Senaratne for assistance in tabulating the data, and Mr. H.G.A. Van Zeyst for helping me with an English translation of Cora Vreede—De Stuers' article published in Dutch.
2. Matrimonial Advertisements also appear, though with less frequency, in other newspapers e.g. *Sunday Lankadipa*, *Silumina*, *Catholic Messenger*.
3. Advertising for marriage partners is a comparatively recent phenomenon. Matrimonial Advertisements have been appearing in *Sunday Lankadipa* since 1954. However, the *Rividina* and the *Sunday Times* introduced these advertisements only in 1961 and 1964 respectively.
4. The *Sunday Times* charges 50 cts. per word to insert matrimonial advertisements. The cost of a similar advertisement in *Rividina* is Rs. 10/- for the first fifty words, and 35 cts. for each additional word.

It would, however, be wrong to assume that these samples represent the population of the country at large. For although the level of literacy in Ceylon is by Asian standards high,⁵ there is no reason to assume such familiarity with newspapers throughout the country, as would be necessary for this novel 'marriage broker' system to become a universally acceptable one. On the contrary, our study reveals that the Ceylon villager,⁶ does not resort to newspapers to find marriage partners. Presumably, the villagers still make use of the traditional marriage broker or other native surrogates. It is fairly clear from our findings that people resorting to matrimonial advertisements are mainly those having employment in Government or Mercantile service, and who have experienced the geographical and social mobility such employment often implies. Thus for instance, 92% of male advertisers in R and 91% in ST, state that they are employed, and employment seems to be almost exclusively in Government or Mercantile Service, in private business or in a Profession. As for Female advertisers, over a third of them are employed (36% in R and 35% in ST), and predominantly as school teachers. It is clear therefore, that these samples do not adequately represent the peasantry; this fact must be kept in mind when generalisations are made from these findings.

Our study is further limited by the fact that neither the very rich nor the very poor seem to make use of the newspapers for selecting marriage partners. Advertisers in our samples belong mainly to those sections of the population which may very broadly be categorised as the middle class, varying from upper to lower middle class.⁷

Thus for example, the average income per month of the 36 advertisers in R who have mentioned their income, is Rs. 337/-. Similarly, 30 advertisers in ST had an average income of Rs. 518/- per month. Most of the advertisers appeared to be economically stable and some of them enjoy reasonable affluence.

5. 1953 Census figures for *Literacy* were as follows :

Persons	..	65.4%
Males	..	75.9%
Females	..	53.6%

(Ceylon Year-Book, 1959, 31).

6. I am of course aware that a strict rural-urban dichotomy is unreal and that a considerable section of the population would probably not fit into either category. By 'Ceylon villager' I merely refer to those peasants whose orientations are largely with the village and whose contact with urban centres are minimal. They have to a large extent preserved their 'folk' character—their own codes, values and ceremonial life.
7. The term 'middle class' is used in the most general sense, since there has yet been no empirical study on social class in Ceylon. Such a study would help classifications to be made on a sounder basis. Weerawardana has suggested the use of an income of Rs. 2,400/- per annum as lower limit and Rs. 20,000/- per annum as upper limit of the Ceylonese middle class. See, I.D.S. Weerawardana, *The Development of a middle class in Ceylon*, in *Development of a Middle Class in Tropical and Sub-tropical Countries* (Bruxelles, 1956).

However, even after allowance is made for limitations in representativeness, a study of these samples could still be a useful source of information on values governing marriage, among an important section of the Ceylonese population. Insights so obtained could be tested by subsequent research, as to their relevance for the wider society.

Readers of Sinhala and English newspapers can be said to represent sections of the population with different socio-cultural orientations. This is really a product of history, a significant consequence of colonial rule. In the words of Professor Sarathchandra,

'one of the effects of colonialism in Ceylon was the creation of a new upper class who adopted the English language as its home language, took English names, and followed English manners to as nice a degree of perfection as they were capable of, and in every possible way tried not to identify themselves with the people of the country . . . The upper classes (including the higher stratum of the middle class) constituted, therefore, a cultural and linguistic group forming a minority within the wider group of the Sinhalese people with whom they were related only by blood'.⁸

In the same way, knowledge of English and economic betterment came to be closely associated phenomena. The knowledge of English not only conferred prestige but also enhanced one's chances of gaining employment as well as amassing wealth.⁹ Consequently, aspirations to upward social mobility often imply increasing acceptance of western attitudes and values, as 'Reference Group' behaviour.¹⁰ However, this cleavage between the English and the Sinhala educated was never an absolute one, since the former rarely succeeded in surrendering completely their indigenous cultural values. 'The result was a biculturality'¹¹ in the upper and upper middle classes that was seldom in

8. E.R. Sarathchandra: The Traditional Culture of Ceylon and its present position in *Traditional Sinhalese Culture: A Symposium*, edited by Ralph Pieris, (University of Ceylon, Peradeniya, 1956, 99).

9. For an account of the place English has gradually assumed in the life of Ceylon, see, H.A. Passe. The English Language in Ceylon, *University of Ceylon Review* 1 (2), 1943. I.D.S. Weerawardana, *op.cit.*

10. Reference Groups are 'those groups with which the individual relates himself as a part or with which he aspires to relate himself psychologically' (Sherif and Sherif, 175). The adoption of the norms and values of a Reference Group is called, 'Reference Group behaviour'. Such Reference Group behaviour makes mobility easier, for in adopting the mores of the Reference Group, the individual is already acting *as if* he belongs to that group. This helps the individual to get himself accepted by the Reference Group, and also eases his adjustment after he has become a part of the group. Reference Group behaviour however, can at times be dysfunctional too. For a discussion of the concept see, Robert K. Merton and A.S. Kitt, Contributions to the theory of Reference Group behaviour, in R.K. Merton and P.F. Lazarsfeld (Eds.), *Continuities in Social Research* (Free Press, 1950); T. Shibutani, Reference Groups as Perspectives, *American Journal of Sociology*, LX (6), 1955; Muzafer and Carolyn W. Sherif, *An Outline of Social Psychology* (Revised Edition, New York, 1956).

11. For Psychological implications of this biculturality and its social consequences see, Ralph Pieris, The Alienation of the Modern Intellectual, *Community*, Pamphlet No. 4 (1963).

Special Number on The Role of the Western Educated Elite, *Community* 4 (1) 1962 J.E. Jayasuriya, Some Psychological aspects of cultural revival, in *Traditional Sinhalese Culture: A Symposium* (1956).

harmony, for there had been no synthesis'.¹² These differences in orientation between the English and Sinhala educated are well reflected in these matrimonial advertisements. The biculturality of the former and the influence of Western ideas on the Sinhala newspaper reading public are revealed in the many contradictions seen in the these advertisements.

It is clear from a study of these advertisements that advertisers in Sinhala, are more traditional in their attitudes than their English counterparts. Advertisers in R although presumably employed in urban centres, seem to maintain some connections with the village. This is shown for instance, by the greater parochialism revealed in Sinhala advertisements. Thus, 32 advertisers in R (14%) insisted that their partners be from the same locality as they, whereas in ST only 3 out of a total of 156 advertisers considered this a necessary prerequisite. Similarly, advertisers in the Sinhala paper show a greater concern over horoscopes, a *sine qua non* of the traditional marriage. 53% of advertisers in R wanted replies to their advertisements to contain horoscopes of applicants. In the English sample the figure is somewhat lower (35%).

The present analysis of matrimonial advertisements will be focussed around various factors listed in the advertisements, on the assumption that they represent what is most relevant to marital selection. An attempt will be made to compare the Sinhala and English advertisements, as well as to see how far both correspond to similar advertisements in Indian newspapers.¹³

Age

Nothing definite can be said about the age of marriage in Ceylon, except to note that marriage takes place at a later age today, than it did in the past. In mediaeval times, 'A woman reaching the age of sixteen seems to have been recognised as eligible for marriage'.¹⁴ In the Kandyan period, 'almost everyman married at the age of eighteen or twenty, and old maids were uncommon'.¹⁵ However in the present day, the tendency is for males to get married at an older age, especially for those living in urban areas. In the case of females, the ideal age of marriage is still recognised as late 'teens or early twenties, although females who have had a long period of formal education may marry somewhat later. The mean age of marriage, under the General Law, for the period 1947-57,

12. J.E. Jayasuriya, *ibid.* 66.

13. Cf. Arthur Niehoff, A study of Matrimonial Advertisements in North India, *The Eastern Anthropologist* XII (2), 1958-59.
Cora Vreede—De Stuers, Huwelijksadvertenties, *De Hindoe—Maatschappij in beweging* (universiteit van Amsterdam, 1962).

14. M.B. Ariyapala, *Society in mediaeval Ceylon* (Colombo, 1956, 300).

15. Ralph Pieris, *Sinhalese social organization : The Kandyan period* (Ceylon University Press, 1956, -97).

fluctuates from 28.2 years to 29.1 years among males and 22.6 to 23.1 years in the case of females. The age of marriage for both Kandyan males and females was slightly lower than the above figures.¹⁶

The ages of advertisers, in the samples studied, were conspicuously higher than the usual age of marriage in the country. For instance, the mean age of males (who state their age) was 32.8 years in R and 32.2 years in ST. The corresponding figures for females were 27.8 years and 28.3 years.¹⁷ Interestingly, advertisers in both Sinhala and English newspapers, are roughly of about the same age. It is thus very likely that the causes for this delay in seeking marriage, is more or less common to both groups of advertisers, although one can only speculate as to what these causes really are. If one may venture a broad guess, it may be that those who resort to newspapers have experienced a breakdown in the traditional forms of finding marriage partners. For urban life often leads to both anonymity and the weakening of primary relations with kinsmen, a process accelerated by "transfers", especially for those in Government Service which militate against the formation of lasting social relationships outside the universe of kinsmen. In such a context, the matrimonial advertisement proves a boon to the individual who wishes to get married, or wishes to give his or her child in marriage.

Parental Participation

The advertisements by males in both R and ST, were inserted predominantly by the individuals themselves. This is in contrast to India where the 'advertising is done usually by the parents since only the most extremely westernised young person will attempt to arrange his own marriage'.¹⁸ But this is not to say that parents play no part in matrimonial advertisements in Ceylon. On the contrary, 19% of advertisements seeking brides for males in R, and 31% in ST, were inserted by parents. However, as could be expected, parental participation is highest in the case of females. 84% of advertisements seeking husbands for girls in R and 82% in ST were inserted by parents or elders.

These findings, however, indicate that there is comparatively more freedom in Ceylon for the individual, in the selection of his marriage partner, than is the case in India. In the samples studied, the girls themselves inserted 16% of the advertisements by females in R, and 18% in ST. In the case of the men, parental participation was even less significant. In contrast, in her study of similar advertisements in the *Hindu* (Madras) and in the *Hindustan*

16. *Report of the Commission on Marriage and Divorce* (Sessional Paper XVI—1959, 35).

17. Age has been mentioned by 84% of male advertisers in R and 65% in ST, and by 87% females in R and 65% in ST.

18. Arthur Niehoff, *op.cit.*, 74.

Times Weekly (New Delhi), Cora Vreede—De Stuers found that advertisements were *always* placed by the family.¹⁹ Niehoff too came to very much the same conclusion. (See quotation above). This difference is probably partly due to the fact that the basic structural unit of the Sinhalese family system is the Nuclear group,²⁰ which is less binding on the individual than the Indian Joint Family.²¹

It would be wrong to conclude however, that the values governing marriage in Ceylon, are fast approximating the 'Romantic Love Complex' of western societies. The evidence is clearly to the contrary. Our findings indicate that there is a considerable degree of parental participation, even in such an impersonal mode of marital selection as newspaper advertisements. Ryan notes that, 'Personal preferences in marriage are not valued highly by village folk. Not only is the old system sacred, the accepted scope of individualism simply does not encompass the issue of mating'.²² This is largely true of urban areas too. Traditionally, the family interest was considered of supreme importance, and marriages were *arranged* accordingly.²³ 'There is a potent and intricate inter-dependence between individual and kin, within which the arranged match is crucial and romantic match abhorrent and socially disorganizing'.²⁴ Although romantic courtship is not altogether an unknown phenomenon, traditional ideology limiting individual freedom in marriage, is still widely accepted in Ceylon. Romantic love has its adherents²⁵ (especially among the

19. Cora Vreede — De Stuers, *op.cit.*, 18.

20. Bryce Ryan, The Sinhalese Family System, *Eastern Anthropologist*, 6, 1953.

21. K.M. Kapadia, *Marriage and Family in India* (Oxford University Press, 1958, Ch.X-XII) D. Mandelbaum, The Family in India in Ed. R. Anshen, *The Family: its Functions and Destiny* (Harper, 1949). Aileen D. Ross, *The Hindu Family in its urban Setting* (University of Toronto Press, 1961).

22. Bryce Ryan, Institutional Factors in Sinhalese Fertility, *The Milkbank Memorial Fund Quarterly* XXX(4), 1952, 360.

23. 'Indeed, the kinship system, and the associated institutions of private law, regarded the family rather than the individual as the unit of society'. Ralph Pieris, *op.cit.*, 195. See also, M.B. Ariyapala, *op.cit.* 293. It is only natural that marriages are rarely left to the whims and fancies of individuals, for as Radcliffe-Brown has shown, a marriage has consequences far beyond the individual. It is 'essentially a re-arrangement of social structure'. (Introduction to *African Systems of kinship and marriage*, Oxford University Press, 1950, 43). As Linton points out 'there are very few societies in which young people are allowed a free hand in choosing their mates. Marriage brings the families on both sides into a series of new relationships; and it is natural that they should take an active interest in it'. (Ralph Linton, *The Study of Man*, New York, 1936, 174).

24. Bryce Ryan, *op.cit.*, 361.

25. There is no evidence of widespread revolt of westernised youths such as Chin reported in his account of Chinese young men of the 'forties'. Cf. Ai-Li S. Chin, Some Problems of Chinese Youth in Transition, *American Journal of Sociology*, LIV (1), 1948. In China, anxiety and guilt owing to revolt against the parental generation gave rise to a conception of love and marriage through love, as rights to be earned by the individual. Hence self-improvement through education came increasingly to replace familial support. Here, in Ceylon, the values tend to be ambivalent,

educated and the employed), but preference seems to be clearly for the *marriage de raison*, 'in which relations of birth or of fortune weigh more heavily than love'.²⁶

Caste

'Sinhalese concepts of the family and marriage today provide the most substantial bulwarks for the preservation of caste structure'.²⁷ Indeed a basic and indispensable characteristic of caste is its restrictions on marriage. The high degree of parental participation in marriage has much to do with the preservation of *caste endogamy*. Ryan even goes to the extent of asserting that caste in Ceylon would not survive without the foundations of 'familism'.

One of the clearest findings of this study, is the important position yet occupied by caste, in the selection of marriage partners. 210 advertisers in R (94%) and 114 in ST (73%), mention either their caste or caste desired in the partner. However, there seems to be no difference in the approach to caste, between advertisements inserted by parents and those inserted by the individuals themselves. It is likely that having imbibed caste ideology right from the early stages of socialisation, the individual comes to accept caste as a necessary consideration in marriage, even when he enjoys complete freedom in the choice of his marriage partner.

Social behaviour often reveals a gap between the ideal and the real, and this is the case with the phenomenon of caste too. For, although inter caste marriages are looked down on, they are by no means uncommon, especially among the English educated. This is probably due to the fact that the English educated experienced to a greater degree the ideological changes ushered in by British rule. Egalitarian ideas for instance, attacked privileges and disabilities based on birth, and increasing rationality insisted that traditional institutions, hitherto accepted unquestioningly be subject to the acid test of reason. These ideological influences (among other factors) have had considerable effect in weakening *overt* caste behaviour, although this by itself does not necessarily mean that the caste system is on the decline. However, it is significant that contemporary nativist movements in Ceylon, do not advocate a complete reversion to the traditional order of Sinhalese society, based on the caste system.

26. Harry M. Johnson, *Sociology : A Systematic Introduction* (London, 1961, 164).

27. Bryce Ryan, *Caste in Modern Ceylon* (New Jersey, Rutgers University Press, 1953, 29). Knox writing in the 17th century comments on the selection of marriage mates thus : 'Here is no wooing for a wife. The parents commonly make the Match, and in their choice regard more the Quality and Descent than the Beauty'. Cf. *An Historical Relation of Ceylon* (Glasgow, 1911, 148).

Our study clearly reveals that caste is less important in marriage among the English educated than among the more traditionally oriented. Thus, whereas only 6% of the advertisers in R did not list caste, 27% in ST ignored caste considerations. Furthermore, those who explicitly rejected caste as a factor, were more numerous in the English sample. However, it is important to note that caste still remains the most important single factor in marriage. In the Sinhala advertisements, caste was the most frequently mentioned characteristic by both males and females. 'Caste' was mentioned by 93% of the males and 94% of the females in R. In the English advertisements 'caste' was the most frequently listed factor in the case of *female* advertisers. However, even here a difference between the Sinhala and English samples becomes evident, for as many as 22% of females in ST (compared to 6% in R) did not mention caste at all. In the case of males advertising in English, 'caste' is relegated to third place (behind Religion and Occupation), with only 63% mentioning caste. This is similar to Niehoff's finding in India that those who did not consider caste in the selection of marriage partners were more numerous among the men. The greater insistence on caste by females, is perhaps due to the fact that advertisements are in fact mostly inserted by parents or elders.²⁸ The situation is similar in India, and Niehoff says, 'it is well to emphasise that we are dealing primarily with family attitudes rather than individual opinions. It is the girl's family who insist on caste for her mate'.²⁹ This greater parental concern over the proper marriage of daughters (*vis-a-vis* sons), could be a reflection of the social stigma traditionally attached to hypogamous unions contracted by females.³⁰

Our study does not reveal any significant weakening of the caste system, for caste emerges as the most important single factor in marriage. Buddhism does not seem to have any retarding influence on caste either, for among the advertisers in R, where 95% of those mentioning their religion were Buddhists, insistence on caste was most conspicuous. However, it is only fair to note that religion *per se* seems to be irrelevant to the working of the caste system in Ceylon. Thus, even among Christians there is widespread acceptance of caste ideology. In this study, for instance, of the 35 Christian advertisers in ST (including Roman Catholics), 27 consider caste a necessary factor in marriage (77%). Similarly, in the Sinhala sample, only 1 out of 9 Christian advertisers considered caste as irrelevant.

28. 84% of advertisements seeking husbands for girls in R and 82% in ST, were inserted by parents or elders.

29. Arthur Niehoff, *op.cit.*, 76.

30. This is more so in India where the Pollution concept dominates the caste system. See, H.N.C. Stevenson, Status Evaluation in the Hindu Caste System, *Journal of the Royal Anthropological Institute* 84(1), 1954.

Religion

In his study of matrimonial advertisements in North India, Niehoff found that, 'the most common specification for a mate was religion'.³¹ In fact, out of 237 advertisements he examined, there was only one which did not list religion. This preoccupation with religion is quite understandable in the Indian context, for marriage is, to the Hindus, a religious sacrament.³² Among the Sinhala Buddhists, on the contrary, marriage *per se* is a civil affair, with religion playing only a superficial role.³³ However, marriage between persons of different religions, is generally looked down upon in Ceylon; feelings of disapproval being accentuated by present day revivalist movements. Among the Sinhalese, although marriage has no religious significance, interreligious marriages are opposed because they threaten the solidarity of the kingroup and weaken the religious community.³⁴

These attitudes toward religion and marriage are clearly reflected in matrimonial advertisements. Thus, in the samples examined, 188 advertisers in R (84%) and 120 in ST (77%), considered religion a necessary factor in the selection of marriage mates. Although religion is disregarded by advertisers in English, to a greater extent than it is by advertisers in Sinhala, religion remains a factor of equal importance to advertisers in both media. In fact, religion is the most frequently mentioned attribute in the English advertisements. Interestingly, advertisers in ST are more concerned about religion than they are about caste (Religion 77%, Caste 73%), whereas in the Sinhala advertisements caste occupies the position of pre-eminence (Caste 94%, Religion 84%). Our study clearly reveals that caste and religion are the two factors considered most important in the selection of marriage partners.

Education

A very high premium is placed on education in Ceylon, both as a source of prestige and as a means of upward social mobility. With more and more schools being opened, education is being made available to the people in an

31. Arthur Niehoff, *op.cit.*, 75.

32. See, K.M. Kapadia, *op.cit.*, Ch. 8.

33. The ritual in Sinhala weddings cannot be considered 'religious' in the way Hindu ritual so clearly is. For descriptive accounts of Sinhala marriage ritual see, C.M. Austin de Silva, The Magul Poruva or Customary Form of Sinhala Marriage, *Spolia Zeylanica* 30 (1), 1963.

Edwin Beven, Kandyan marriages, *Ceylon Antiquary and Literary Register* III, 1917-18.

Rt. Rev. Dr. Edmund Peiris, Marriage customs and ceremonies of Ceylon, *Journal of the Ceylon Branch, of the Royal Asiatic Society*, VIII(1), 1962.

34. Similarly, in mediaeval Ceylon, 'marriage between different religious sects was not welcomed, for such unions led to disruptions in family relations'. M.B. Ariyapala, *op.cit.*, 295.

unprecedented way. It is not surprising, therefore, to find that advertisers in both papers were generally educated. The level of education among advertisers in the English sample was higher than that of advertisers in R. For instance, 24 advertisers in ST were university graduates (15%) compared to 11 graduates advertising in R (5%).

The females, in particular, seem to view their education as a factor that could attract suitable partners. 56% of females advertising in Sinhala and 58% advertising in English, make explicit mention of their education. In fact, among females, education occupies third place in R and fourth place in ST, in the order of frequency of listing. The men however, do not seem to consider education as a very important qualification. Only 30% of male advertisers in R and 24% in ST make special reference to their education. This disparity between the sexes, in the place given to education can be easily understood. A man is judged (with regard to his capacity to support a wife and family) primarily by his occupation,³⁵ and this, in Ceylon, is largely determined by his level of education. Thus a male advertiser would consider the listing of both attributes as superfluous, for one can *infer* the level of education of a man if one knows the nature of his occupation. In the case of the female however, she is rarely evaluated via her occupation, and thus information about her education could by itself prove very valuable as an index to her intellectual and cultural background. The greater frequency in the listing of education by females may also reflect 'the need for the girls to convince their would-be mates that they were modern women'.³⁶

One is inclined to feel, however, that the place given to education *per se* in marital selection, is less than what could have been anticipated if the spread of education has had a pervasive impact on the people. This becomes evident when we consider the question whether advertisers wish their prospective spouses to be educated. For if education is valued in the selection of marriage mates, advertisers would not only mention their education, but would also wish their partners to possess at least a minimum intellectual background. However, in the samples studied, only 23% in R and 14% in ST consider it necessary that their partners be educated. Interestingly, the men seem to be more keen that their wives be educated than *vice versa*. Thus, 34% of the males in R and 28% in ST desire educated wives, whereas only 10% of the females in

35. This is even more so in a country like the United States. Parsons says, 'It is of fundamental significance to the sex role structure of the adult age levels that the normal man has a "job", which is fundamental to his social status in general... Not only is this a matter of his own economic support but, generally speaking, his occupational status is the primary source of the income and class status of his wife and children'. Talcott Parsons, *Age and Sex in the social structure of the United States*, in *Essays in Sociological Theory*, Revised Ed. (The Free Press, Glencoe, 1954, 94).

36. Arthur Niehoff, *op.cit.*, 78.

R and 7% in ST insist on educated husbands.³⁷ Although this evidence is inadequate for generalisations to be safely made, one has reasons to be sceptical as to whether education *per se* is highly valued in a marriage partner. Education, in the male in particular, seems to be appreciated only in so far as it implies prestigious occupation.

Occupation

A conspicuous feature of the matrimonial advertisements in Ceylon, is the emphasis placed on occupation. 92% of the males in R and 91% in ST, mention their occupation. With male advertisers in English, their occupation is the most frequently listed factor; with male advertisers in Sinhala it is second only to caste. Similarly, what girls desire *most* in their prospective husbands (in both samples) is good employment. The men in turn, have special preference for girls who have a job. In R, 50% of the male advertisers stated specifically that their partners should be employed. In ST, although only 24% of the males made this preference explicit, 'being employed' emerged the third most desired feature in a girl.

In their attitudes toward education and occupation, there is no marked disparity between the advertisers in the Sinhala and English newspapers. Male advertisers in both papers emphasise occupation more than education, and the females in turn seem to be more concerned that their mates be employed rather than be merely educated. Indeed, the unemployed 'genius' would hardly be considered an attractive marriage partner! This way of thinking is of course, easily understood. A girl naturally desires a man with secure employment, adequate to support her and possibly a family in due course: 'few women can be altogether unmindful of the fact that in marrying a particular man they are choosing, in effect, a standard of living and a social class position as well as a life companion'.³⁸ Since the factor of 'romantic love' is largely ruled out in marriages via advertisements, the utilitarian spirit revealed in these advertisements becomes meaningful. Education *per se* is valued less than occupation, for women in these advertisements are seeking *security* rather than companionship. In the same way, the males too are practical in their approach to their future partners. 34% of the males in R and 28% in ST, desire that their wives be educated. The mere fact that these figures are larger than the corresponding figures of females wanting education in men, does not imply that the men are more appreciative of the effects of education on general outlook. It is more likely that the men are keen on their wives being educated,

37. Education was a factor more recognised in women, in Indian advertisements too. Cf., Cora Vreede — De Stuers, *op.cit.*, 8.
Arthur Niehoff, *op.cit.*, 78.

38. Harry M. Johnson, *op.cit.*, 168.

as a means to their wives too finding employment. An educated wife, even if she is not employed, is a potential money-earner, hence an asset to the husband in exigencies.

This interpretation is supported by the fact that 50% of males in R and 24% in ST state explicitly that their wives must be employed. In fact, in the Sinhala sample what the men desire most in their partners is that they be employed. This need has been well anticipated by the females, a good number of whom have mentioned, as one of their qualifications, the fact that they are employed, (36% in R and 35% in ST). This is in striking contrast to value orientations in India, where even today, 'The wife will not be expected to work outside the home even though she is expected to be well educated'.³⁹

Our study also reveals considerable information as to the kinds of occupation these advertisers are engaged in, as well as the occupations desired in marriage partners. Government servants formed the largest single group of male advertisers (36% of males mentioning occupation in R and 33% in ST). Unfortunately, most advertisers did not give any further information besides stating that they have a secure job in government service. Teachers formed 27% of the males mentioning their occupation in R and 11% in ST. Business men and clerks were next in importance in the Sinhala sample. In the English sample, there were 9 mercantile employees, 5 clerks, 4 businessmen, 2 each of doctors and engineers and one lawyer. As for the females, they were predominantly school teachers—57% in R and 89% in ST.

What kind of employment do these advertisers desire for their marriage partners? Our study reveals that employment *par excellence* is a job in Government Service. This however, is a broad category and does not indicate the actual occupations preferred. For instance, when a female advertiser says she wants a partner with a secure job in Government Service, one cannot be certain as to what *rank* in Government Service she implies. However, it is significant that a very high preference is shown for Government jobs *vis-a-vis* employment in other spheres. Thus, out of 85 females in R who have stated desired occupations 46 (54%) want their partners to be employed in Government Service. Similarly in ST, 56% seek men with Government jobs. N.D. Wijesekera says that, 'Government Service is held in great regard as it alone affords the permanent security and hope of wealth'.⁴⁰ One is inclined to feel that it is the security and *prestige* of being a Government Servant, rather than any possibilities of becoming wealthy, that has made Government Service so

39. Arthur Niehoff, *op.cit.*, 85.

40. N.D. Wijesekera, *The People of Ceylon* (Colombo, 1949, 73).

attractive.⁴¹ This is very similar to the situation in India, where also advertisements revealed distinct preference for persons in Government Service. Cora Vreede—De Stuers points out that although the prestige of Government Servants was extremely high in India, the cost of living has increased by over three and a half times since the war, without proportionate increases in the salaries of Government Servants.⁴²

Next to Government Servants, school teachers were most sought after by females in the Sinhala sample. There was also some demand for businessmen and clerks. Doctors, Lawyers, Engineers and other professional people were not listed as wanted in the Sinhala sample. Here differences are visible between advertisers in Sinhala and in English which reflect their different sociocultural background, as well as different levels of aspiration. Thus, in the English sample, teachers were in far less demand by females, and clerks were not listed at all. Instead, officers in the Mercantile Service were desired by 19 females, Doctors and Lawyers by 12 each and Businessmen by 6.

As regards employment for females, teaching in schools was by far the most popular. 92% of the males in R who wanted wives who were employed, and 85% in ST, wanted them to be teachers.

Affluence

In the context of 'practical' motives that guide matrimonial advertisements, it is to be expected that affluence should be an important consideration in the selection of marriage partners. Among male advertisers, references to wealth occupied fourth place in both R and ST, in order of the frequency of listing. 59% of males in the Sinhala sample and 48% in the English sample mentioned explicitly that they were financially well-to-do. The number of female advertisers mentioning wealth was much less. Only 24% in R and 25% in ST made any references to wealth. This disparity between the sexes could of course mean that the men were in fact, economically better-off than the women. On the other hand, it is more likely that the girls thought it superfluous to refer to their wealth, when they could use the more specific 'dowry' as a bait.

Although not immediately apparent, our study reveals that 'wealth' plays a bigger role in the selection of marriage mates among those advertising in English papers. For example, 15% of the males and 16% of the females in ST

41. In a study of occupational prestige ratings by village and urban school children Ryan found that, 'in every instance of an occupation associated with government, the rating was excessively high. Thus a government clerk approaches the position of a lawyer. This tendency to up-grade the government employee was more pronounced among village youth than among the urban'. Bryce Ryan, *Institutional Factors in Sinhalese Fertility, The Milkbank Memorial Fund Quarterly*, XXX(4), 1952, 362, Note 4.

42. *op.cit.*, 11. Also see, Arthur Niehoff, *op.cit.*, 82.

make explicit requests for wealthy partners; the figures are only 9% and 7% in the Sinhala sample. Furthermore, affluence is the second most important attribute sort in a man, by females advertising in English; whereas in the Sinhala sample, affluence occupies only sixth place. This differential emphasis on wealth becomes more meaningful if viewed along with the findings regarding the 'dowry'. For instance, 22% of the males in ST, as opposed to 14% in R, made specific requests for a dowry. The females too who advertised in ST offered dowries more often (77%) than those advertising in R (46%). Furthermore, although positive anti-dowry sentiments were expressed by 25 advertisers in the Sinhala sample (11%), only 4 advertisers in ST stated that they did not want a dowry or would not offer one.

This differential emphasis on the dowry does not of course imply that the dowry is not a part of the Sinhala customary life. On the contrary, there is evidence of a dowry system even in mediaeval Ceylon.⁴³ Geiger states that 'If the bride was born in the house of a well-to-do man, she did not come empty handed into her new home, but with a dowry'.⁴⁴ The greater interest over the dowry shown by the English educated today, may reflect a more mercenary approach to marriage generally. The advertisers in ST being more affluent as a group, offered dowries that were more substantial than what was offered in the Sinhala sample. Thus, the average cash dowry offered in ST was Rs. 10,974/-, as opposed to Rs. 6,274/- in R. Property offered as dowry too was more substantial in the English advertisements. Niehoff observes with reference to India, that 'The economic class of the individual seeking a mate is of great importance, as it is in the West'.⁴⁵ Our study reveals that this statement is equally applicable to Ceylon.

Personal Appearance

Handsome is not an attribute that men list frequently in these advertisements. Only 13% of the males in R and 15% in ST state that they are good looking. This of course is no reflection on the personal appearance of the other males, for silence on this matter may represent a desire to be evaluated on more relevant considerations. That this is a proper anticipation of the needs of female advertisers is seen by the fact that only 5% of the females in R and 4% in ST want handsome men as husbands. This indifference towards the personal appearance of their partners, together with the emphasis on more substantial considerations like occupation and wealth, indicate a motivation of 'security'. This tendency is no doubt accentuated by the fact that parents play such an important role in the advertisements of the females.

43. Cf. M.B. Ariyapala, *op.cit.*, 301.

44. Wilhelm Geiger, *Culture of Ceylon in Mediaeval Times* (Wiesbaden, 1960, 38).

45. *op.cit.*

In Ceylon, as with the Indian advertisements, 'Women's looks were much more highly valued than men's'.⁴⁶ Thus 50% of the females advertising in R and 29% in ST, make specific reference to their own beauty. The women were no doubt emphasising a quality that they believed men were interested in. And they are not wrong in their anticipation, for as many as 49% of the males in R and 38% in ST insisted that their wives be good looking. In fact, in the English sample 'attractiveness' was the quality most desired in a woman, and in the Sinhala sample it came second only to occupation. On this factor thus, there is considerable agreement between those advertising in the two media.

Character

Striking differences between the two samples are seen on the question of personal character. 26% of the males in R state explicitly that they are persons of good character, whereas only one solitary male makes this claim in the English sample. The situation is similar with the females. 26% in R make reference to their character, as opposed to a mere 4% of the females in ST.

This disparity can be interpreted in many ways. The most likely explanation seems to be that the character of the marriage partner was an issue of the utmost importance in traditional marriages, and that this ideology still prevails among the Sinhala educated. Among the English educated, the factor of personal morality seems to be, at least to some extent, eclipsed by more utilitarian considerations. This disparity in values is further reflected in the differential expectations of the two samples. Thus, although 25% of the females in R state explicitly that their husbands must be of good character, only 10% do so in the English sample. In fact, 18 females in R even insisted that their husbands should neither drink nor gamble, whereas only one female in ST made this stringent demand.⁴⁷ In the same way, although 29% of the males in R were particular about the character of their partners, not a single male in the English sample showed any concern.

Dress

There was no reference at all to dress in the English advertisements. In the Sinhala sample, however, reference to the attire desired in male partners was conspicuous. This is possibly because sections of the population represented by the Sinhala sample, include those who wear the 'national dress' as well as those who wear western attire.⁴⁸ It is only natural in the context that some

46. Niehoff, *op.cit.*, 79.

47. It is important to note however that drinking and gambling has no necessary implications of bad character.

48. The wearing of the national dress by the English educated, although not uncommon, is not yet widespread.

would try to use this distinction in dress, to their advantage. 19% of the males in R mention that they wear Western dress, and 10% make similar reference to their national dress. Both groups of men, no doubt felt that reference to their dress would enhance prospects of finding a marriage partner. It is of interest therefore, to find out what dress the females in the Sinhala sample wanted for their husbands. In our study, 18% of the females in R state explicitly that their prospective husbands must wear western dress. In contrast, not a single female made a special request for a husband in national dress. This striking difference reflects the fact that even today—in spite of considerable propaganda by protagonists of the national dress—western attire remains an important status symbol. 'The Sinhalese call any person who wears a pair of trousers, whoever he may be, a *Mahatmaya* meaning a gentleman who was also presumed to be able to speak English'.⁴⁹ Western dress is often recognised as an index of upward social mobility; this is possibly one reason for the partiality of females for men in western attire.

Domestic Accomplishments

Domestic accomplishment is an exclusively female-linked attribute in these advertisements. The Sinhalese woman, by tradition, was competent in household affairs and cookery. During the early period, 'among other accomplishments the art of cookery was held in high repute and every girl from that of princess to a commoner was taught this art'.⁵⁰ In mediaeval time, 'in the case of a wife, ability to attend to household work was considered a necessity'.⁵¹ This ancient conception of the role of the wife has persisted to the present day, although with the English educated, the wife's role as co-bread-winner seems to eclipse her role as housewife.

Differences in attitudes between the Sinhala and English educated account for their differential emphasis on domestic accomplishments. 35% of the females in R state that they are skilled in domestic work (cooking, sewing etc.,) whereas only 14% in ST make reference to it. Similarly, while 8% of the males in R specifically desired domestic skill in their wives, only one male in ST did so. It is clear from the above facts that among the Sinhala educated, although the conception of wife as a co-bread-winner has come to stay, it is not at the cost of her traditional functions. Occupation and domestic skill are listed with almost equal frequency by the females in R. In contrast females in the English sample emphasise their occupations rather than domestic competence. This may

49. N.D. Wijesekera, *op.cit.*, 217, Note 1.

50. W.A. de Silva, A contribution to the study of economic and social organization in Ceylon in Early Times, *Journal of the Ceylon Branch of the Royal Asiatic Society* XXXI (81), 1928, 71.

51. M.B. Ariyapala, *op.cit.*, 295.

be a reflection of the true state of affairs, for influenced by western ideas of egalitarianism they may be, in fact, seeking emancipation from domesticity. But this emancipation can never be complete for a woman's primary status—carrying role is that of housewife. As Parsons notes, 'The woman's fundamental status is that of her husband's wife, the mother of his children, and traditionally the person responsible for a complex of activities in connection with the management of the household, care of children etc.'⁵² This conflict between the role of housewife and one's occupation and outside activities, is true of Indian women too. Thus, Niehoff refers to the conflict faced by the modern educated woman in India, 'who is expected to be both efficient at home while at the same time being well educated and taking part in outside activities'.⁵³

Conclusion

This study of Matrimonial Advertisements revealed many factors governing the selection of marriage partners in Ceylon. Socio-cultural and value differences between the English and Sinhala newspaper reading public also emerged in our analysis.⁵⁴ It was seen that the Sinhala educated show greater concern over factors traditionally valued in marriage, like caste, religion, personal character, locality, and horoscopes. However, some of these, particularly caste and religion are frequently listed in English advertisements too. It may be noted that the persistence of traditional sentiments and institutions could counteract the emergence of an individualistic society subscribing to rational values.

Our study also revealed many similarities between matrimonial advertisements in Ceylon and those of India. Closer comparison is called for, however, before anything definite can be said about similarities and differences between advertisements of the two countries.

It must be said finally, that although this is an exploratory study it does provide clues to factors affecting marital selection among an influential section of the Ceylonese population. It is important however, that this paper be considered as a point of departure, and further intensive and extensive empirical research should be undertaken, which would enable us to make reliable generalisations on values governing marriage in contemporary Ceylon.

52. Talcott Parsons, *op.cit.*, 95.

53. *op.cit.*, 82.

54. The English educated also show less concern about personal details relating to their prospective partners. The advertiser in Sinhala goes into great detail about factors he (or she) desires in a partner, whereas his English counterpart, makes only a few basic demands. Indeed, as many as 18% of the advertisers in English made no reference whatsoever to characteristics desired in a mate, compared to only 3% in the Sinhala sample.

APPENDIX

The following Table gives the percentages of advertisers in the two newspapers who listed some of the different factors discussed in the text. The figures refer only to characteristics concerning the advertisers themselves.

			Rivindina			Sunday Times		
			<i>Males</i> (121)	<i>Females</i> (103)	<i>Total</i> (224)	<i>Males</i> (54)	<i>Females</i> (102)	<i>Total</i> (156)
Caste	..	..	93%	94%	94%	63%	78%	73%
Religion	..	..	84%	83%	84%	78%	76%	77%
Age	..	..	84%	87%	86%	65%	65%	65%
Occupation	..	..	92%	36%	66%	91%	35%	54%
Education	..	..	30%	56%	42%	24%	58%	46%
Affluence	..	..	59%	24%	43%	48%	25%	33%
Attractiveness	..	..	13%	50%	30%	15%	29%	24%
Locality	..	..	16%	12%	14%	4%	1%	2%
Character	..	..	26%	26%	26%	2%	4%	3%
Horoscopes	..	..	55%	49%	53%	26%	40%	35%
Dowry	..	..	—	46%	—	—	77%	—
Domestic skill	..	..	—	35%	—	—	14%	—

A PROPOSAL FOR INCREASING THE INTERNATIONAL LIQUIDITY OF DEVELOPING COUNTRIES*

C. A. B. N. JAYARAJAH

I

Introduction

The problem of adequate international liquidity is critical to the general aspiration and realisation of economic growth of developing countries who are today dependent on foreign sources of supply for a large proportion of their capital goods, and a not insignificant proportion of their consumer goods. The problem has recently been put in proper perspective by Professor Kojima of Japan who put forward a hypothesis regarding the long term behaviour of imports in the process of economic development.¹ Professor Kojima's thesis is that

in the spontaneous process of economic growth, the real value of imports tends to grow on a logistic curve. In the early stage of industrialization the marginal propensity to import rises at a rate that is higher than the rate of growth of national output, with the result that the average propensity to import continues to rise and reaches its peak in this period. In the second stage, where the production structure becomes more and more diversified, the marginal propensity to import tends to fall, and the ratio of imports to national income declines. The rate of growth of imports tends to converge slowly with the rate of growth of national output, and the final stage of development will be such that the average and marginal propensities to import will be more or less stabilized at a level optimal to a country with given resource endowments and economic structure.

It can well be argued that none of the developing countries have still reached the stage where the marginal propensities to import have spontaneously stabilized at a level optimal to the given resource endowments and economic structure. But if we go beyond Professor Kojima and attempt to fit the poor growth levels of exports of developing countries to Kojima's hypothesis then the problem of external solvency becomes even still more important.

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1. Kiyoshi Kojima "Economic Growth and the Optimum Ratio of Import Dependence" in *Trade and Tariffs*, December 1959 and January 1960 (in Japanese). Quoted by Hiroshi Kitamura in 'Foreign Trade Problems in Planned Economic Development' *International Economic Association*, Economic Development with special reference to South-East Asia, 1964, p. 199.

The external solvency of a country is dependent in the final analysis on the international liquid reserves it can command. International liquidity may be defined as the existing or potential international liquid assets available to a country for meeting its international obligations. In terms of this definition, international liquidity comprises:—

- (1) Owned gold and foreign exchange reserves
- (2) International credit facilities. Such credit facilities may comprise
 - (a) I.M.F. automatic borrowing facilities (gold tranche)
 - (b) Conditional I.M.F. credit (credit tranches)
 - (c) Assured lines of credit, some of which are—
 - (i) Swap arrangements between Central Banks.
 - (ii) Capacity to borrow in foreign Money Markets.
 - (iii) Bilateral credits.

Over the past few years it has been argued that world liquidity is inadequate. Hence there has been considerable discussion of Plans to reform the International Monetary System. Most of these Plans have been concerned with the general problem of world liquidity.² The general problem of international liquidity could be divided into two aspects. The first aspect concerns the liquidity of the advanced economies while the second concerns the developing countries. It could be argued that considerable advances have been made in recent years towards arrangements to solve the problem of international liquidity that has confronted the advanced economies. Some of the more outstanding arrangements have been "The General Arrangements to Borrow" which could mobilize \$6 billion, Swap arrangements between the United States and Central Banks of nine other industrial countries, and other institutional arrangements such as the European Fund, Mutual Credit Arrangements among Scandinavian Countries and U.S. Treasury Stabilization Credits.³ The Liquidity problem of the developing countries, however, still exists and is likely to exist for some time in the future, unless adequate steps are taken now to solve it.⁴

This paper is based on two fundamental premises. First, it considers that the problems of the developing countries of the world cannot be treated in terms of the economics of *laissez faire*, where supply must equal demand. By this is meant that the willingness of advanced countries to assist developing countries should not be governed by pure commercial criteria. If this criteria

2. R. Triffin, *Gold and the Dollar Crisis*, Yale University, 1961.

E.M. Bernstein, The Reserve Centres and the IMF, *The Irish Banking Review*, 1961.

3. *International Monetary Fund, Annual Reports for the years 1962 and 1963*.

4. Recently an eloquent plea has been made in this regard by Dr. Gamani Corea of Ceylon at the United Nations Trade Conference UNCTAD. *Summary Record of the 29th Meeting 4 May 1964 E/CONF/46/C3/L23*.

A collection of the various Plans for increasing international liquidity is given in H.G. Grubel, *World Monetary Reform, Plans and Issues*, Stanford University, (California), 1963.

is alone used, then many underdeveloped countries, perhaps the entire underdeveloped world would not qualify for assistance. Thus for example, it has been recently argued that the progress towards economic viability of Continental Europe would have never been so rapid if not for the valuable assistance received through the Marshall Plan in the early post-war years.⁵ It should be remembered that Europe had the necessary infra-structure to make the most of the assistance it received. Most developing countries do not have the same infra-structure and consequently the magnitude of financial assistance necessary would need to be much more. The second premise is that the structural problems of developing countries are becoming so chronic that failing a new trade policy, such developing countries will fail to earn sufficient foreign exchange to service their international indebtedness. Ultimately, therefore, developing countries would have to curtail their imports to such an extent as to be destructive of international trade and welfare. This could be to the detriment of advanced countries and of international goodwill.

II

The Liquidity Problem of the Developing Countries

It would be worthwhile to begin by stating more fully the problem of International Finance that now faces the developing countries. This problem is fundamentally one of disequilibria in the Balance of Payments. Disequilibria in the Balance of Payments and the need for international liquidity can arise for any of a number of reasons, enumerated below. A new approach to international liquidity, is therefore, necessary to settle this aspect of the problem. Payments problems of developing countries are known to arise from any of the following:—

- (1) Excess domestic monetary expansion (and consequently excess demand for goods and services).
- (2) Tariffs and Quantitative restrictions on the exports of developing countries entering developed countries.
- (3) Low foreign income elasticity of demand for particular exports of developing countries. It has been argued that increases in per capita incomes in the developed countries may not reflect themselves even in an increase in *general demand* for imports, due to two factors. Firstly, taxation is likely to absorb a major proportion of the increase in incomes. Secondly, incremental incomes are usually spent on durable consumer goods, which are usually home produced in the advanced countries.⁶

5. C.P. Kindleberger, The Prospects for International Liquidity and the Future Evolution of the International Payments System, *International Trade Theory in A Developing World*, Edited by Roy Harrod and Douglas Hague, London 1963 p. 379.

6. P. Streeten, Productivity Growth and the Balance of Trade, In *Growth and the Balance of Payments, A Symposium*, *Bulletin of the Oxford University Institute of Statistics*, Vol. 17 No. 1, September, 1955.

- (4) Development of competing synthetic and substitute products has proceeded rapidly in the advanced countries.
- (5) There has been and there will continue to be a high and increasing demand for imports by developing countries due to the initiation of development plans.

For the purpose of the present analysis we will concern ourselves with the problems described at (5) above, though other Plans to moderate or eradicate the harmful effects on the Balance of Payments of other listed problems would also help. It is felt, however, that if problem (5) is given sufficiently high priority it would go a long way towards solving the problem of the developing countries. Thus, one of the chief aims of the United Nations 'Development Decade' is to assist developing countries to progress towards a target of a minimum 5 per cent annual growth of income by 1970. It has been estimated that if this target is to be achieved, and if present trends in international trade were to continue, the 'trade gap' of developing countries is likely to be of a magnitude of at least \$20 billion by 1970.⁷ A failure to bridge this gap would mean that developing countries would be forced to abandon even this minimum growth target envisaged by the United Nations. But, further, if this awkward 'trade gap' is super-imposed on the debt service of developing countries in respect of past loans, then the future prospects for developing countries cannot be regarded in any way as being optimistic. A recent exercise concluded that between 1948 and 1955 the servicing of large post-war loans was made possible mainly because of a large expansion in international trade (chiefly due to temporary factors following on a period of war time scarcities). Thus, import payments of four main creditor countries increased at an annual rate of 5.5 per cent between 1948 and 1955.⁸ Such rates of growth are, however, unlikely in the future. In the decade, of the fifties, the developing countries exports (including petroleum) achieved a rate of growth of only 4 per cent per annum.⁹ If the significant volume of petroleum exports is excluded, the rate of growth of exports would be very much less.

III

Proposals for Increasing Liquidity

Imbalance in the external payments of developing countries could arise on two fronts :—

- (i) Demand for Capital Goods imports.
- (ii) Demand for Food (and other Consumer Goods) as industrialization progresses and population increases.

7. Raul Prebisch, *Towards a New Trade Policy for Development. Report submitted to the United Nations Conference on Trade and Development, Geneva, 1964.* UNCTAD, E/CONF/46/3, February, 1964.

8. D. Avramovic and R. Gulhati, *Debt Servicing Capacity and post-war growth in International Indebtedness*, N.Y., 1958.

Also Claudio Segre, *Problems of Foreign Indebtedness of Developing Countries Banca Nazionale del Lavoro*, September 1962, pp. 269-285.

9. Raul Prebisch, *op. cit.*, p. 2.

The first object, therefore, would be to quantify an estimate of the probable Balance of Payments deficit of the developing countries and to isolate the deficit in terms of these two categories. Such an exercise would normally take into account the probable earnings from commercial exports (including net invisibles), plus existing bilateral and multilateral aid. Once the so-called 'Basic deficit' is ascertained for the developing countries (country), the solutions can be worked out. These could take a number of forms :—

- (1) **A United Nations Food for Development Fund** could be created out of surplus agricultural products and these would be farmed out to developing countries to finance the increased food bills arising out of initiation of development programmes. This would enable developing countries to set aside valuable foreign exchange for the financing of other development imports.

AND (2) **A United Nations International Balance of Payments Adjustment Fund** could be created. All advanced countries which incur surpluses in their trade with developing countries would be expected to contribute a given proportion of that surplus (such contribution increasing in proportion to the size of the surplus) to a U.N. International Balance of Payments Adjustment Fund to be re-lent to the developing countries at a reasonable rate of interest; but interest and principal to be repayable in small instalments after a given lapse of time say 40-50 years. The I.M.F. would pay interest on the deposits of advanced countries, the rate of interest moving inversely with the size of the deposit. If there is an insufficiency of Reserves the I.M.F. would create deposits for the purpose of paying interest, but, however such deposits would not be convertible into gold. This plan would not bridge the total balance of payments deficit of developing countries and is therefore essentially in the nature of a compromise. Still it represents a step forward on the road to solvency.

OR (3) **A new Deposit Currency called the Development Unit would be created.** An alternative but still bolder plan would envisage the creation of a new International Deposit Currency to be called the Development Unit. The International Monetary Fund would be given the power to create a new Deposit Currency called the Development Unit. Sufficient Development Units would be created by the International Monetary Fund to bridge the estimated basic payments imbalance of developing countries pursuing development programmes. The World Bank would help countries to formulate Development Plans. The 'Basic Deficits' arising from the implementation of development plans would be settled by the I.M.F. paying the Development Units to the credit of the respective surplus countries

(usually they would be the advanced manufacturing countries). To minimize the inflationary impact on other advanced countries as a result of the accumulation of I.M.F. Development units among themselves (i.e. developed countries), Development Units accruing to advanced countries would not normally be eligible for the settlement of payments deficits among advanced countries themselves. Instead these monies could be used by manufacturing countries to purchase goods and services in developing countries.¹⁰ Or if the entire sum of Development Units cannot be spent in the developing countries, the unspent balance, after a given period, would be deposited at the I.M.F. who would pay a stated interest on these balances. The interest rate paid would move inversely with these balances—the higher the balances the lower the interest rate, on the basis of a previously determined range—the aim being to discourage excessive accumulation of I.M.F. balances and to encourage advanced countries to purchase in developing countries with which they have payments surpluses. Development Units would not be convertible into gold.

It may so happen, however, that an advanced manufacturing country is in surplus with a developing country (countries), but is in deficit with its fellow manufacturing countries. (It is unlikely that such a situation would be the general rule, because if a manufacturing country is competitive enough to sell in developing countries it would sell in the advanced markets too—unless of course such markets are protected).¹¹ In these cases, the deficit country should be able to use part of the Development Units it earns to settle its payments deficit with the advanced countries. Advanced countries that are in turn in deficit with a developing country (countries) should be able to buy these Development Units for settlement of their deficits. In those cases where a country or group of countries is in surplus with both developed and developing countries and, therefore, has a stock of accumulated Developed Currencies and Development Units, such a country would have to re-lend these balances to the International Monetary Fund and will in return be paid interest; the interest rate moving inversely with the increase in its overall payments surplus. This would discourage the surplus countries from excessive accumulation of surpluses and at the same time encourage such surplus countries to purchase goods and services in the deficit countries (developed and developing) to the maximum extent necessary to wipe out the surplus.

10. The idea behind thinking in terms of Development Units is the 'multilateralization' of bilateral surpluses. For example, if Germany incurred a surplus in her trade with Ceylon, but found it impossible to liquidate her surplus by buying Ceylon goods, the I.M.F. Development Units paid to Germany could be used to buy other goods (say textiles) from India or tin from Malaysia.

11. G.D.A. MacDougall, British and American Exports: A study suggested by the theory of Comparative Costs. Part II, *The Economic Journal*, Vol. LXII No. 247, September, 1952, pp. 486-521.

The proposals as set out above merely conform to a theory of Reciprocal Trade, viz. one providing the maximum incentive for the surplus (advanced) countries to increase their purchases from their deficit (developing) trading partners. It has in fact often been argued that a significant part of the payments problems of under-developed countries can be alleviated if protectionist policies pursued in advanced countries are moderated or eliminated. For example it has been shown that in a few major West European countries the taxes on tropical beverages together with the tariff rates imposed resulted (until recently) in a total level of tax incidence amounting to more than 100 per cent of the ad valorem equivalent of the commodities concerned. The severity of such taxation progressively increased with the degree of manufacturing content. Thus, industrial raw materials and semi-manufactures suffered discriminatory tariff treatment according to the stage of processing. As regards manufactured and semi-manufactured exports from developing countries, however, it was observed that industrialized countries placed "some of the most serious obstacles in respect to those simple manufactures which the less developed countries by reason of the availability of raw materials, man-power and skills were best fitted to produce".¹²

A few years ago Mr. Maxwell Stamp put forward a Plan for increasing the liquidity of under-developed countries.¹³ The 'Stamp-Plan' as it came to be known, proposed that the International Monetary Fund be authorised to create 'Gold Certificates' to the value of \$ 3 billion, such certificates to be farmed out to under-developed countries, for purchasing capital equipment from industrial countries. The Stamp Plan was criticised on a number of grounds, the more fundamental of which were that being 'Gold Certificates' they could technically be encashed at the Fund by industrial countries who did not want to use them. Such encashment would seriously reduce the freedom of the International Monetary Fund and reduce its resources of gold and convertible currencies.¹⁴

The Plan discussed in the present Paper, however, differs from the Stamp Plan in four ways. In the first place it makes the availability of Development Units conditional upon the implementation of development plans and is intended to bridge only the estimated 'Basic Deficit' in the Balance of Payments and ensure the distribution of liquidity among developing countries on a rational basis. Secondly, Development Units would not be convertible at the I.M.F. into gold, thus not diminishing the I.M.F. reserve of gold. Thirdly, Development Units unlike 'Gold Certificates' in the Stamp Plan would not

12. *General Agreement on Tariffs and Trade, Programme for Expansion of International Trade, Special Report of Committee III*, Geneva, 1962.

13. Maxwell Stamp, *The Fund and the Future*, *Lloyds Bank Review*, 1958.

14. Harry G. Johnson, *International Liquidity — Problems and Plans*, *The Malayan Economic Review*, Vol. VII No. 1 April, 1962 p. 9.

normally be available for settling intra-advanced country indebtedness and thereby broadcasting any potential inflation among developed countries—an implied criticism of the Stamp Plan.¹⁵ Fourthly, the proposal indicated in the present paper seeks to encourage developed countries to reduce their surpluses in trade and payments with developing countries by increasing their purchases of goods and services and by eliminating protective tariffs, quantitative restrictions and excise levies.

IV

It should be recognised at once that none of the proposals outlined in this Paper can be worked without the close co-operation of the advanced countries. There are on the other hand a number of common advantages for developed and developing countries alike arising from a Scheme such as (3) above. The potential advantages to both groups may be summarised as follows:—

- (i) it will gradually solve the world liquidity problem as presently understood by developing countries, viz. a chronic shortage of liquid international reserves to finance payments deficits.¹⁶
- (ii) it will induce all those developed manufacturing countries with an interest in exporting machinery and other durable goods to developing countries to play their part in reducing the balance of payments difficulties of their less developed partners in international trade, by increasing the level of their imports from developing countries. Co-operation on these lines was one of the key factors responsible for the successful working of the European Payments Union and the implementation of the O.E.E.C. Liberalization Programme.¹⁷
- (iii) it would gradually usher in the period when advanced manufacturing countries reduced tariffs, quantitative restrictions and excise levies on goods imported from developing countries. There is considerable theoretical justification on grounds of economic welfare for the richer trading partners to refuse to discriminate against poorer trading groups.¹⁸ On empirical grounds there is considerable evidence that the elimination of such discrimination on the part of advanced countries would result in a considerable expansion of the exports of developing countries.¹⁹

15. Fritz Machlup, Plans for International Monetary Reform, *Special Papers in International Economics*, No. 3, International Finance Division, Princeton University, N.J., August, 1962, p. 33.
 16. B.K. Madhan, Problems of International Economic Policy, *Indian Economic Journal*, January 1962.
 17. R. Triffin, *Europe and the Money Muddle*, 1959.
 18. J.M. Fleming, On making the Best of Balance of Payments Restrictions on Imports, *Economic Journal*, Vol. LXI No. 241, March 1951, pp. 48-71.
 J. Meade, The Theory of International Economic Policy, Vol. II *Trade and Welfare* London, 1955, Ch. XXXIV pp. 545-563.
 19. *General Agreement on Tariffs and Trade, Trends in International Trade* Geneva, 1959.

- (iv) it would provide advanced countries with an important weapon against cyclical recessions in activity, since under these proposals overseas demand would be continuously maintained.
- (v) it would tend to moderate or eliminate the tendency for some countries to consistently accumulate surpluses to the detriment of international liquidity.
- (vi) it would be a manifestation of a more enlightened spirit of world co-operation and thereby reduce the potential unrest generated by a continuation of a system where riches and poverty exist side by side in a closely integrated world.

V

However, let us face the prospect that there are poor chances of schemes such as those propounded in this paper being accepted by the advanced countries. In that case, what alternative is there for the developing countries? We believe that the position is not entirely hopeless, but an alternative policy will have to take note of the structural trade problems facing the developing countries. Thus in so far as the developing countries attribute their liquidity problems to a failure of their exports to rise to levels sufficient to match their import requirements because of either restrictive trading practices, low income and price elasticity of demand, import substitution in respect of raw materials or changes in factor proportions in the production function of the advanced countries, the most prudent long term solution for these developing countries, would be to remove themselves from the trading orbit of the great advanced countries and reorbit themselves in a constellation comprising only countries of a similar level of economic development. As we foresee things the separate Economic Unions of developing countries should endeavour to unite in due course into one single free trade area to be underpinned by a Central Clearing Mechanism with capacity to create short term credit and worked on lines similar to the former European Payments Union. Looked at in a static sense the developing countries are still dependent on the advanced countries for their major share of capital goods but looked at in a dynamic sense there seems to be absolutely no serious impediment in the long run to developing countries looking among themselves for sources of capital goods necessary for the growth process.

Pure theorists of international trade may argue that this is essentially a second best solution—the consumers' welfare is reduced. Whereas under the present system the consumer in developing countries can obtain the very best and the highest quality goods produced with the most advanced technology in the very advanced countries (if he has the foreign exchange to pay for it of course!), under a system of Economic Union among the developing countries

the consumer would have to purchase a probably less perfect product made with less perfect technology. But it is this characteristic of the classical trade theory based on the so called law of comparative costs that is its greatest weakness today. This theory with all its indifference curve analysis and concepts of higher position on the production possibility curve and higher consumption levels concentrates solely on the benefits conferred in terms of consumer welfare. Classical trade theory does not provide us with solutions to the problems of increasing production, employment and consumption in the context of stagnant exports and the need for import substitution.²⁰ In terms of the theory developed by Professor Albert Hirschman, the export sectors of developing countries are not corresponding to the growth sectors of the developed economies.²¹ We suggest, therefore, that following the philosophy of the late and distinguished Cambridge economist Sir Denis Robertson we should endeavour to avoid competing with the great countries in world trade for scarce Dollars or scarce Sterling or scarce Deutsch Marks. Instead we should direct our endeavours towards mutual trade with lesser mortals at similar stages of economic growth.²² If by economic cooperation among developing countries it would be possible in the long run for a country like Ceylon to obtain less than top level goods from abroad but be nevertheless able to export and earn sufficient exchange to finance all the necessary imports of capital and consumer goods required by the nation and is thereby able to achieve full employment of resources, such a country would probably be better off than she would be in a situation such as the present where she has the choice of obtaining high quality goods but due to a stagnant export economy she is unable to generate sufficient earnings from exports to finance all her requirements of imports and to ensure full employment of resources. But at this stage of the discussion we are proceeding into the trade creating second best argument for Economic Union. This aspect had better be left for later investigation.

APPENDIX

The Tables in the Appendix provide interesting information on the trends in international trade of the developed and under-developed Countries and the distribution of international liquidity among these two groups.

Table I — Between 1952-54 and 1962, in Value terms, the developed countries fared infinitely better than the under-developed countries.

20. *Hiroshi Kitamura*, "Foreign Trade Problems in Planned Economic Development" International Economic Association. *Economic Development with special reference to South-East Asia*, 1964, p. 193.

21. *Albert O. Hirschman*, *The Strategy of Economic Development* 1960.

22. The feasibility of such co-operation has been persuasively argued recently. **United Nations**, Economic Development and Planning in Asia and the Far East, "The Scope for Regional Economic Co-operation", ECAFE Bulletin Vol. XII, No. 3, December, 1961, pp. 52-75.

Total exports of developed countries increased by 77 per cent whereas total exports of under-developed countries increased by only 36 per cent.

Total exports of primary products by developed countries increased in value by 49 per cent while the same exports of under-developed countries increased by only 33 per cent. In regard to manufactures exports, developed countries showed an increase of 92 per cent while under-developed countries exports of manufactures increased by only half as much, i.e. by 59 per cent.

As regards trade between developed and under-developed, developed countries total exports to under-developed countries increased by 43 per cent, whereas under-developed countries exports to developed countries increased by 36 per cent.

Table II — The total value of trade of developed and under-developed countries increased from \$74.7 billion in 1952-54 to \$ 128.5 billion in 1962-63. Developed countries increased their receipts from \$53.3 billion to \$98.1 billion, but under-developed countries increased their share by only \$9 billion from \$21.3 billion to \$30.4 billion. Hence the share of under-developed countries declined from 28 per cent to 24 per cent.

In volume terms the developed countries increased their exports by 81 per cent between 1952-54 and 1962-63. The volume of exports from under-developed countries increased by only 61 per cent over the same period.

Export prices of developed countries increased by 2 per cent over the period 1952-54 and 1962-63. Export prices of under-developed countries fell by 11 per cent over the same period.

Table III — Over 90 per cent of the Gold reserves are held by developed countries. Over the ten years 1953-63 developed countries increased their share of the World's gold from 91 per cent to 93 per cent.

As regards the total reserve position, the developed countries increased their share from 78 per cent in 1953 to 82 per cent in 1963. Correspondingly, the total reserve position of developing countries declined from 22 per cent in 1953 to 18 per cent in 1963.

I am grateful to Dr. A. Maizels of the National Institute of Social and Economic Research, London, for giving me permission to use data contained in an Article printed in the *National Institute Economic Review*, No. 28 of May, 1964.

TABLE I

Main Flows of World Trade in 1962, and changes from 1952-54

	Exports in 1962				Change from 1952-54 (b)	
	Developed Countries	Under-Developed Countries	Soviet Area (a)	Total	Developed Countries	Under-Developed Countries
Food, beverages and tobacco	13.6	8.4	2.4	24.4	+ 57	+ 11
Crude materials ..	10.9	7.4	2.4	20.6	+ 47	+ 18
Fuels ..	3.8	8.8	1.9	14.5	+ 30	+ 87
Total, primary products	28.3	24.5	6.7	59.5	+ 49	+ 33
Manufactures ..	64.7	4.2	10.4	79.3	+ 92	+ 59
Total (c)	94.4	28.9	17.3	140.6	+ 77	+ 36
of which to:						
Developed countries	67.3	20.8	3.1	91.3	+ 96	+ 36
Under-developed countries	21.1	6.3	2.0	29.4	+ 43	+ 18
Soviet area ..	3.4	1.5	11.7	16.5	+ 282	+ 305

Source : *Monthly Bulletin of Statistics*,
United Nations, New York.

(a) Excluding trade between China, Mongolia, North Korea and North Vietnam.

(b) Details of exports from Soviet countries in 1952-54 are not available.

(c) Including special category, exports from United States and ships' stores and bunkers which are not included in the exports by destination, and including miscellaneous commodities not classified as primary products or manufactures.

TABLE II

Trends in exports from developed and under-developed areas

	1928	1938	1950-51	1952-54	1958-59	1960-61	1962-63
	\$ billion						
<i>Value</i>							
Developed areas ..	22.6	15.2	44.6	53.3	73.3	87.8	98.1
Under-developed areas ..	9.1	5.9	21.6	21.3	25.2	27.5	30.4
Total ..	31.7	21.1	66.2	74.7	98.5	115.3	128.5
Under-developed as per cent of total..	29	28	33	28	26	24	24
	Index Numbers 1952-54 = 100						
<i>Volume</i>							
Developed areas ..	76	67	84	100	140	165	181
Under-developed areas ..	87	92	98	100	128	142	161
Total ..	80	74	88	100	136	158	176
<i>Unit Value</i>							
Developed areas ..	56	43	100	100	98	100	102
Under-developed areas ..	49	30	103	100	93	91	89
Total ..	53	38	101	100	97	98	97

Source : Statistical Year-Books, United Nations, New York; *Monthly Bulletin of Statistics*, United Nations, New York; *International Trade* 1958, GATT, Geneva 1959; *Review of World Trade*, 1938. League of Nations Geneva, 1939; and estimates by NIESR.

TABLE III
Distribution of International Liquidity* 1953 and 1963

GROUPS	VALUE (\$ Million)						PER CENT SHARES			
	1953			1963			1953			
	Gold	Foreign Exchange	Total	Gold	Foreign Exchange	Total	Gold	Foreign Exchange	Total	Gold
All Countries ..	34,320	18,961	53,281	40,210	28,995	69,205	100	100	100	100
Developed Countries** ..	31,134	10,216	41,350	37,460	19,249	56,709	91	54	78	93
Developing Countries*** ..	3,185	8,749	11,934	2,745	9,751	12,496	9	46	22	7
										34
										18

Source : International Monetary Fund, International Financial Statistics.

* Excluding I.M.F. Credit Tranches, Balances at European Payments Union, European Fund, Bank for International Settlements.

** North America, Western Europe, Japan, Australia, New Zealand and South Africa.

*** Latin America, Middle East, Asia, Africa.

TRENDS OF URBANIZATION IN CEYLON 1901-1953

B. L. PANDITHARATNA

The term urban used in contrast to rural implies certain differences. An urban area has a compact form, characterized by the pattern of buildings, street system and component open spaces. Second, it has a dense population which is revealed by the varying spatial arrangement of residential types. Third, its way of life linked with commerce, business, governmental administration and industry is different to the rural economies.

Urbanization considers those factors associated with the emergence, growth, development, spread of towns and their related socio-civic affairs. Some of these factors influencing a concentrated pattern of settlement are tied up with the economic opportunities of the towns, availability of civic facilities, amenities and utilities, all those providing a better urban milieu than found in the rural areas. Consequent on these attractions, the urban habitat responds both in internal reorganisation seen in the differentiation into morphological areas, (those of the core and integuments) changing urban land uses, rising land values and different spatial patterns specific to each morphological zone, and also in areal growth and expansion. A town functions as a service centre exemplifying a degree of functional concentration and magnetism which interact on the surrounding areas, referred to as 'the field'. The study of urban areas has to consider broader areas than those circumscribed by municipal, urban or town boundaries.

The term urban, however needs clarification in the Ceylonese context. There are two reasons. First, the term varies in its content from country to country; for instance, The Netherlands and Italy consider as urban only the administrative municipalities of 20,000 people or more; Switzerland, communes of more than 10,000 inhabitants; India and Cuba, more than 5,000 people; France and Germany, over 2,000 people; New Zealand and Canada, more than 1,000 people.

In Ceylon, similar to that of England and Wales, no definite number of people is required. Ceylon accepts as urban areas, municipalities, urban councils and town councils, classified for local governmental administration. In the absence of definite criteria, the Minister of Local Government has discretionary powers either to declare any area to be a municipality, (Municipal Ordinance No. 29 of 1947) or to declare any area a town for which an urban council may

be constituted, (Urban Councils Ordinance No. 61 of 1938) or any area a town for which a town council may be constituted. (Town Council Ordinance No. 3 of 1946). The Ministerial discretion seems to be based on 'the nature of the development or its amenities and urban character'. These are not defined and are vague. Although the built-up areas and character of building development (texture) of such areas vary in extent and intensity from one town to another, these details about nature of development of townscapes are not weighted sufficiently. Electricity seems to be the only available utility that makes the town area more capable of development than rural areas where it is lacking. Except Jaffna, all the other municipalities have water service. But, only 12 out of the 35 urban councils and 8 out of 38 town councils making a total of 28 out of 81 towns have water service.¹ It appears that this utility has not been given due weightage in the recognition of urban areas or in an urban classification. Drainage and sewerage arrangements are hopelessly inadequate in most towns. The developed nature and urban character seem to be ascertained not based on substantive criteria, but mere access of the locality, availability of electricity and perhaps on personal factors.

Certain anomalies may be pointed out. Often, towns having similar populations, identical morphological features and functional roles are classed differently, or dissimilar towns placed in the same category. Colombo, the capital city with a population of 426,127 (in 1953) is classed as a municipality, so also is Nuwara Eliya with only 12,778 people. Welimada, one of the smallest collecting centres with a population of 520 is raised to town council status, comparable to, but certainly not in size or functional role and importance to Point Pedro or Kalmunai with populations more than 10,000 in each respectively.

Some factors influencing urbanization and growth of urban population, 1901-1953

The growth of Ceylonese towns in the 19th and 20th centuries and urbanization in general were the outcome of British policy. The port-capital city, Colombo eclipsed all the other port-towns that thrived in commerce and business during the 17th, 18th and 19th centuries. The construction of the break-waters and harbour facilities in Colombo (1866 onwards) coupled with the economic improvement and progress of its hinterland and the fact that it became the route plexus, account for an unprecedented growth momentum.² Colombo harbour only could accommodate the modern steamers of the 20th

1. Details from Appendix XI, p. 488-490. Local Government Commission Report *Ceylon Sessional Paper*—33, 1955.

2. B.L. Panditharatna, The Harbour and Port of Colombo: A Geographical Appraisal of its Historical and Functional Aspects. *The Ceylon Journal of Historical and Social Studies*, Vol. 3, No. 2, 1960, pp. 128-143.

century, consequently the port functions of the other port-towns declined. But, some along the western coast continued to grow up as residential, socio-civic and administrative centres; (Galle, Matara, Kalutara and Negombo). Those along the north-west and east coasts declined. (Chilaw, Puttalam, Kalpitiya, Mannar and Batticaloa). Trincomalee was chiefly a British naval base, its growth and decline tied-up with Imperial commitments of the East, specially the World Wars.

Roads and railway development which improved internal access led to the growth of several 'Junction-towns' of varying sizes and functional importance. Some historic towns of the Northern Plain experienced a phase of revival associated with the restoration of irrigation works, and archaeological monuments and these developed as civic centres and headquarters in the drive towards the rehabilitation of the once neglected Dry Zone.

Plantation industry explain the growth of several collecting and distribution towns. The centralization of 'kachcheri administration' in provincial capitals and district centres stimulated the growth of several towns with governmental functions.

In a compact and small country like Ceylon, a pattern of town distribution thus evolved. The spacing between the towns was fairly regular and short, about 10 to 20 miles in the South-West region, less than 10 miles in the Jaffna Peninsula and about 20 to 30 miles in the least urbanized North-Central, North-Western, Uva and Sabaragamuwa provinces.³

TABLE I

Variations in the Total and Urban Population of Ceylon, 1901-1953

	1901	1911	1921	1931	1946	1953
Total						
Population ..	3,565,954	4,106,350	4,497,854	5,306,863	6,657,339	8,098,637
Urban						
Population ..	414,024	542,945	637,870	737,272	1,023,042	1,473,985*
Urban percent- age to the Total	11.6	13.2	14.2	13.9	15.3	18.2

* (Inclusive of the population of the town councils).

3. B.L. Panditharatna, A Geographical Description and Analysis of Ceylonese Towns *The Ceylon Journal of Historical and Social Studies*, Vol. 4, No. 1, 1961, pp. 71-95,

In 1901, the urban population enumerated in 28 towns was 414,024 amounting to 11.6 per cent of the total population. (Table I). This has increased in 1953 to 1,473,985; about 18.2 per cent contained in some 81 towns. Although, there has been a general increase of the urban population, the percentage of urban to total population has changed little. The growth of rural population has kept pace with that of urban population.

The increase of urban population was tied up with four factors :—

- (1) In-migration to urban areas, especially during the period 1901-1930.
- (2) Natural increase in urban areas, especially after 1931.
- (3) Extension of town limits.
- (4) Creation of new towns by raising to town council status.

The first phenomenon may be studied in respect of Colombo city. By 1901, the population of Colombo was 154,691 giving an average density of 25 persons per acre. In 1953, the population had almost trebled to 426,127, but the average density had only doubled to 50 persons per acre.⁴ From 1901-1911, Colombo's rate of increase 36.6 per cent was more than double the island's rate, obviously related to the general trade prosperity of the island. From 1912-1921, the rate of increase dropped to 15.6 per cent, when the effects of the dislocation of trade and commerce caused by World War I were being felt. In the period 1932-1953, the rate of increase was more than double the island's rate, largely owing to general improvement in sanitation and drainage, and the availability of better medical facilities in the city. Endemic diseases (plague, cholera, typhoid, dysentery) were controlled by quarantine and immunization measures; clinics for child and maternal welfare were established; and the use of modern drugs explain the natural increase of the city's population.

During the period 1901-1921, there was a higher death rate, 33 per thousand than the birth rate, 23.1 per thousand. But, there was a numerical increase which therefore has to be explained in terms of in-migration. It is estimated that during 1901-1911, increase of population due to in-migration amounted to 66,204; during 1912-1921, in-migration increase was 37,602. From 1922-1931, the birth rate increased to 30.8 per thousand, but the death rate showed a downward trend, about 30 per thousand, thus recording a natural increase of 3,276 persons for the first time. After 1931, the birth rate has risen to 30.7 per thousand but the death rate fell sharply to 10.3 per thousand. The infant mortality rate was also reduced to 78 per thousand births. The increase of urban population after 1931 was more the result of births exceeding deaths.

4. For details see, *Demography of Colombo* Monograph No. 2, Department of Census and Statistics, Colombo, 1954.

Extension of town limits in connection with the reorganisation of wards, or new delimitation of town boundaries also accounted for increase of urban population. For instance, owing to the expansion of Colombo city southwards (the Southern Ward) in 1931, an increase of 36,725 persons was recorded. Similarly, Galle, Kandy, Jaffna, Kurunegala, Negombo and several district towns have increased their total population. The number of towns (based on census enumeration) has also increased from 28 in 1901 to 37 in 1911, to 42 in 1921 and 1931, to 43 in 1946 and 81 in 1953.

Analysing the percentage rates of increase of urban population of selected towns for the period 1901-1953 as a whole, three categories may be grouped.

I. Those towns recording a very high percentage increase, more than 200 per cent.

(a) those towns around Colombo; especially Dehiwala-Mount Lavinia, Kolonnawa and Kotte.

(b) regional centres such as Ratnapura (Sabaragamuwa) and Anuradhapura (North Central Province).

II. Those towns recording a high increase, more than 100 per cent.

(a) regionally, those around Colombo; such as Moratuwa, Wattala-Mabole, Ja-ela, Gampaha, Avissawella.

(b) provincial centres such as Kandy (Central Province), Jaffna (Northern Province), Badulla (Uva), and Kurunegala (North-Western Province).

(c) district centres such as Matara, Nuwara Eliya, Matale and Trincomalee.

III. Those towns recording a moderate growth, below 100 per cent. Provincial centres of Galle (Southern Province) and Batticaloa (Eastern Province) and the district towns of Negombo, Kalutara and Puttalam.

Whereas most of the towns show a steady and progressive increase, Negombo, Moratuwa, Galle, Trincomalee, Puttalam and Batticaloa show intercensal decreases.

TABLE II
Inter-Censal Decreases in Urban Population

			1901-1911	1912-1921	1922-1931	1946-1953
Negombo	..	..	-34.6			
Moratuwa	..	..	- 7.9			
Galle	..	..		-2.2	-1.7	
Trincomalee	..	..	-21.8			-18.9
Puttalam	..	..			-2.8	
Batticaloa	..	..		-1		

The very high percentage to moderate increases of urban population and consequent town growth are connected with fluctuations of the trade cycle. The trade of the Port of Colombo tied up with the export-import economy was a major stimulus. The towns are essentially trading centres engaged in collecting and distributing activities; the industries evolved are processing raw materials of 'food, drink and smoke' and light consumer type. Trade and industry account for the growth and prosperity of the towns. Thus when prices rise of those commodities collected and distributed through the towns and exported through Colombo, they prosper, and when prices fall, they seem to be depressed.

In a ranking of towns based on population numbers as enumerated for different censuses, Colombo occupies an unique and unrivalled premier position since 1871.

Colombo's dominance in the urbanization of Ceylon is an unquestionable fact. It is in every respect a primate city. By comparison, none of the Municipalities of Galle, Kandy and Jaffna have a population exceeding 100,000. Besides, they have inter-changed their ranks during this period. Trincomalee, for example was sixth in rank up to 1891, but descended to fourteenth and fifteenth places in 1921 and 1931 respectively. By 1946, it ascended to the eighth place and by 1953, once again it has descended to the tenth place in the town hierarchy.

The urban population in 1953

In 1953, an urban population of 1,473,985 was distributed in about 81 towns. These were classed into 8 municipalities (excluding the recently raised Municipalities of Badulla and Matale), 35 urban councils and 38 town councils. These towns are presented in *Table IV* based on size of population and status.

Nearly a third of the entire urban population is in Colombo (*Table III*). Colombo and 28 towns account for nearly 80 per cent of the total. The balance 20 per cent is distributed in 17 sub-towns and 36 townlets.

The Colombo District contains nearly half the entire urban population; the Jaffna about 18 per cent; the Kandy, Kalutara and Galle Districts about 5-7 per cent; the Kegalla, Vavuniya and Mannar Districts have less than 1 per cent. The Colombo District has the highest ratio of 42 per cent of its population classed as urban; the Trincomalee District has more than 30 per cent; the Jaffna and Puttalam more than 20 per cent; the Badulla, Kegalla, Ratnapura and Kurunegala below 5 per cent. (*Fig. 2*). In the Colombo District, 1 out of every 3 live in towns. In the Jaffna District, 1 out of every 5 live in towns. Trincomalee's urban population solely accounts for the high urban ratio in that district. Similarly Puttalam, although the total urban populations are quite

TABLE III

Variations in the Urban Population of Ceylon 1901—1953 (According to classes of Towns)

Classes of Towns	1901			1911			1921			1931			1946			1953		
	No. of Towns	Urban Pop.	% of Urb. Pop.	No. of Towns	Urban Pop.	% of Urb. Pop.	No. of Towns	Urban Pop.	% of Urb. Pop.	No. of Towns	Urban Pop.	% of Urb. Pop.	No. of Towns	Urban Pop.	% of Urb. Pop.	No. of Towns	Urban Pop.	% of Urb. Pop.
I. More than 100,000	1	154,691	37.4	1	211,274	39	1	244,163	38.2	1	284,155	38.5	1	362,074	35.4	1	426,127	29
II. 100,000 to 50,000	—	—	—	—	—	—	—	—	—	—	—	—	4	221,388	21.6	6	383,038	26
III. 50,000 to 20,000	4	127,020	30.7	4	137,581	25.3	6	189,282	29.7	6	213,267	29.1	5	177,121	17.3	6	154,727	10.5
IV. 20,000 to 10,000	4	54,462	13.2	6	79,100	14.6	6	76,384	12	9	118,636	16	13	174,598	17	16	213,150	14.5
V. 10,000 to 5,000	6	40,099	9.7	14	89,692	16.5	12	90,138	14.1	12	91,754	12.4	7	46,711	4.5	16	203,982	13.8
VI. Below 5,000	13	37,742	9	12	25,296	4.6	17	37,903	6	14	29,460	4	13	41,150	4.2	36	92,961	6.2
TOTAL	28	414,024	100	37	542,945	100	42	637,870	100	42	737,272	100	43	1,023,042	100	81	1,473,985	100

TABLE IV

Town Size and Status

Population size		Number of Towns	Municipality	Urban Council	Town Council
I —	More than 100,000 (city)	1	Colombo		
II —	100,000-50,000 (sub-city)	6	Dehiwala, Mt. Lavinia, Jaffna, Kandy, Galle.	Moratuwa, Kotte	
III —	50,000 - 20,000 (major towns)	6	Negombo	Matara, Trincomalee, Kolonnawa, Panadura, Kalutara	
IV —	20,000 - 10,000 (town)	16	Kurunegala Nuwara Eliya	Anuradhapura, Batticaloa, * <i>Matale</i> , * <i>Badulla</i> , Ratnapura, Wattala, Weligama, Beruwala, Chilaw, Gampola, Ambalangoda, Puttalam	Pt. Pedro Kalmunai
V —	10,000 - 5,000 (sub-towns)	16		Gampaha, Kegalla, Nawalapitiya, Tangalle, Hattton, Dickoya.	Kattankudy, Wadduwa, Eravur, Dondra, Chavakachcheri, Kankasanturai, Mannar, Balapitiya, Alutgamveediya, Velvettiturai Matugama
VI —	5,000 - 2,000 (town-let)	22		Awisawella, Balangoda, Bandarawela, Hambantota, Horana, Ja-ela, Kuliyaipitiya Talawakelle- Lindula	Alutgama, Dondaduwa, Hikkaduwa, Kayts, Madampe, Manipay, Passara, Piliyandala, Polgahawela Rambukkana, Samanturai Vavuniya, Veyangoda, Welimada.
VII —	Below 2,000 (small town-let)	14		Haputale, Kaduganawa, Wattegama	Beliatia, Kochchikade, Kalpitiya, Kekirawa, Minuwangoda, Mullativu, Pusselawa, Rakwana, Rattota, Teldeniya, Watugedera.

* (Raised to Municipal status very recently, 1963).

small. The Up-country Districts of Nuwara Eliya, Matale, Badulla, Kegalla and Ratnapura; and the Dry Zone Districts of Anuradhapura, Hambantota and Kurunegala have very small urban populations in relation to their total population.

Urban spatial relationships

It is also necessary to glance at urban spatial relationships: firstly the differentiation into morphological areas, that of core and integuments, divisible also into an inner and outer zone; secondly, to what extent this differentiation has a bearing on population and housing densities.

Colombo and the other major townscapes, namely Galle, Kandy, Jaffna, exemplify a differentiation into distinct morphological areas. Multi-storey block development characterizing a tightly woven texture is the pattern in the core of Colombo;⁵ its surrounding inner-mixed zone has an assortment of building sizes and mixed uses, followed by an outer zone of different residential types and spatial associations. The core areas of the other townscapes have predominantly ground floor contiguous blocks with few one-storey or two-storey intrusions. Competing land uses and high rentals have to a large extent dispersed residential uses from Colombo's core, whereas in the other townscapes the cores are more congested and residential use is yet prominent. In the minor townscapes, the cores resembling the Junction-centres with commercial functions merge into loosely woven residential outer zones.

For a general comparison of population density, the average densities are presented below grouped into four categories (Table V).

TABLE V

<i>Average density</i>	<i>Towns</i>
I — above 50 persons per acre or 32,000 per sq. mile	Colombo city
II — above 16 persons per acre or 10,000 per sq. mile	Dehiwala-Mount Lavinia, Kolonnawa, Moratuwa and Matara.
III — above 8 persons per acre or 5,000 per sq. mile	Kandy, Galle, Jaffna, Negombo, Panadura, Kalutara, Matale and Trincomalee.
IV — below 8 persons per acre or 5,000 per sq. mile	Anuradhapura, Hambantota, Puttalam, Badulla and Ratnapura.

5. B.L. Panditharatna, Colombo Townscape: Some Aspects of its Morphology, *University of Ceylon Review*, Vol. XIX, No. 1, 1960, pp. 45-56.

These average densities do not reveal the real pressure of both housing and population. For instance, although the average density of Colombo is 50 persons per acre, in the inner-mixed zone adjacent to Pettah, in the Wards of Kochchikade, Aluthkade, Hulftsdorp, Slave Island and Maradana, the density is more than 400 persons per acre. In certain areas the pressure, exceeds even 1000 persons per acre. Such high densities are a reflection of low living standards and poor environmental conditions. Often a family of 5 to 6 is huddled in one room in the contiguous lines or tenements.⁶ The congestion of this zone eases outwards to an area of contiguous and compact houses in Mutwal, Maradana and Hunupitiya followed up by detached cottages and mansion like houses with ample front and rear gardens so typical of Cinnamon Gardens and Thimbirigasyaya. The slum quarters to some extent are redeveloped into tenement quarters and workmen's housing schemes. These and first class housing districts are a visible feature in the major townscapes. There is also a degree of sorting and selection eventually resulting in segmentalization either on an occupational (class) or communal bases. Silversmith Street, Barber Street, Brassfoundry Street in Colombo; Chernier Theru (Weavers Street), Kannar Theru (Bronzesmith Street), Vannar Ponnai (Dhoby quarter) in Jaffna reveal their original functional relationships. Moor Street, Chetty Street, Kochchikade and Wellawatta show communal affiliations with the Moor, Chetty, Cochin Tamils and Jaffna Tamils respectively. Similarly, Maha Hunupitiya in Negombo and Talpitiya in Galle are predominantly Muslim districts; and Asgiriya in Kandy an Indian Tamil area. Sorting and segmentalization are inherent social phenomena; after all, birds of a feather tend to flock together.

Urbanization and Housing

The impact of urbanization is acutely felt in the shortage of houses and consequent congestion. Population is increasing at a high rate and to accommodate this there are two possible solutions; the construction of multi-storey residential flats, or deconcentrate housing from congested areas and settle them in the suburbs. High-storey compact flats are subject to certain disadvantages because of tropical climatic conditions, the large size of working class families, kith and kin attachments and low income levels. Perhaps, in a tropical setting, dormitory suburbs retaining the features of 'garden city' are more desirable.⁷ But this is utopian, unless public transport is improved to serve effectively these expanded dormitory areas.

6. The present day slums more or less occupy the same locations as those shown about 24 years ago. See, S. Fernando, O.T.F. Senaratna and O. Weerasinghe, *City of Colombo: Slum Clearance and Rehousing Programme*, Colombo, 1941.

7. Dispersion of institutional, residential functions and industry is one of the main themes of Sir Patrick Geddes in *Town Planning in Colombo: A preliminary Report*, Colombo, 1921 and also of Sir Patrick Abercrombie in *The Colombo Regional Plan*, Colombo, 1947.

Housing shortages and congestion are felt more in Colombo than in other towns. It has, however tackled the problem in several ways. The Ministry of Housing has constructed multi-storey residential flats at Bambalapitiya, and Torrington Avenue mainly for the middle class; at Wolfendhal-Armour Street for the working class. Several municipal housing schemes have been constructed for the low income groups at Kochchikade, Wanathamulla, Prince of Wales Avenue, Maligawatta, Rajamalwatta and Kirillapone. Several multi-storey flats are been planned to ease the congestion in crowded slum like quarters. The Police Department has its own housing schemes, mostly multi-storey blocks at San Sebastian, Slave Island, Parsons Road, Maradana, Bambalapitiya and Havelock Town. The Railway Department has its one-storey cottages at Mount Mary and Dematagoda. The Colombo Port Commission has its housing scheme at Bloemendhal. Several privately owned multi-storey residential blocks namely Regents, Bours, Galle Face Court, Yalta, Bogala, Spathoda, Borella and Maradana are rented out to high income groups.

In Kandy, the residential spread which was confined mainly to the arterial roads converging on the town, namely Peradeniya, Katugastota and Hewaheta Roads, is sprawling along the lower slopes of Pitakanda, Bahirawakanda, Hantana and Udawattakele ridges. Anniewatta, Aruppola and Watupola estates have changed into middle class housing areas. Municipal model tenement schemes at Katukele, Dangolla, Deiyanwella and Mahiyawa are for the working class.

Short term and long term housing projects are undertaken by the Ministry of Housing, various local bodies, cooperative societies, private companies and even individuals. But, the demand for houses consequent on population increase is so high that housing seems to be lagging far behind. Population increase and dearth of housing are twin problems baffling both the central and local civic authorities.⁸

Recent trends

Urbanization has an impact on urban land values.⁹ Competing land uses in urban areas tend to spiral up land values resulting in vertical block building construction in the urban core areas and horizontal spreading of housing in the outer zones or suburbs. In Colombo, the very high land values in the Fort (2 to 6 million rupees per acre) and in the Pettah (1 to 2 million rupees per acre) have a deterrent influence on residential land use. Even in the outer zone land values are more than 75,000 rupees per acre except the marshy and lowly-

8. Municipality of Colombo. Mayor's Administration Report *Ceylon Sessional Paper*—16, 1958.

9. The values given are land auction and sales values relevant to the year 1962.

ing areas. Thus residential sprawling to the suburbs is inevitable. Here, land is available for sale on easy hire purchase terms or on loans either Governmental or private. Availability of electricity, water service either pipe borne or well-drawn, public sewage service or private schemes based on the septic tank principle, public bus transport services and the consequent provision of public amenities, utilities and civic services all have favoured the growth of dormitory towns around Colombo; those at favourable junctions have also combined commerce and business.

In the other major towns, residential spread is within town limits because buildable land is available at moderate prices (70-50,000 rupees per acre) in the outer zone wards. In Kandy where flat land is scarce, a different pattern of spatial organization is taking place; residential areas are ascending in tiers along the contour of the ridges which are now made accessible by roads, and provided with electricity and water. In most of the other towns of the South-West Region, land values are about 50-30,000 rupees per acre. The planned strip division into 15-60 perch residential blocks either along the thoroughfares or laid out approach roads seems to be a distinguishing feature in the morphology of these towns. At Anuradhapura, land values have risen phenomenally high, about 60-40,000 rupees in the core and 30-10,000 in the outer districts, since its planned layout and development.

The town-field impact has an essential bearing on urbanization. Commuting is a good index and this can be measured. It is estimated that the commuting movement of Colombo involve about 200-230,000 people daily. Bus transport which is cheaper and more flexible than the railway accounts for 42-44 per cent serving a compact area, defined by the 30 minute isochrone. Railway commuting is restricted to a triangular area defined by Negombo to the north, Gampha to the east and Kalutara to the south. The major provincial capitals of Kandy, Jaffna and Galle and district towns with kacheheri and law courts have a pattern of commuting on a small scale involving a few thousands. Besides daily commuting for jobs, business or education, a visit to the town by the rural folk either for business or pleasure (shopping, cinema, sports events etc.) at least once a week or perhaps more regularly seems to be now a significant social phenomenon.

The spread of urban influences to the countryside has either reactivated a desire in rural folk to be town residents or to reorganise and equip the rural habitat with amenities, facilities and services comparable to those found in a town. In fact, this is a 'fait accompli'. There are a large number of 'urbanized villages' surrounding Colombo, along the South-West Coast, Jaffna Peninsula and around Kandy. Most of these villages have a population of over 5,000, have good road and railway access, are served with electricity, have developed cores at road intersections, and have an equipment of socio-civic institutions.

Most of these are urban in development and character, comparable to most of town councils, although these have not been raised to such status. When these villages are raised to town status, the regional picture of urban areas and urbanization is bound to change very considerably. Further, the University of Ceylon Campus at Peradeniya, the two Pirivena University Campuses (Kelaniya and Gangodawilla), the Gal Oya Development Board Area, and some industrial loci (Ratmalana, Ekala, Kankasanturai, Valachenai, Oruwela, Paranthan, etc.) because of their nature of development and population concentration deserve to be designated as special urban areas.

Town planning in Ceylon is relatively a recent thing. Ceylonese towns have had an unplanned growth exemplifying non-conforming land uses, congestion in certain sectors, haphazard building spread and consequent poor environmental conditions. The task of urban redevelopment by the application of corrective measures is no easy one because such measures are likely to meet opposition from vested interests.

The historic capital of Anuradhapura is undergoing redevelopment in four stages as a 'new town' based on functional zoning into sectors for commerce, residential use, industry, administration, and recreational functions. A 'Sacred Area' is demarcated; the monuments, relics and religious precincts are to be preserved. Similar plans are to be executed for Kataragama, Kelaniya and Mahiyangana. Functional zoning and town-regional planning are bound to ensure an orderly and controlled growth of the towns. Replanning and redevelopment of sectors of old towns by way of demolition of dilapidated and obsolescent buildings, introducing new housing schemes, incorporating open spaces and recreational facilities¹⁰ are also undertaken.

In a compact and small country like Ceylon where towns have emerged at regular and short spacings, their access improved by a network of roads and railways and mobility to and from them improved by bus and railway and to some extent by bicycle, town-village relations are obviously intensified and encouraged. The social and functional impact of towns on surrounding villages is certainly more than suggested by statistical data. The phenomenal increase of population both in the urban and rural areas, the extension of electricity, water service, drainage, the extension of educational, health and civic services to surrounding villages and rural areas, their improvement and availability in these areas, and wide scattering of bus transport are likely to stimulate urban influences resulting in the emergence of new towns. Urbanization is a growing phenomenon and is gaining momentum. It is likely that within 30-50 years, (about 2000 A.D) about 35-40 per cent of Ceylonese may live in urban areas.

10. These aspects of physical planning are entrusted to the Department of Town and Country Planning.

“INDIAN IMMIGRATION TO CEYLON, THE FIRST PHASE C. 1840-1855”—A COMMENT

I.H. Vanden Driesen

Sir James Emerson Tennent was in many ways a truly remarkable person. An enquiring mind brought such depth to his scholarship, and a mastery of language such elegance to his style, that his two volumes on “Ceylon” stand amongst the finest pieces of colonial history produced in the 19th Century. As an administrator he was not an altogether un-mixed success, but he could at least claim that no Colonial Secretary prior to his time —(and perhaps none since) had made a deeper study of the Colony than he. And if any proof other than his books were required, he would need only to direct his questioner to the deeply analytical and carefully prepared despatches sent back to the Home Government between 19th April and 29th May 1847.

But Tennent was ambitious. Aware of his worth, he longed secretly for higher office; and though a Governorship would doubtless have eventually come his way, it was sooner rather than later that he wished to have it. This impatience engendered intrigue, and intrigue in turn proved fatal to his ambition. In a country where he was resented as an “outsider” brought in over the heads of the local Civil Service, he had started off with a host of enemies, and there was thus little likelihood of his shortcomings being overlooked when they were finally laid bare. True, his recall from Ceylon did not end his career in ignominy; he lived to be Secretary of the Board of Trade and to receive a pension and a Baronetcy. Yet, his reputation was sullied, and despite his many admirable qualities, his failings have never been quite forgotten. If we think of him as a genius, we almost always remember that he was in some ways an evil one. In assessing his speeches and reports, we tend almost unknowingly to judge them, not on their individual merits, but after we have looked for some link, however tenuous, with the manoeuvres associated with his attempts at self-advancement.

On reading Dr. K.M. de Silvas’ article “Indian Immigration to Ceylon, the first phase c. 1840-1855” in Volume 4 No. 2 of the *Ceylon Journal of Historical and Social Studies*, I found that though in accord with much that was said, I could not but feel that he had allowed the odium which attaches to Tennent’s name to sometimes influence his interpretation of the Colonial Secretary’s attitude to the subject of immigrant labour. I was left with the impression that whenever there was room for doubt in the writers’ mind he invariably assumed that Tennent’s intentions were questionable, and this predisposition combined with some unfortunate factual errors to present a picture inaccurate enough to prompt me to embark upon this rejoinder.

The case against Tennent is largely founded on his lengthy despatch of 21st April 1847, which sought to explain why labour supplies had fallen so markedly after 1845. Dr. de Silva’s objection to this document is that “the evidence carefully selected and the arguments skilfully marshalled led to one conclusion—the labour crisis of 1846 was the result of the planters’ negligence and ill-treatment of immigrants . . . But Tennent’s despatch concealed as many facts as it revealed”.¹ One of these was the Cholera epidemic of 1845, the severity of which Tennent chose to ignore “for his aim was to focus all attention on the harsh treatment of the labourers”.² Moreover, in order to strengthen his indictment of the planters the Colonial Secretary laid responsibility for the high immigrant death-rate at their door (a) by introducing “... the novel argument that the immigrants arrived in the planting districts in fair or in good health, but returned home so worn out and emaciated by

1. de Silva, K.M.,—Indian Immigration to Ceylon—The First Phase c. 1840—1855, *Ceylon Journal of Historical and Social Studies*, IV (2) p.116.

2. *Ibid.* p. 117.

disease that large numbers died on the journey home, that in fact the death rate on the march was higher on their way home than on their entry into Ceylon"³ and (b) by seeking to mislead the Colonial Office through deliberately submitting a false description of Governmental disbursements upon immigrant medical relief.⁴

Of this host of criticisms, those directed against Tennent's "novel argument" appear to me to be the key to the entire controversy. For if it can be shown that the Colonial Secretary was not mistaken, the other points at issue lose something of their appearance of being part of a grand plot intended to deceive the Colonial Office. They win back their identity as it were, and enable one to assess them in more particularized fashion.

According to Dr. de Silva, the crux of Tennent's "novel argument" had to do with mortality on the northern route. The Colonial Secretary is said to have held the view that returning immigrants were so worn out and emaciated by disease that large numbers died on the journey home. This, I must point out is not altogether accurate. Tennent said nothing about *deaths*—he restricted himself to contrasting the poor physical state of the return labourer with the healthy condition of the new arrival; then used the comparison to imply that the planting body were being untruthful when they claimed that a lack of facilities on the line of march combined with the poverty of the immigrants to produce a high death-rate amongst incoming gangs.

The error however, is not really important. The main question at issue relates to circumstances of which mortality was merely the end result, i.e., was Tennent wrong in holding that incoming labour reached the plantations in a healthy condition, but departed attenuated by disease? Dr. de Silva believes that he was. "Tennent and the other officials" he says "overstated their case; and the . . . planters were to a great extent correct in their assertion that the poverty of the immigrants on their arrival in Ceylon, and the difficulties of the northern road were together greatly responsible for the high death-rate on the march".⁵

What reasons can one adduce for rejecting Tennent's conclusions? Dr. de Silva does so in rather summary fashion. He objects that it was "a difficult argument to maintain" and that "all the evidence...provided in support lay in three reports by Ceylon officials". Then, without even the merest of investigations, he dismisses the reports themselves on the grounds that "...Ceylon officials were not above providing just the evidence necessary to support an official argument, particularly an argument as weak as Tennent's".⁶

Thus has the Colonial Secretary been judged! Not through an evaluation of his views, with proof of their alleged "difficulty" and "weakness"—but with mere disparagement and repudiation. As alternative and more reliable sources of evidence we are referred to the opinions of Dr. Willisford and the Bishop of Colombo, both of whom are said to have made observations (not supplied in detail) sufficiently acceptable to prove that "Tennent and the other officials had over-stated their case".⁷

In a situation of this sort the only course one can reasonably adopt, is to first describe, and then appraise the evidence on which these alternative conclusions rest. To begin with, we might consider in full the origins and nature of the reports on which Tennent so heavily relied. Their antecedents are both relevant and interesting. Governor Sir Colin Campbell was not, as Dr. de Silva would have us believe, concerned with just one aspect of Indian immigration, i.e., "...that the wages paid to these immigrants were higher than they ought to have been".⁸ In November 1846 he complained to the Secretary of State that the planting body "did not contribute in a liberal proportion" towards aiding immigrant labour and expressed the hope "that a sense of their own interests would lead to their being more liberal in future". Should this not occur it was his intention to introduce a district assessment on coffee plantations for the protection and maintenance of immigrant labourers, so that he might "remove the reproach which now applies to their neglect and abandonment".⁹ We have here the earliest expression of Governmental dissatisfaction with labour conditions in the Colony, and it is perhaps worth noting that it was Campbell who blazed the trail which Tennent later trod.

3. *Ibid.* p. 120.

4. *Ibid.* pp. 118-119.

5. *Ibid.* p. 121.

6. *Ibid.* p. 120.

7. *Ibid.* p. 121.

8. *Ibid.* p. 117.

9. C.O. 54. 227. 11th November. 1846—Campbell to Grey.

This was not all. The Governor's next step was to seek a closer understanding of the labour question by launching a careful inquiry into all its facets. On December 21st, 1846 a circular was addressed to a number of Government officials calling upon them to submit all the information they could gather on the condition and treatment of immigrants in the districts over which their jurisdiction extended. It is clear that Campbell wanted facts that could be substantiated, not vague or speculative replies. He asked each official for a full report "drawn from the records of his own office and such other sources of accurate information" as were acceptable to him and emphatically demanded that the material supplied should be absolutely reliable. "I should particularly enjoin on you that the information you supply should be based on documentary evidence or drawn from the most authentic sources, and in any case where you are unable to satisfy yourself as to the accuracy of statements which have reached you, that you will distinguish them from those which you are prepared if necessary, to supplement by proofs".¹⁰

The circular which took the form of a questionnaire, was directed to a total of five officials, i.e., to Mr. J.S. Colepepper, the Superintendent of Police, Kandy; Mr. C.H. de Saram, Police Magistrate, Gampola; Mr. E.S. Waring, Police Magistrate, Matale; Mr. A. Walker, Police Magistrate, Kandy; and Mr. W. Morris, Assistant Government Agent, Kurunegala. It is significant that so few were chosen, for it seems to indicate that the Governor had decided that they were the ones most competent to express an opinion. That he should have so concluded is not surprising. The route from the coast ran for some forty-six miles through territory administered by Morris. Colepepper and Walker were stationed in Kandy—the clearing-house for a high proportion of incoming and out-going labour,¹¹ and an important planting district to boot. De Saram at Gampola and Waring at Matale—two other districts of consequence, covered between them a considerable proportion of the remaining plantations.

The first question in the circular referred to the problem under consideration. Called for, was a description of the condition of the immigrants on arrival, and their treatment at ferries and on the roads. Of the five officials written to, two failed to send in adequate answers. Waring who appears to have quite misunderstood the query, proceeded to portray immigrant *organization* on arrival i.e., the Kangany system, instead of reporting on their physical shape; and de Saram replied that the route to the maritime provinces was too far removed from his area for him to have an opportunity of actually studying the immigrants on the march. Even though negative, the second response is not altogether without significance. De Saram must at least have observed the movement of immigrants between his district and the next, i.e., Gampola and Kandy. The distance between the two stations however,—a trifling eleven miles—was far too short for any effects of ill-treatment on the estates to have appeared amongst out-going labourers, even if they were already in poor physical shape. On the other hand, if the in-coming Indian was in such woeful straits that deaths on the route were as high as Dr. de Silva claims, surely sufficient would have succumbed, on this the last stage of their journey, to arouse some sort of critical comment?

Of the three who did reply, Morris, whose evidence is by far the most important, had this to say,

The Malabar coolies arriving in the Central Province by the Puttalam road are cleanly and healthy in appearance, they are seldom if ever found sick on the road nor admitted into hospitals at Kurunegalle. When returning to their country they are invariably dirty, their clothes old and usually in rags . . . the slovenly ragged appearance of the return coolies, is in strong contrast to the cleanly and healthy looking new-comers,—and whilst on the march, the latter are close and compact,—the former straggling—the strong and healthy in the van, the weak and sickly in the rear, a gang of 100 sometimes extending a distance of several miles. The sick at first attempt to keep up with their companions, but gradually drop off.

Colepepper and Walker submitted shorter replies. The former commented that "the coolies were generally poor when they arrived, but in a healthy and working condition", while the latter observed that "most of the gangs arrived in a healthy condition".¹¹

This was the data which Tennent utilized in his despatch to the Colonial Office, and it is this self-same testimony which Dr. de Silva so uncompromisingly rejects. How far can the latter's objections be sustained? His criticism that "all the evidence provided in support

10. C.O. 54, 235, 21st April, 1847—Tennent to Grey (Encl.)

11. C.O. 54, 235, 21st April. 1847—Tennent to Grey (Encls.).

lay in three reports by Ceylon officials" a sentence which seems to imply both scarcity and unreliability of material can be met with the reply that officials on the spot were the best fitted to judge, and that from amongst their number Campbell had not only taken pains to choose those most competent to express an opinion, but had accompanied his directions with strict admonitions as to the accuracy of the information submitted. Again, that there were merely *three* reports is not really important. These were the views of men whose appointment to areas peculiarly suited to the observation of the immigratory process, had elevated them to the level of "experts". There is no reason to believe that they were hand picked for other more doubtful reasons, or that, had other sources of evidence as good as theirs been available, Campbell would not have availed himself of them.

The second criticism of Tennent's sources amounts to a libel on the officials concerned in the investigation. It is held that they "were not above providing just the evidence necessary to support an official argument, particularly an argument as weak as Tennent's". This is a serious charge. It challenges the integrity of those conducting the inquiry and is apparently considered sufficient grounds for dismissing their opinions altogether. But is a mere statement of this sort enough? One could just as well argue that those possessed of contrary views were "not above" supporting the plantation owners. If Dr. de Silva's accusation is to be taken seriously it must be adequately substantiated. We must be shown either that Colepepper, Waring, de Saram etc., were altogether untrustworthy, or else that Tennent was disposed to demand corroboration of his pet theories from those serving under him.

We must also consider the likelihood that the officials concerned could not possibly have known that the information they were called upon to collect would ultimately be used by Tennent. Awareness of this would in fact have required of them the gift of foreknowledge. Campbell, after all, had initiated the inquiry and it was to Campbell that they had replied. They had thus every reason to believe that the material provided would be used by none other than the Governor. It was just a quirk of chance that, despite the returns being in, Campbell choose to leave the business of dealing with them to his successor, and that Tennent's name appeared on the final despatch. Tennent himself could not have anticipated this, for his appointment as Lt. Governor was contrary to the usual practice according to which the Officer Commanding the Troops should have taken over the administration. One might argue of course, that Campbell was party to a plot; or that he was so firmly under Tennent's thumb, that the officials believed he would accept falsehood,—provided it supported his Colonial Secretary's views; or else that he intentionally let the matter alone and hence transferred the responsibility of writing the despatch to the Lt. Governor. But all this would be mere speculation; and indeed, speculation of a sort that would stretch credulity too far.

Again, it must needs be explained why the charge of dishonesty has been levelled only at the replies occasioned by the first question on the circular. One cannot help but notice that Dr. de Silva does not hesitate to accept the views of the officials when they do not conflict with his own. The answers to the queries on living conditions, the operation of the labour laws, the non-payment of wages etc., are not only acquiesced in—Colepepper, Waring and Saram are even paid the compliment of being quoted.¹² Why this differentiation? Why reject part of the evidence and accept the rest? It will not do to say that this choice has been made because Dr. Willisford and Bishop Chapman thought otherwise on the subject of immigrant mortality—so did the planters on the question of maltreatment on the estates. Satisfactory reasons must be given as to why one expression of opinion has been preferred over the other, if Tennent's case is to be reckoned untenable.

And what of the opinions of Dr. Willisford and Bishop Chapman? Are their merits so great as to outweigh Tennent's in the balance? A close examination would suggest that they are not. Dr. Willisford for instance, was not—as Dr. de Silva would have it,—the Chief Medical Officer of Ceylon at the time the inquiry into immigrant conditions was set on foot. He was then a Medical Assistant, whose duty it was "to attend daily the Pettah Hospital and to visit two or three times a week the Small-pox Hospital."¹³ The Doctor was thus, still a junior officer in 1846, without any worthwhile first hand knowledge of the problems associated with the Northern route. It was not in fact, till 1852—five years after the investigation,—that he came to express an opinion on the subject—this is the evidence

12. "Indian Immigration to Ceylon" p. 121.

13. The Principal Medical Officer in 1846 was C. St. John and in 1847 Dr. S.C. Roe, both of them military men—See *The Ceylon Almanac* 1846 and 1847, and *Report of the Finance Committee of the Executive Council of Ceylon*. (1852) pp. 211 and 212.

cited by Dr. de Silva—and there too he was concerned not with immigrant conditions per se, but with the qualifications of health officers appointed to the Medical Department. "A large proportion of the persons dependent on the Government for the supply of medical attendance and medicine are the coolies who visit Ceylon in search of employment, and who arrive at the different ports in a state of greater or less exhaustion from starvation or disease, requiring prompt discrimination to detect that condition which their desire for gain and national prejudice would induce them to conceal, and efficient means for the relief of that state, which, if prolonged, destroys the hopes of the sufferers, and entails on the Government further expenses which perhaps, might have been avoided. It will thus be seen that the medical duties of the "health officers" are more important than the qualifications of the persons at present performing them would indicate".¹⁴

This quotation, which incidentally comprises the sum total of Willisford's opinions on immigrant labour, makes it evident that the Doctor's observations on their physical state were made, as it were, in passing and were not the fruit of a careful and particularized investigation into mortality on the roads. Moreover, we have no reason to believe that Willisford was even referring to conditions in the period prior to April 1847. There is every likelihood that his remarks apply to the years after that date, as there is ample evidence to show that famine in India led a large number of starving immigrants to arrive in Ceylon shortly after Tennent's despatch had been written, i.e., in July 1847.¹⁵

Bishop Chapman in his reports to the Society for the Propagation of the Gospel said nothing whatever about conditions on the line of march. Dr. de Silva's phrasing unfortunately suggests that he did—"It is significant that the opinions of a Government official not involved in this investigation—Dr. Willisford the Chief Government Medical Officer—and the Bishop of Colombo, Bishop Chapman would indicate that Tennent and the other officials had overstated their case"¹⁶ I take it however, that this is a reference back to the effects of the Cholera epidemic upon immigrant labour and so leave it for consideration later in this article. We are thus left with Willisford's opinion alone. And is Willisford, who was a Junior officer far removed from the Northern route, with general impressions not necessarily relevant to the question at issue, to be given more weightage than officials who actually served in districts through which the immigrants marched, and whose conclusions were based on direct observation?

It is true that Tennent made no mention of the Cholera epidemic; an omission which Dr. de Silva holds, was probably deliberate, since "his aim was to focus all attention on the harsh treatment of the labourers".¹⁷ This is one more of those surmises which I believe to be somewhat precipitate and rather unjust. There is nothing to substantiate the view that the prodigious drop in immigration in 1846—some 58%—was in any way related to the Cholera epidemic. It is in fact significant that the planters themselves did not attempt to establish a connection between the two. The outbreak may have been virulent, yet there is no evidence to suggest that it was widespread in the planting region. No doubt the Dumbara and Peradeniya estates were sorely affected, but what of the others—in Pussellawa, Matale, Dolosbage, Hewaheta, Kotmale, etc? These appear to have come through unscathed, and it is worth remembering that of the total number of estates under coffee in 1847, less than 1/8 were located in the Dumbara and Peradeniya areas.¹⁸ Again, there are no indications of any mass exodus of Indians to the mainland. In fact, the official statistics—which despite their shortcomings are nevertheless important,—show that there were fewer departures from Ceylon in 1845 than the year before.¹⁹ Thus all that we are left with is the information that a proportion of those employed in a restricted sector of the planting area either succumbed to Cholera or else fled to their homes, and this surely is not adequate reason for supposing that the epidemic of 1845 prevented immigrants from coming over in the following year; it merely explains why some of them left. Had the ravages of the disease been much more exacting, it may still have failed to produce the effects claimed for it. The flow of labour depended as much on the promise of higher wages in Ceylon as it did on

14. *Report of the Finance Committee of the Executive Council of Ceylon*. H.M.S.O. 1852. p. 212.

15. C.O. 54. 238. 5th August 1847—Torrington to Grey;

16. *Indian Immigration to Ceylon*. pp. 120 and 121.

17. de Silva, K.M., *op. cit.* p. 117.

18. In the "Table of events" which prefaced many of his *Ceylon Directories* Ferguson described the Cholera epidemic of 1845 as one which raged in Kandy and Jaffna. Had the scourge been more wide-spread, he would certainly have mentioned it.

19. *Blue Book*.

the threat of starvation for those who remained behind in India, and the force of the latter was normally so great that there were few risks an immigrant was not prepared to take. If one is to contend that the fear of cholera was sufficient to overcome all other considerations and thereby exert an adverse effect on labour mobility, some very convincing evidence would need to be produced, and this cannot possibly be done since no one can now gauge what was in the mind of the immigrant in 1846. The argument that some left because of cholera in 1845 cannot be turned around to serve as proof that a fear of the disease hindered future immigration.

In any case, there is a wealth of evidence to show that the epidemic was not really a serious bar to immigration. The flow of labour was always limited in the period November to March, (April to October usually accounted for the bulk of a year's arrivals)²⁰ and it is a fact that by March the epidemic was at an end.²¹ It had in other words, coincided with the off-season, and had run its course before its influence could acquire the weight Dr. de Silva would like to credit it with. Dr. de Silva himself admits that "the significance of an epidemic of Cholera as regards the immigrant labourers in Ceylon was that they generally panicked during such an out-break, fled to their homes and did not return till they were certain the epidemic was over".²² Well, the epidemic *was* over by March, and sufficient—42,317 souls—returned to scotch the idea that a fear of cholera was impeding the flow of migration. Is it surprising then, that Tennent, when investigating the general labour shortage, should have left the epidemic out of his calculations? All the indications pointed to its being altogether irrelevant to the question at issue,—the more so, since the shortage of labour had become apparent *before* the Cholera outbreak made its appearance at the end of 1845. One has only to compare the acreage under plantation coffee with the annual immigration returns to make this patently clear. In 1844 the 25,198 acres in cultivation could barely be served by 76,745 immigrants; by 1845 the plantation area had increased by almost a third to 36,051 acres, whereas immigration had actually fallen off somewhat to 73,401.²³ The proportion of workers to every individual acre of cultivated coffee had thus dropped from 3 in 1844 to 2 in 1845,—a 33 1/3% decline within the short space of one year. Since the cholera epidemic did not reap its harvest till the last months of 1845, and seeing that the flow of immigrants was always scant during that period, it is evident that causes other than those associated with disease were already at work to seriously curtail labour supply.

There was thus no reason why Tennent should have deliberately hidden the facts of the cholera visitation. He could quite easily have accommodated it in his report, and still have used the mass of evidence he had to argue that the planters were chiefly responsible for the shortfall of 1846. The entire tone of his despatch however, makes it clear that he was seeking to emphasize the *long-term* causes which underlay the labour situation. In that document he dealt first with the temporary obstacles that stood in the migrant's way, i.e., storms at sea and an encouraging harvest in India,—and dismissed them with hardly a comment, since there was nothing the Government could do to remove them. Next, he turned to what might be turned permanent minor causes, i.e., petty extortion at the ferries and the robbing of immigrants on the march, and made recommendations as to how these could best be overcome. Finally, he took up the permanent major causes, i.e., physical ill-treatment on the estates, the non-payment of wages and the workers' ignorance of the law,—and after describing them in detail put up to the Secretary of State a number of suggestions intended to help right the balance, and so ensure the continued resort of Indian labour to Ceylon.²⁴ The occurrence or otherwise of an epidemic of cholera could have no place in an analysis of this sort. At most, it might have been included under the head of "temporary causes"; but as demonstrated above, Tennent had really no adequate grounds for believing that the out-break deserved even that limited notice.

Dr. de Silva's objections to Tennent's description of Governmental medical facilities available to the immigrant fall readily into two categories. Firstly, we are told that the Colonial Secretary was guilty of an untruth when he referred to "the hospitals of the Government" since "there was no Government hospital in Kandy...and little else in the way of

20. See the monthly immigration returns in the *Blue Book*.

21. There are no references to suggest a continuance of the outbreak in either the official despatches or the newspapers.

22. de Silva, K.M., *op. cit.* 117.

23. *Blue Book*.

24. C.O. 54. 235. 21st April, 1847, Tennent to Grey.

medical facilities provided by the Government in the whole of the Central Province".²⁵ Secondly, we are asked to believe that Tennent made a "skilful and unscrupulous use of statistics" when submitting returns pertaining to official expenditure on medical institutions in the Colony.²⁶

The first charge against the Colonial Secretary has probably been made since neither the Medical expenditure returns in the Blue book nor the list of institutions in the Ceylon Almanac contain anything to show that Government immigrant hospitals had been set up at this time in the planting districts. But can we therefore conclude that Tennent was lying? The problem cannot, I am afraid, be so easily disposed of. The early history of medical institutions in Ceylon is still clouded in obscurity and there is much to suggest that this is particularly true of the 1840's. In fact, so numerous are the references to the existence of Government immigrant hospitals prior to 1847, that it would be dangerous for one to ignore them. These references might, for the sake of both clarity and convenience, be listed as follows.

(1). Under the head of "Annual returns of Public works undertaken in 1847", the Blue Book contains an item which records the expenditure of £10.14.6 1/2 on "the construction of a privy and kitchen at the Malabar cooly hospital in Kurunegalle".²⁷

(2). A hospital at Kurunegalle is mentioned by Assistant Government Agent Morris in his reply to Campbell's Circular—"In the Kurunegalle district there are three Kanganies and six coolies whose task it is to bring the sick from the waysides to Kurunegalle Hospital".²⁸

(3). Police Magistrate Waring, also in reply to Campbell's circular writes at length of a hospital in Matale where a medical sub-assistant was in charge. "The sick who receive attention in the hospital of this station are generally picked up in an exhausted state... they are then well attended to, there being here a medical sub-assistant, who is very attentive to them, but...half of those who go into hospitals never leave it again alive, as soon as the patient thinks he is able to walk, he secretly leaves the hospital. Sometimes he is brought back, having been found exhausted on the road, but more frequently found dead, a mile or so from hospital".²⁹

(4). Police Magistrate de Saram not only mentioned a hospital at Gampola but even submitted a list of admissions and deaths of "Malabar coolies" at that institution. "...judging from the number that is brought into the hospital at Gampola...I feel inclined to believe that they are, in the pathetic words of one of the patients in the hospital, "driven away when sick from the estates like dogs"...I therefore attribute the deaths...at this hospital ...to a want of due care".³⁰

The list of admissions into, and deaths at Gampola Hospital was given thus.

1846	Admissions	Deaths	1846.	Admissions	Deaths
January	6	5	August	15	8
February	20	6	September	26	8
March	9	9	October	11	8
April	12	5	November	10	10
May	21	4	December	5	5
June	10	7	1847		
July	14	4	January	5	6
				<hr/> 164	<hr/> 85

(5). Tennent in a return of "Expenses incurred by the Government for the support of hospitals, makes mention of a Pauper hospital sited in Kandy.³¹ It is interesting that Dr. Willisford in his evidence before the Select Committee of the Executive Council some years later, also referred to a Pauper hospital in Kandy.³²

25. de Silva, K.M., *op. cit.* p. 118.

26. *Ibid.* pp. 118 and 119.

27. C.O. 54. 235. 21st April, 1847—Tennent to Grey (Encl:)

28. C.O. 54. 235. 21st April, 1847—Tennent to Grey (Encl:)

29. *Ibid.*

30. *Ibid.*

31. C.O. 54. 235. 21st April, 1847—Tennent to Grey (Encl:)

32. *Ibid.*—Encl.

(6). In his despatch on immigrant labour, Tennent when describing the measures taken by Governor Stewart Mackenzie to improve conditions on the line of march from Kandy to Puttalam states that "hospitals were eventually formed at these two places and medical sub-assistants appointed to each".³⁴

(7). Under the "Annual return of public works in 1847" there is a record of £197. 5.51/4 being spent on roofing the Pioneer hospital in Kandy.³⁵ It is true that immigrant estate labour would not have been admitted to this institution, but it is worth notice that this hospital is also not mentioned in either the "Ceylon Almanac" or the "Medical returns" section of the Blue book, and thus helps to establish my point that those two sources are not the only ones a historian should rely on.

There is in all probability much more data of this sort hidden in the pages of the Annual Ceylon Blue Book. In particular, a careful study of the disbursements of the Public Works Department and of the Government Agents serving in the Planting districts might prove fruitful to some future historian of medical affairs; for it is obvious that the system of account-

	<i>Small-Pox hospital</i>			<i>Cholera hospital</i>			<i>Pauper hospi- tal and friend- in-need and Pauper hospi- tal in Kandy</i>			<i>Total</i>		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1843												
Western Province	540	7	8	—	—	—	420	5	8½	960	13	4¾
Southern Province	48	7	2	—	—	—	—	—	—	48	17	2
Northern Province	88	1	6	18	6	3½	—	—	—	106	7	9½
Eastern Province	0	18	6	—	—	—	—	—	—	0	18	6
Central Province	50	8	4½	—	—	—	75	0	0	125	8	4½
Total	728	13	2½	18	6	3½	495	5	8¾	1,242	5	2¾
1844												
Western Province	255	0	8	23	10	6	442	2	3¾	720	13	5¾
Southern Province	26	0	4	—	—	—	—	—	—	26	0	4
Northern Province	53	15	3½	62	10	3	—	—	—	116	5	6½
Eastern Province	11	10	6	21	0	3½	—	—	—	32	10	9¼
Central Province	250	1	8	—	—	—	40	0	0	290	1	8
Total	596	8	5½	107	1	0¼	482	2	3¾	1,185	11	9½
1845												
North W. Province	26	13	8	3	13	2½	577	12	2	998	10	4
Western Province	420	18	2	—	—	—	—	—	—	30	6	10½
Southern Province	35	14	7½	—	—	—	—	—	—	35	14	7½
Northern Province	74	13	0	614	11	0½	—	—	—	689	4	0½
Eastern Province	107	13	7½	—	—	—	—	—	—	107	13	7½
Central Province	641	17	5	11	13	2	82	0	0	735	10	7
Total	1,307	10	6	629	17	5	659	12	2	2,597	0	1
1846												
North W. Province	123	18	2¼	342	13	6½	—	—	—	466	11	8¾
Western Province	1,502	6	2¼	—	—	—	795	19	1¾	2,298	5	4
Southern Province	16	0	3½	—	—	—	—	—	—	16	0	3½
Northern Province	69	0	3	—	—	—	—	—	—	69	0	3
Eastern Province	271	3	11½	1	7	6	—	—	—	272	11	5½
Central Province	651	10	6	9	19	8½	226	18	3	888	8	5½
Total	2,633	19	4¼	354	0	9	1,022	17	4¾	4,010	17	6½
	5,266	11	6½	1,109	5	5¾	2,659	17	7¼	9,035	14	7½

33. *Report of the Finance Committee of the Executive Council* p. 212.

34. C.O. 54. 235. 21st April, 1847—Tennent to Grey (Encl.)

35. C.O. 59. 58. p. 256.

ting in force in the 1840's was such, that items which should properly have been included under "medical expenditure" were entered instead under a variety of other heads. However, the few examples I have cited, sufficiently demonstrate that a great deal of work has yet to be done on the Island's medical history, and this being so, it would be more reasonable perhaps, to regard Tennent's reference to "the hospitals of the Government" as an important piece of contemporary evidence, rather than rush to the conclusion that he was lying his way out of an awkward predicament. It may ultimately transpire (if I may be allowed the privilege of hazarding a guess) that these "hospitals" hardly deserved the name; that they were just glorified shacks, initially set up as resting places on the line of march, then enlarged somewhat and provided with a medical sub-assistant. But should this surmise prove to be accurate it would not demonstrate that Tennent was mendacious,—it would merely acquaint us with what it was he was writing about, and lay him open to a charge of exaggeration.

On the subject of Governmental medical expenditure Dr. de Silva's denunciation of Tennent is uncommonly severe. He claims that the statistics submitted were "misleading", and that "it would not be too much to say, deliberately so".³⁶ This charge, based on the Colonial Secretary's alleged failure to provide a detailed description of the institutions "exclusively used by immigrants" and of those "to which immigrants were admitted equally with the natives of Ceylon,"³⁷ is increased in its severity by the writer's earlier contention that, apart from the Friend-in-Need Society hospital in Kandy, there was little else in the way of medical facilities provided by the Government in the whole of the Central Province.³⁸ The only inference that the reader can draw, is that Tennent's returns were mostly imaginary ones, concocted in the hope of deceiving Whitehall.

How Dr. de Silva could have come to so harsh a conclusion is altogether beyond me. Tennent's lengthy despatch of 21st April 1847 was given added bulk by the numerous enclosures that accompanied it, and amongst these are two detailed statements containing much of the information the Colonial Secretary is supposed to have intentionally omitted. As the very existence of these returns has been denied, I am justified I believe in reproducing them in full.

The first set of statistics relates to the sums spent on medical and charitable institutions to which immigrants were admitted equally with the indigenous population.

These returns do not appear to me to be in any way "misleading". On the contrary, they are particularly informative. To begin with, they contradict Dr. de Silva's charge that "Tennent did not indicate how he had arrived at these figures".³⁹ Again they make short work of the conjecture that the sharp increase in 1845 and 1846 was the likely result of "heavy expenditure during and after the epidemic of cholera".⁴⁰ Of the total increase in that period over the 1844 figure, 27·5% was accounted for by cholera as against 60% by small-pox; thus, even if Tennent had been disposed to credit disease with the power to interfere with the inflow of labour he would have been justified in awarding cholera a second billing. The very fact that these statistics were sent in to Whitehall is of course, also important; it demonstrates that the Colonial Secretary was suppressing nothing and refutes Dr. de Silva's remark that "since Tennent had made no reference at all to the epidemic, the Colonial Office could not be blamed if it assumed that—since 1845 Government expenditure on medical and charitable institutions had increased".⁴¹

The second Table enclosed with Tennent's despatch relates to funds spent exclusively on "Malabar labour".

The figures in this second return have a great deal to tell us. To begin with, it is clear that on the whole, the medical aid afforded to the immigrant was of an extremely restricted nature. True, the headings of the first four columns support the view that hospitals of some sort had been set up prior to 1847, (though their precise location is not given), but the total expenditure upon their construction, staffing and medicinal stocks was so low that one

36. de Silva, K.M., *op. cit.* p. 119.

37. *Ibid.* p. 118.

38. *Ibid.* p. 118.

39. de Silva, K.M.,—*op. cit.* p. 119.

40. *Ibid.* p. 49.

41. de Silva, K.M.—*op. cit.* p. 119.

Expenses*

Year and Province	Expenses, removal and burial of coolies (1)		Expenses, subsistence and medicine (2)		Expenses, Hospital building and repair (3)		Salaries, Medical personnel and help (4)		Pay for road patrol (5)		Pay, Mannar Dist. resthouse employees (6)		Total
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.
1843													
W.P.	31	13 4	38	8 3½	51	3 6½	16	16 0	—	—	—	—	138 1 2
N.P.	3	4 0	3	5½	23	8 9½	3	1 9	—	—	—	—	29 18 0
C.P.	18	11 9	—	—	—	—	—	—	—	—	—	—	18 11 9
Total	53	9 1	38	11 8½	74	12 4½	19	17 9	—	—	—	—	186 10 11
1844													
W.P.	22	9 9	59	19 9½	0	3 0	19	0 0	32	15 9	—	—	134 8 3½
N.P.	32	5 7	16	12 9½	—	—	15	2 4½	—	—	—	—	64 0 9½
C.P.	8	16 0	—	—	—	—	—	—	—	—	—	—	8 16 11
Total	63	4 11	76	12 7	0	3 0	34	2 4½	32	15 9	—	—	207 5 0½
1845													
W.P.	32	17 0	49	4 8½	92	8 3½	37	14 9	110	10 0	—	—	322 14 19
N.W.P.	2	18 0	13	4 11	3	17 7½	4	5 6	51	12 0	—	—	75 14 0½
N.P.	33	14 1½	73	4 1	56	13 1½	67	16 8	—	—	48	17 0	280 5 0
C.P.	38	6 0	16	10 2	27	3 9	50	8 0	—	—	—	—	132 7 11
Total	107	15 1½	151	19 10	180	2 9½	180	4 11	162	2 0	48	17 0	811 1 8½
1846													
W.P.	45	16 10	249	10 4½	—	—	46	15 3	—	—	—	—	342 2 5½
N.W.P.	33	6 6	157	6 5½	13	17 1	23	1 6	230	2 5	—	—	457 13 11½
N.P.	17	14 0	79	15 8½	34	13 3	5	12 6	—	—	285	8 11½	423 4 4½
C.P.	176	0 4½	125	17 9½	10	16 10	54	14 6	—	—	—	—	366 19 5½
Total	272	17 8½	612	10 3	58	17 2	130	3 9	230	2 5½	285	8 11½	1,590 0 3½
Grand Total	497	13 2½	879	14 5½	313	15 3½	344	8 9½	425	0 2½	344	5 11½	2,794 17 11½

- * (1) Expenses of removing sick coolies to the hospitals; of burying the corpses of coolies found dead on the road and who died in the hospitals.
 (2) Expense of subsisting sick and destitute coolies in the hospitals and cost of medicine and other articles supplied to them.
 (3) Expenses of building and repairing coolie hospitals, rest-houses and shed etc.
 (4) Pay of persons taking care of and attending on sick coolies in the hospitals and rest houses
 (5) Pay of persons patrolling the roads for picking up sick coolies.
 (6) Pay of persons employed in the Mannar District in rest-houses for the accommodation of and affording assistance to immigrants from the continent.

would not be far wrong in assuming that they were little better than the "glorified shacks" suggested earlier. What is more, until 1845 even these limited facilities were not available in the Central Province (outside of Kandy), where the concentration of labour was heaviest.

Since the North-Western Province was not created until 1845, and the North-Central Province until 1873, the line of march most used by Indian labour lay mainly in the Western (upto 1845) and Northern Provinces. The returns for those areas in 1843 and 1844, and for the North-Western and Northern Provinces after the latter date, show that a modicum of attention *was* bestowed upon immigrants on the move; though once again the total expenditure did not amount to more than a few pence per capita. Thus the over-all picture one gets is that the medical aid afforded the immigrant, be he resident or on the move, was utterly inadequate and a disgrace to a government which claimed to be both tolerant and humane.

But what does all this prove? It certainly does not show that Tennent was deceitful. One can charge that he all too complacently accepted the official attitude to the ailing labourer; one can charge that the tone of his despatch made much of very little; but one cannot complain that he suppressed facts or was intentionally untruthful.

Dr. de Silva's strictures of Tennent are not confined merely to questioning the sources of the Colonial Secretary's statistical returns. He claims in addition, that Tennent's failure to mention the cholera epidemic might well have misled the Colonial Office into believing 'that since 1845 Government expenditure on medical and charitable institutions had increased',⁴² when in fact the figures for 1843 and 1844 "would be much nearer the normal".⁴³ This criticism would certainly have much point if expenditure on the medical establishment had fallen off after 1846 until it approximated to the totals of the two preceding years. But this did not happen. Annual disbursements on health tended to remain close to their former level and had it not been for the depression of 1847-1848, would probably have risen further.

Total Expenditure on Medical Establishment⁴⁴

1847	—	£12,368· 7· 11
1848	—	£11,291· 14· 3½
1849	—	£10,037· 8· 1½

The increase of 1845-46 was thus part of a general trend and not merely a temporary phenomenon put to unscrupulous use by Tennent.

As a final rebuttal of Tennent's arguments on medical aid, Dr. de Silva takes the returns of Government expenditure on Medical Institutions in Ceylon in 1848-49 and claims that since they "reveal that 9/10ths of the expenditure was on the Colombo district where there were very few coffee plantations",⁴⁵ these figures provide further evidence of "how very misleading Tennent's statistics were".⁴⁶ With this conclusion I am quite unable to agree, partly because it depends on an oversimplified use of statistics, and partly because the statistics themselves are incomplete. In the first place expenditure on the Colombo district included disbursements upon facilities used by the residents of the entire island. The costs of maintaining the establishment of the Leper hospital and the Lunatic Asylum, and the payments made to what might be described as the headquarters staff of the Principal Medical Officer, were all accounted for under this head. A true picture of the imbalance between the Colombo district and the rest of the country can be obtained only after the expenditure on the former has been deflated to its proper level, but this unfortunately cannot be done since (a) one does not know what proportion of the patients at the Leper and Lunatic Asylums were resident outside the Colombo district and (b) one cannot determine how much time was spent by the Principal Medical Officer and his staff on matters relating to the Island as a whole.

My second criticism is a more serious one. The statistics quoted by Dr. de Silva refer only to expenditure on the Medical Establishment. Disbursements upon hospital maintenance were separately accounted for,—province by province after 1847; and these seem to me to be the statistics relevant to the question at issue. Yet, I find that these have been altogether ignored.

42. de Silva, K.M. *op. cit.* p. 119.

43. *Ibid.*

44. *Ibid.*

45. *Ibid.*

46. *Ibid.* p. 120.

Year	Fixed and extraordinary expenditure on the medical establishment.	Exclusive expenditure on hospitals. ⁴⁷
1847	£8,015· 5· 4½	£4,353· 1· 6¾
1848	£8,581· 19· 1½	£2,709· 15· 2½

The outlay in 1848—which shows the effects of the depression) breaks down as follows:

Western Province	—	£1,1673· 0· 6¾ ⁴⁸
North Western Province	—	172· 9· 8½
Southern Province	—	260· 6· 10
Northern Province	—	140· 10· 10½
Eastern Province	—	0· 15· 0
Central Province	—	462· 12· 2½
		<u>£2,709· 15· 2½</u>

Superficially viewed, the Table above also suggests a considerable bias in favour of the Western Province. This is the sort of distortion however that a comparison of absolute totals can cause. To get nearer the truth one needs to work in terms of per capita expenditures, e.g. £10,000 spent in an area populated by 10,000 persons would give the same result as £1,000 spent in an area with 1,000 residents. To do this one needs a rough estimate of the population of Ceylon taken province by province, and it is fortunate that such an estimate was made for the Finance Committee of the Executive Council. The returns no doubt are approximate, but they are the best we have, and we can perhaps quite justifiably assume a constant degree of error in understatement or overstatement of the population of the different provinces.

Province	Population (1848) ⁴⁹
Western	459,197
Southern	265,589
Eastern	69,992
Northern	299,697
Central	184,776
North Western	179,108

When per capita expenditures on hospitals are calculated with the aid of these returns, the results are altogether startling. The figure for the Western Province comes out at £3· 6, and that for the Central Province at £2· 5. The gap between the two is not particularly wide and is one that would be narrowed still further if weightage were given to the fact that the result for the Western Province includes institutions like the Leper Hospital and Lunatic Asylum, both of which served the entire population.

The statistics for 1848 therefore, do not, as Dr. de Silva claims, demonstrate that Tennent was misleading the Colonial Office. All that they do is make it clear that the trend towards a higher expenditure on immigrant medical relief, begun in 1845, was continued in succeeding years. Admittedly, the totals expended were far from adequate—but that is a wholly different matter.

That Tennent's despatch of 21st April 1847 "concealed as many facts as it revealed"; that it was based on evidence "carefully selected"; that it showed a "skilful and unscrupulous use of statistics"; that these figures "were misleading... and deliberately so"; that it contained a "novel argument" where Tennent and his officials "overstated their case"; and that it "deliberately concealed" facts—are charges then, that cannot really be substantiated. All but one can in fact be readily disproved and in the single issue which remains unresolved i.e., whether or not hospitals existed prior to April 1847, such evidence as there is, leans heavily in Tennent's favour. So well does the Colonial Secretary come out of it all, that one is almost inclined to concede this final point on his testimony alone.

47. *Ceylon Blue Book*—C.O. 59.59 pp. 31 and 32; Appendix to the Third Report of the Select Committee on Ceylon (1851). There is a slight difference between my figure for 1848 and that quoted by Dr. de Silva. This is most probably due to our estimates being based on the Calendar year and the financial year respectively.

48. *Ceylon Blue Book*—C.O. 59.59 pp. 31 and 32.

*For more detailed account of types of expenses, see back of page.

THE POST-WAR COMMONWEALTH

M.S. Rajan, *The Post-War Transformation of the Commonwealth* (Asia Publishing House, Bombay, 1963). 67 pp, 18 sh.

This exposition of the Commonwealth relationship is, in the words of the author, an expanded version of the inaugural lecture delivered by him on 1st. November at the Indian School of International Studies, New Delhi. It is a significant contribution in that it is perhaps the only carefully thought out thesis by an Asian Commonwealth intellectual on the nature of the Commonwealth tie, a thesis which in many ways is different from that presented by most Western writers on the subject.

This work is sub-titled 'Relections on the Asian-African Contribution'. It would be more correct to call it the Indian view. It is Professor Rajan's contention that the Commonwealth would not have been what it is today but for the Indian contribution. Such a view is of course open to argument. It is even doubtful whether the contribution was by India or whether it was by her foremost statesman, Mr. Nehru. Smuts made his contribution to the re-interpretation of the Commonwealth relationship but no one called it the South African contribution.

It was Mr. Nehru who utilised the Commonwealth as an instrument of Indian policy, as the ideal means for expounding his doctrines on foreign policy, doctrines which it will be hard to deny were not in any way based on Indian self-interest.

Non-alignment or neutralism, (call it what you will) the resolute and positive Asian attitude to Dutch reluctance to leave Indonesia to herself, the easing of the Korean crisis, the support India received from the European members of the Commonwealth when the Chinese made their recent attack on India, can in large measure be attributed to the unique personality of Mr. Nehru himself, and the wise use he made of this personality for Indian purposes. African Commonwealth statesmen have been divided and hesitant in the face of Belgian intervention in the 'Congolese cauldron' and in recent times, in the South Rhodesian situation. But in Asia, Mr. Nehru did not waste time either in Indonesia or in Korea. In both cases he did not hesitate to utilize India's membership of the Commonwealth to rally support for his policies—policies which in the ultimate redounded to India's credit. In particular, in the case of the recent Chinese attack, Mr. Nehru was able to protest his neutralism while at the same time welcoming assistance from the West—a delicately poised position which any other Indian statesman would have found well nigh impossible to adopt—because of the fact that he had come to be recognised primarily as a Commonwealth statesman in addition to his international stature as the exponent of Asian neutralism. It is therefore the reviewer's view that it was Mr. Nehru who made a significant contribution to the post-war transformation of the Commonwealth. It would be an exaggeration to call it the Indian contribution.

In fact it is problematic as to what the Indian contribution might have been had Patel, Lal Bahadur or for that matter Krishna Menon been at the helm at the time of Indian independence. No doubt hard headed Indian realism may have persuaded these men to maintain the Commonwealth relationship, but would they have made any significant contribution to its re-interpretation, leave alone utilizing it for the purpose of obtaining assistance in India's struggle for economic development from all possible quarters? Mr. Nehru was primarily an internationalist, persuasive in his arguments and seemingly sincere in his exposition of the Asian viewpoint and perhaps it is these factors that won him support for his policies. Of course, the fact of a large country like India cannot be ignored but this could not have been the only factor. Chiang Kai-Shek could not do much for China though at certain times China was in a similarly advantageous position as India was after independence. And it is doubtful whether Lal Bahadur will be able to even maintain the gains that Mr. Nehru had made in the sphere of foreign policy. Sometimes, personalities count in international affairs though it must also be recognised that the surrounding circumstances should be just as propitious.

What happened in India at the time of Independence was that the other leading figure on the scene, the Indian Bismarck, Vallabhai Patel was allowed to devote all his attention on the unification of India while the 'sentimental liberal', Jawaharlal Nehru was allowed a

free hand in foreign affairs. This was a mutual adjustment which seemed to reconcile the two wings of a Congress which might otherwise have become the centre of factional struggles.¹

What were the factors that determined India's decision to continue the Commonwealth relationship? The author seems to express astonishment at this decision, at this radical reversal of pre-Independence Congress attitudes. The Indian National Movement waged a bitter struggle against the British, but in 1947 India decided, he says rather questioningly, to remain in the Commonwealth and then to ask for Republican status. In page 10 he states that if India had not so decided "it is doubtful in the least if there would have been any significant additions to Commonwealth membership among the newly-independent Asian-African states" or if India had left the Commonwealth after becoming a republic in January 1950, there would, he adds, have been a strong nationalist demand in Ceylon too, to do likewise.² He goes on to say that if India, Pakistan and Ceylon had not remained in the Commonwealth, or if they had walked out of the Commonwealth during the Suez crisis, Ghana too might have followed their example.

A little conjecture here might be useful. It is the reviewer's view that India's decision to remain in the Commonwealth did not in any way influence the other countries of Asia, or for that matter of Africa, to do likewise. Rather it might be argued that India's decision to remain, despite the bitter struggle waged against the British (there is nothing extraordinary in this; the Boers waged an all out war against Britain, but opted for membership of the British Empire once peace was made) was based on a variety of shrewd calculations, motivated no doubt by self-interest. The Indian policy makers may perhaps have been fully aware that if India decided to go out of the Commonwealth, she would have been isolated. Ceylon and Malaya would have, regardless of whatever India did, maintained the Commonwealth tie for security reasons. Pakistan for her part would not have hesitated to seize the opportunity of opting for membership in order to show up India as the disloyal member, and also in the hope that it would strengthen her position on the Kashmir issue. There was also the added consideration that an India with her Commonwealth ties severed would not have been able to rally support from among the Asian and African countries, especially at Commonwealth Conferences etc., for her policies of neutralism.³

It is specious to argue that the African countries may, had India quitted, followed the example. The fact of Pakistan, Ceylon and Malaya remaining in the Commonwealth would in itself have been a deciding factor. In addition there were the economic, military and administrative relationships that these African countries could not have afforded to readily overlook. Ready-made British and Commonwealth markets available for their exports, British administrative skills for their public services during the period of transition, British military personnel to train Africans and in the meanwhile to quell tribal separatism, British educationists to man their schools and universities, were factors which would definitely have weighted the scales in favour of Commonwealth membership. It was a question of mere practical politics.

- (1) See Balraj Madhok: *Political Trends in India* (Chand and Company, Delhi, 1959) page 35, for a similar expression of views. It should, however, be noted that the author himself is closely associated with one of the major parties opposed to the Indian National Congress.
- (2) See for instance Denzil Peiris' 1956 *and After*, Colombo 1958 pages 22 and 23 for an authentic account of the attitudes of Prime Ministers D.S. Senanayake and Sir John Kotelawala. It is very likely that Ceylon would have remained in the Commonwealth even without India's example.
- (3) See the Appendix entitled 'Talks with Nehru' (Selections from the author's interviews with Prime Minister Nehru on 6 June and 13 June 1956) in Michael Brecher: *The New States of Asia: A Political Analysis*: (O.U.P. 1963). Brecher states that in reply to questions that he raised about India's membership of the Commonwealth, Mr. Nehru replied: "We decided that there was absolutely no reason why we should break an association which did not come in our way at all, legally, constitutionally, practically, in any sense, and which merely helped us to co-operate in a measure, consult each other and maybe influence others and maybe to be influenced ourselves... We are freer than two countries tied by an alliance... The positive benefits are, I say, that it is always a good thing, for a number of countries to be on friendly terms of consultation... And there were good reasons why we should be there because it does help us in conferring with a number of important countries... and through them to influence world affairs to some extent".

The author himself comes nearer the truth in pages 27 and 28 when he states that membership of the Sterling area, Independent India's heavy dependence on British military training, supplies and assistance, and the influx of Indian students to England (which according to the figures for 1960-1961 has almost doubled) were some of the many benefits that India derived. He explains, however, that membership was retained not merely because of these advantages, but also because there were 'links of affinity' 'a sense of belonging to a wider and friendly community of nations'. The latter were only subsidiary considerations.

From all this the question arises as to what in actual fact is the Commonwealth today? Many will ask whether it has acquired a new meaning as a result of the admission of the Asian and African members. Some will wonder whether it still remains the old Commonwealth based on various sentimental and psychological ties with perhaps a firmer foundation based on advantageous relationships of a practical nature. Or the more realistic would ask whether the Commonwealth is a changing and perhaps even a dying force in the world of today? It might be appropriate here to repeat Miller's proposition that today the Commonwealth is a 'concert of convenience' and endorse Carrington's assertion that the binding ties of Commonwealth membership are based on hard material common factors and 'hard practical realities'. There is little purpose in stressing the importance of other common features. The parliamentary system? It is in existence in India, Malaysia and Ceylon but will it last? And what about the African states which are turning to one-party systems. British ideals of justice? It can be argued that they will only last as long as they are useful to the governments of these new countries and will be distorted on the pretext of 'reasons of state' whenever the urgency arises.⁴ The English language? It is going out in Ceylon and Malaysia. It will last perhaps a little longer in India. And the African States may have to retain it longer than most others. But does this language create a binding tie? Nkrumah, Nyerere and perhaps Kenyatta may not subscribe to this view. What obviously remains therefore, are the 'hard practical realities' which in the final instance will have to surely maintain this 'concert of convenience' and that too as long as it is convenient to both sides.

Already the Immigrants Act in Britain has created misgivings (though here it is strange that no one objects to restrictions imposed on immigration as well as on employment opportunities in other Commonwealth countries). If the members are equal in status, why blame Britain only, as the author does.⁵ It must, further, not be forgotten, that there was the possibility of Britain entering the Common Market even if this had meant hardships for some of the Afro-Asian members of the Commonwealth. One cannot ignore also the growing feeling among certain quarters in Britain that the new members of the Commonwealth are more of a burden than an asset. Will this feeling grow? Much would depend on the economic and political realities.

This is essentially an Indian contribution to the subject of Commonwealth studies. It is based on Indian essentials of policy and cannot in any way be termed an Afro-Asian assessment. To this extent the book suffers from its one-sided treatment of the subject. Many non-Indians are bound to take strong exception to many of the very Indian attitudes expressed in it.

A.J. Wilson.

(4) A legal academic once remarked to the reviewer when discussing the judgment of the District Judge, Colombo on the Sinhala Act (which the learned judge said was 'bad in law') that in new countries like Ceylon, it was the duty of the Judiciary to take note of majority social opinion when formulating judgments on important constitutional issues rather than interpret the constitution in strict legal terms outside the context of the social situation.

(5) See pages 49 and 50.

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