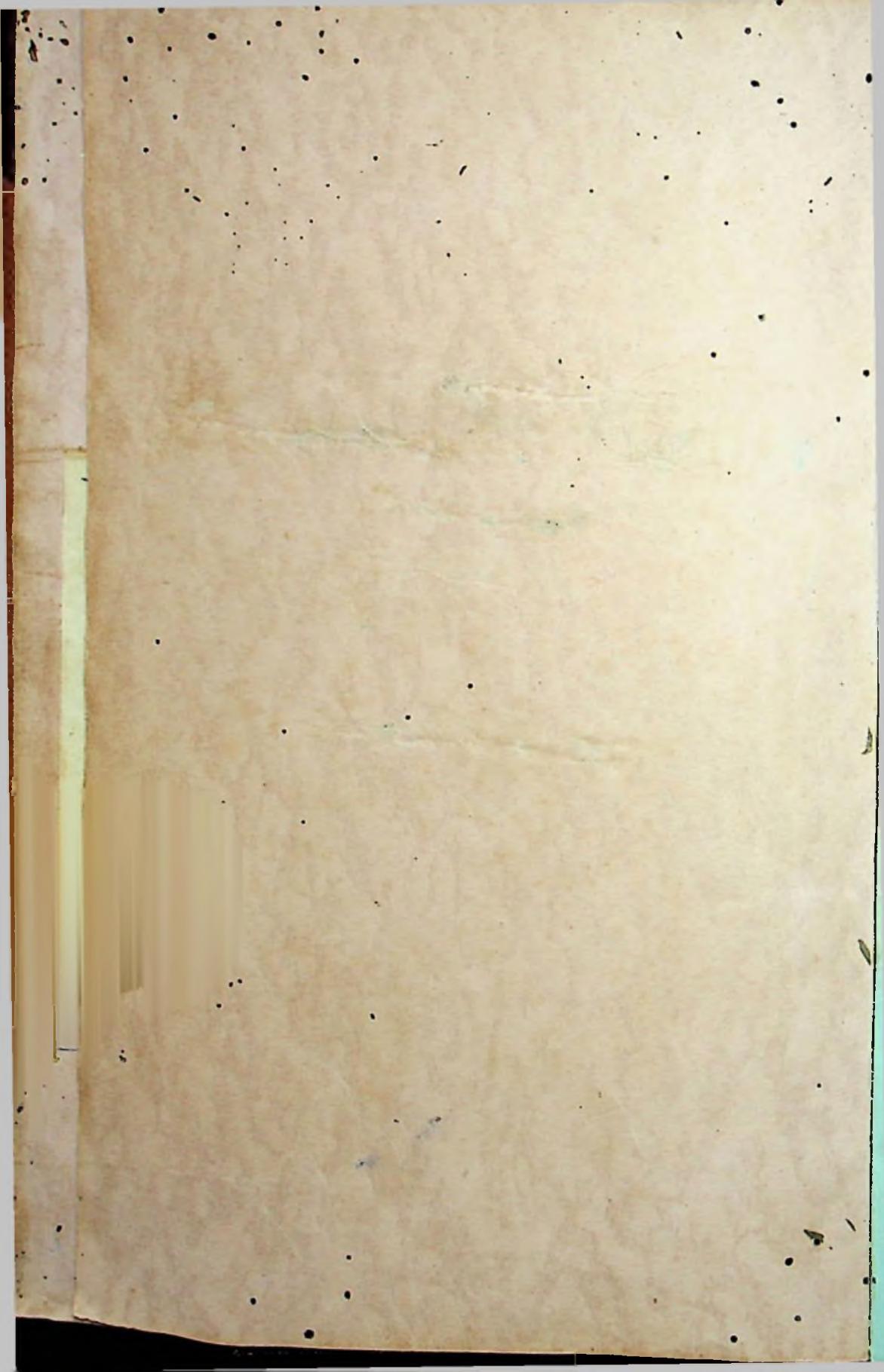


REPORT OF THE
DONOUGHMORE
COMMISSION

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Government Report



CEYLON

Report of the Special Commission on the Constitution

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REPORT OF THE SPECIAL COMMISSION ON THE CEYLON CONSTITUTION

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Mr. W. G. BARTLE, Treasury (*Official Reporter*).

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* Not reproduced.

the Right Honourable L. C. M. S. Amery, M.P., Secretary of State for the Colonies :

CHAPTER I

INTRODUCTION

I were appointed by you on August 6, 1927, as a Special Commission on the following terms of reference:—

“To visit Ceylon and report on the working of the existing Constitution and on any difficulties of administration which may have arisen in connection with it; to consider any proposals for the revision of the Constitution that may be put forward, and to report what, if any, amendments of the Order in Council now in force should be made.”

To assist us in our task we were furnished with copies of all despatches, official and confidential, bearing on constitutional developments in Ceylon, and we were able, before our departure, to study the State Papers presented to Parliament in recent years.

We left England on October 27, 1927, and arrived in Ceylon on November 13. We remained there until January 18, 1928, and were back in London on February 4. The details of our itinerary are given in the diary which forms Appendix I to this Report.

During our stay in Ceylon we held thirty-four sittings for the purpose of taking evidence, the majority in Colombo; for the convenience of witnesses, however, sittings were also held at Kandy, Jaffna, Batticaloa, and elsewhere. We also visited, unofficially, many other parts of the Island and were thus able to obtain a general idea of the activities and interests of its varied population in the villages and the urban centres; of life in the paddy fields and on the coconut, rubber, and tea plantations; and of conditions in the arid districts of the North and South-East, the fertile hills and luxuriant valleys of the Centre and the prosperous palm-belt of the West and South. Famous temples and historic ruins; schools and colleges, hospitals and dispensaries, agricultural stations and irrigation tanks, workshops and factories, all these we visited to the extent that time permitted. Every branch of public and private enterprise was shown and explained to us. Everywhere the recipients of much private hospitality, and had the advantage of establishing the closest touch with all sections of the community.

We examined 141 witnesses and delegations who appeared before us either on their own behalf or in the interest of political, religious, or commercial associations. A list of these is given in Appendix II to this Report. Other persons who were invited found themselves unable to give evidence, while others again applied too late to admit of our according them a hearing. Most of the witnesses supplied us with a written statement of their views, and a large number of letters and memoranda bearing on the subject of our inquiry were received from individuals all over the Island who either could not or did not wish to give evidence in person.

We held most of our sittings in public, departing from this rule only at the request of witnesses or as in our opinion the public interest dictated. It had been our hope to present to you in companion volumes to this Report a verbatim record of our proceedings in public session, and a selection of the statements and memoranda so readily supplied to us. But that the high cost of printing has precluded the adoption of this plan. We are, however, forwarding duplicated copies of this material in recommendation that a complete record, which the public may wish to consult, should be made available both in London and in

We recommend, however, in pursuance of a pledge that we gave to witnesses, that the record of evidence given to us in private session should not be so available but should be kept in the confidential archives of the Colonial Office.

Since our return to this country we have carefully sifted the great volume of evidence submitted to us and have heard additional witnesses from the Ceylon Association in London. The Report which we now submit and the recommendations which it contains are therefore the results of a prolonged, exhaustive and sympathetic study of the situation in Ceylon in all its aspects, and it is our earnest hope that they may commend themselves to the favourable consideration of His Majesty's Government.

CHAPTER II

DESCRIPTION AND HISTORY

Situation, Area, and Climate

The Island of Ceylon lies a little north of the equator and to the south-east of India from which it is separated by Palks Strait, a shallow sea some 40 miles across. The Island is pear-shaped and its extreme length, from north to south, is 270 miles; its greatest width, from east to west, is 140 miles. Its area is 25,332 square miles. Ceylon is thus about as large as Tasmania, or Holland and Belgium together. England is twice, and India sixty times as large.

The Maldivé Archipelago, made up of 17 groups of islets lying some 400 miles to the west, form a Dependency of Ceylon. The islands have a population of 72,000, Aryan in origin, Muhammadan in religion, and traders and seamen in occupation. They are ruled over by a Sultan who annually sends a tribute to Ceylon. The Island enjoys a great variety of climate owing to differences in rainfall and elevation. It is dependent for rain on the north-east monsoon from October to March, and on the south-west monsoon from April to September. There are in consequence two dry zones in the north-west and south-east where the average rainfall is less than 50 inches a year; adjoining them there are two zones, larger but less dry, with an average rainfall of 50-75 inches; while in the centre and west there are three zones, the innermost having a minimum rainfall of 200 inches. The hottest months of the year are from February to May; the coldest December and January. But the variation in temperature is small and there are no well-marked seasons. In the flat coastal districts, known as the "Low-country" the average mean temperature ranges from 79° to 82° F., in the mountainous districts of the interior ("Up-country") from 58° to 75° F.

History

From that distant age, over two hundred years before Christ, when the story of the Kingdom of Lanka passes from a legendary to an historic basis, until the last King of Kandy was dethroned in the second decade of the nineteenth century A.D., the country called Taprobane by the Greeks and Romans who knew it through hearsay, Serendib by the Arabs who traded with it, Ceilao by the Portuguese who were the first Europeans to occupy part of it, and now known as Ceylon, flourished as an absolute monarchy. Representatives—sometimes relatives—of the King ruled in his behalf the parts of it called Maya and Ruhuna and he had Ministers who looked after different branches of the Government, and officials who ministered justice and collected dues, Buddhism, with the introduction of which the recorded history of the Island begins, greatly influenced the course, many of the Kings being guided in their actions by the priest who encouraged them, not only to erect in the vicinity of the Royal city of Anuradhapura huge dagobas and big monasteries to the glory of the Buddha, but also to construct great works of irrigation in the surround-

country to the immense benefit of agriculture, on which industry the Island has always depended and by virtue of which it became, even in the early centuries of the Christian era, thickly populated. The population organised itself in village communities largely for the purpose of dealing with the matters of water supply and tillage, but also to settle among themselves disputes about descent and proprietorship and, with the Royal officials, questions of dues. In the receipt of dues and generally in the overlordship of village areas the temples not infrequently were given the place of the King and at times grants of the revenue from villages were also made to those who had rendered the King great services. Secure through the government of their own village republics in the enjoyment of the fruits of their labours in the field, the vast mass of the population were little affected by the intrigues and plots which interfered with the regular succession in the supreme government of the country and have resulted in much of its history, as it has come down to us, being that of the forcible removal of sovereigns by violent death or deposition. More serious to the general well-being were the invasions from Southern India which, recurring through the centuries, resulted in interruption of cultivation and in famine. Generally, in Ceylon, as in other countries, periods of prosperity and depression alternated. The first century B.C. and the second, fifth, ninth, and twelfth centuries A.D. were flourishing times, though in the ninth a Malabar invasion had necessitated the removal of the capital to Polonnaruwa. The reign of Parakrama Bahu I (1153-1186) in the twelfth is still looked upon as a glorious period. The country was united and its Government reorganised. Three Ministers assisted the King, twelve governors ruled over provinces and eighty-four other officials over smaller districts. We know that a great Council of all of these and of some unofficial members sat at Polonnaruwa, though we have no knowledge of its powers. On the death of this king a period of decline, brightened it is true by literary activity, ensued. Within thirty years the Malabars reconquered the Island and gave it a King of their own. They were never again expelled from the north and east of it. Jaffna became the capital of their territory while that of the Sinhalese Kings was shifted, mainly through fear of them, successively to Gampola, Kotte, Sitawaka, and Kandy. A more disastrous effect on the country of the Malabar invasions had been the disruption of the village communities in the tank-irrigated part of the Island, resulting in the abandonment and decay of the reservoirs they had maintained and the invasion of the now undrained, uncultivated area by the malarial mosquito, which still keeps unpopulated what was once the most flourishing part of the Island. But it is not only to the Malabars that the decline of Ceylon is to be attributed. "Civil dissensions, religious schisms, royal intrigues, and assassinations contributed equally with foreign invasions to diminish the influence of the monarchy, and exhaust the strength of the kingdom." ✓

To the country thus exhausted there came in 1505 A.D. the Portuguese seeking to acquire the monopoly of Eastern trade. During the 130 years that followed they succeeded, in spite of many setbacks, in extending their power over the maritime provinces of the Island. In this they were helped by the civil strife induced by the rival claims of Kotte and Sitawaka to its overlordship and by the bequest in 1597 of this suzerainty and of his dominions by one of the claimants—Dharmapala, King of Kotte—to the Portuguese King. This was Philip II of Spain, and his Viceroy agreed to govern according to the laws of Ceylon. In 1619 Jaffna was taken from the Malabar dynasty, who were ruling there, by the Portuguese. There attempts made at various times, to establish themselves in the Kandyan country had, however, failed. They were fortunate in securing by a treaty with the Kandyan King, made at Goa in 1633, after one of the worst of these failures, recognition to their other possessions in the Island. But the last

* "Ceylon", by Sir James Emerson Tennent, Vol. I, p. 385

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twenty years—from 1635 onwards—of their rule was a period of decay. There then appeared in Indian waters the Hollanders, at that time fighting Spain for the independence of the Low Countries. After a series of minor Dutch successes, the capture of Colombo in 1656 gave a mortal blow to the dominion of the Portuguese in Ceylon, which ceased finally when Jaffna surrendered two years later.

This dominion had, throughout its duration, been exercised by a Captain General, who was subordinate to the Viceroy at Goa, He was assisted by a revenue officer and a judge. The country under his jurisdiction was divided into four provinces (or disavannies) radiating from Kotte and these into korales, which were further subdivided into pattus, each consisting of a number of village areas. Officials of appropriate rank were appointed to all of these, including the royal villages and those granted during pleasure, or for a life or term of lives, to Portuguese and others. All or almost all the land was held by service tenure, often military in character. Revenue was derived from royal monopolies of cinnamon, areca and pepper, gems, elephants and the produce of the pearl fishery and from death duties. Justice was administered by the governors of provinces, who had civil as well as military jurisdiction. Assizes were also held for collecting death duties and for dealing with criminal and civil matters and questions of caste. Colombo was administered by a chamber or municipal body. Jaffna was under a separate administration, subject, however, to the Captain General. The principal fortresses were Colombo, Galle and Jaffna. Of the Portuguese soldiers the married ones were only called up for duty on an emergency and the unmarried ones seem to have largely lived on the country, the local militia or lascarins were under the Sinhalese or Tamil provincial authorities. From the accounts that have come down to us the administration appears to have been corrupt and oppressive, the native system of government being carried out under the promptings of avarice and without the restraining influence of custom, and the powers of the officials being exercised in the provinces unchecked by the former fear of the royal authority. Reminiscent of the Portuguese occupation of the maritime provinces are the many Portuguese names now borne by Ceylon families and a Roman Catholic population of some 370,000 persons, descendants of those who maintained with courage and faithfulness the creed into which they were baptised in the sixteenth and first half of the seventeenth century.

The Dutch occupation, from the time of their capture of Colombo from the Portuguese to that of its surrender to the British, lasted 140 years. For a long period only a portion of the territory held by their predecessors was in their hands, the area varying with the relative aggressiveness of the Kandyan Kings and of the Dutch Governors, it being in the latter case kept in check by the conciliatory attitude that the East India Company in Holland, true to its trading character, desired to adopt. Between 1688 and 1766 the area held was that of the present Western, Southern and Northern provinces. The struggle waged with Kandy was largely fought with weapons of trade. The Dutch brought pressure to bear on the interior kingdom by shutting the ports of Colombo, Galle and Jaffna, which they controlled, to trade from the interior, and the King retaliated by closing the frontiers of his country. The troubles of the Kandyan monarchs with their subjects on the one hand and serious insurrections throughout the Sinhalese provinces of the Company, arising in the main from agrarian causes, on the other, weakened the respective parties in the struggle and the Kandyans were on the verge of starvation when the peace of 1766 put the Dutch in possession of the whole of the maritime provinces. While this peace was threatened it was never actually broken in the course of the next thirty years and the Dutch in that time devoted themselves to improvement of agriculture and of administration, in so far as this was compatible with the exhausted finance of the Company and the decaying energies of its servants. The end came with the association of Holland

with the French Republic, with which Great Britain was at war, and with the abandonment to the latter, after a resistance which political circumstances made half-hearted, of all the Dutch dominions overseas.

The government of Ceylon under the Dutch East India Company was entrusted to a Governor and Director-General of the Island and to a political Council consisting of nine officers, including the heads of the revenue, military, judicial, trade and other departments. The territories were divided between Colombo, Jaffna and Galle, the last two being administered by Commandeurs assisted by Councils. Disawas at Colombo, Jaffna and at Matara for Galle, occupied much the position of Government Agents to-day, while six Opperhoofds, at centres of districts away from the three headquarters, appear to have corresponded to the present assistant Government Agents; they were all Dutch. The Portuguese system of local administration by Ceylonese chief headmen in charge of korales, superior headmen over pattus and village headmen over similar areas, was continued by the Dutch, though they endeavoured to limit the number of chief headmen and to lessen the areas granted them as remuneration for so long as they held office. Most lands were held by feudal tenure. For a time a military organisation for the militia in the korales ran parallel with the civil one, but was later on abolished for economy. Mercenary regiments of Europeans and Malays from Java composed the permanent military force. The sources of revenue were much the same as under the Portuguese. Justice was administered by a chief court presided over by the Controller of Revenue, with exclusive criminal jurisdiction and jurisdiction in civil cases, a land court and a court of small causes in Colombo and by chief courts under the Commandeurs, as well as land courts in Jaffna and Galle. From these and from minor courts in the provinces appeals lay to the chief court in Colombo. The Dutch have left behind them in Ceylon some fine forts and other buildings, a system of canals in the Western Province, the principles of Roman Dutch law and a Burgher population esteemed for character and education.

The Maritime Provinces of Ceylon, that had thus passed under the rule of the British, were attached to the Madras Presidency and administered by the East India Company through a military governor who had subordinate to him a Resident and a Superintendent of Revenue with European collectors and Madrassi minor officials. The indiscreet use of the latter unsympathetic and rapacious foreigners in the collection of revenue, and the attempt to substitute direct taxation of produce for the service tenure of lands, caused a violent revolt in 1797 which lasted over half a year. Various changes in the judicial and executive administration followed and on January 1, 1802, British possession of Ceylon having been confirmed by the Peace of Amiens, the settlements in the Island became a Crown Colony with a Council consisting of the Chief Justice, the Commander-in-Chief and the Chief Secretary, and with a new Civil Service. Collectors represented the Government in the different districts. In the same year service tenure, which had been re-established, was abolished, a tax in the form of a share of the produce being substituted for it. Personal service was, however, still enforced but paid for. The revenue at this time was otherwise mainly derived from the pearl fishery, the monopoly of cinnamon and arrack, duties on arecanuts, salt, and tobacco, and a tax in lieu of the personal labour of Moors. While the civil administration was being developed, a faulty and discreditable policy adopted towards Sri Vikrama Rajasinha, the new Malabar King of Kandy, led to military operations in that country and in 1803 to disaster to a British force, to the invasion of the Maritime Provinces and to a threat to Colombo itself. The position was relieved towards the end of the year, and after some further reverses and successes, hostilities were suspended early in 1805, mainly owing to the exhaustion of the Kandyan. In the following years the Kandyan King was occupied by internal troubles in his kingdom and in the excesses which destroyed all sympathy between him and his chiefs. These were led to

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desert his cause when, in 1815, a British expedition advanced to the capital on account of some barbarity committed on British subjects and in order to put an end to the unsettled and precarious state of affairs due to the King's animosity. On March 2, 1815, a convention between the British Governor and the Kandyan chiefs deposed the King, excluded his dynasty from the throne, vested the dominion of the Kandyan Territory in the British Sovereign, while guaranteeing the continuance of the rights, privileges and powers of the chiefs "and to all classes of people the safety of their persons and property, with their civil rights and immunities, according to the laws, institutions and customs established and in force among them."* The rites, ministers, and places of worship of the Buddhist religion were to be maintained and protected.

In spite of the terms of the treaty the chiefs found their influence diminished and there was dissatisfaction with the new Government. A spirit of insubordination first showed itself in September, 1817, a pretender to the throne was found, "and before six months had elapsed only a few inconsiderable districts still maintained their allegiance."† It was nearly two years before the rebellion was suppressed, and this was only accomplished after severe British losses had been incurred and the Kandyans had been treated with a severity difficult to justify. The suppression was followed by the creation of a President and a Board of Commissioners at Kandy and by measures limiting the application of compulsory labour to the construction of works of public utility, imposing a tithe on cultivated land in lieu of personal services, transferring the administration of justice from the native headmen to European civilians, reserving to the Governor the appointment of the headmen employed in collecting revenue, and substituting official salaries for local assessment for the remuneration of the chiefs. The chiefs were naturally not satisfied with these changes, and some minor disturbances occurred in the years that followed. The danger to the Government of these in the future was, however, greatly reduced by the policy then adopted of traversing the country with a system of well-constructed roads. In the meantime the occupation of the Kandyan country and the development that had occurred in the Maritime Provinces were considered to require a revision of the Constitution of 1802, and after several years' investigation by a Commission of Enquiry, this was effected by an Order in Council proclaimed on September 28, 1833. Executive and Legislative Councils, the former of five senior officials and the latter of ten other official members, took the places of the old Council of Government in the Maritime and of the Board of Commissioners in the Kandyan areas, the Government of the two being amalgamated. The Island was divided into five provinces—Western, Northern, Eastern, Southern, and Central, each province being put under a Government Agent. This amalgamation and the breaking up into chief headmen's divisions of the territories formerly under Kandyan Disawas or provincial governors were unacceptable to the Kandyan chiefs, and it was thought necessary by the Government to take measures against an anticipated insurrection arising from their dissatisfaction. Apart from this the decade that followed 1824 had been looked upon as an era of prosperity and happiness to the people. In 1833, in addition to the new constitution, there had been issued a charter of justice by which a Supreme Court with original criminal jurisdiction and with appellate jurisdiction both in civil and criminal cases was created, as well as District Courts for the trial of criminal and civil cases in the several districts of the Island. In 1844 Police Courts and in 1845 Courts of Requests were established to give relief to the District Courts by dealing respectively with minor criminal and civil cases. In 1834 the population was 1,167,000, or about 45 to the square mile; the revenue was £377,952, already in part collected from

* Appendix V.

† "The History of Ceylon," by William Knighton, p. 329.



Customs, and expenditure about £334,000. Exports amounted in value to £145,000, and imports to £372,000. 153,510 tons of shipping entered and cleared. There were 1,105 schools with 13,891 scholars.

The period that followed was that of the rapid growth in the coffee-planting industry and of the great influx of capital that supported it. It was one, however, in which the social condition of the people was adversely affected by increased consumption of spirits and immoderate indulgence in litigation. The Government monopoly of arrack militated against effective measures being taken to stop the former, while the system of wall district courts, with the opportunities it gave to proctors to batter through the people's love of legal process, encouraged the latter. Both were helped by the amount of specie that became available in the interior. Against these evils the authority of the Government and of the chiefs exerted but small influence. That of the Government was adversely affected by less frequent contact of the officials with the people of the country, and that of the chiefs by the idea that had arisen in the official mind that this authority had been too great, and by the consequent policy that had discouraged and undermined it. The evils here referred to had most effect on the Kandyan provinces, where there had been less contact with foreign ways and less education, and where the native population found themselves at a disadvantage in relation to the more sophisticated Moormen and Low Country Sinhalese that were attracted to the highlands. The discontent among the Kandyans rapidly increased. It was not lessened by the formation in 1845 of the North-Western Province, which united the Kandyan Seven Korales with the Low Country districts of Chilaw and Puttalam. On July 6, 1848, a memorial was presented to the Government by a concourse of nearly 4,000 people in Kandy, asking for an amendment of certain laws, and, in the same year, there was an insurrection in the Matale and Kurunegala districts which, however, was suppressed without loss of life. A British parliamentary inquiry followed, the Governor was recalled, and certain changes were made with a view to improving the conditions of the Kandyans. A change, but indifferently appreciated by them, occurred in 1853, when the Government disassociated itself from the administration of Buddhist ecclesiastical affairs. The proclamation issued in 1818, after the suppression of the rebellion, had already reduced the obligation contained in the 1815 Convention, an obligation difficult to justify to religious people in England. More popular among the Kandyans was an amendment of their marriage law by an Ordinance passed in 1859 in accordance with a memorial they themselves had presented. Alterations intended to be in their interest were made in the division of the Island into provinces. The North-Central was constituted in 1873 for the better administration of the northern part of the Kandyan territory. The Province of Uva was created out of the Central Province in 1886, and in 1889 Sabaragamuwa, consisting partly of the old Kandyan disavany of that name and partly of the districts known as the Three Korales and the Four Korales, was separated from the Western Province to form the ninth province of the Colony. In the Colony generally there was during the period considerable material progress even apart from the financial situation produced by the planting industry. Education and medical services to the people at large were being extended. There was much public works activity and improvement in communications, and later in irrigation. The success of tea-planting, from the 'nineties onwards, placed large funds at the disposal of the Government for these purposes.

Between 1834 and the end of the first decade of the twentieth century there had, however, been no important constitutional changes. In 1837 two unofficial members had been added to the Legislative Council of ten officials and by 1845 the number had been increased to six, all nominated. An attempt was made in 1859, in connection with the then acute question of the military contribution of the Colony, by these members, in conjunction with representatives outside the Council of the different communities, to get a change in the constitution and some control by the Council over

Handwritten note on the right margin: "Kandyan history" and "reference to the Kandyan provinces of page 13"

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It did not then succeed. In 1865, however, municipalities, on distinctly British lines and with majorities of elected members, were established at Colombo and Kandy and shortly afterwards at Galle. A few years later what was really a more important step in the direction of self-government, this time on the lines of ancient custom, was taken in the re-ascertainment by law of the system of village councils, the value of which in matters of cultivation and irrigation had been administratively recognized some time before. Village Committees and Village Tribunals were established by Ordinance No. 26 of 1871. The subsequent progress of local government is dealt with in Chapter VII of this Report. Reverting to the Central Government it should be stated that in 1889 an increase was made in the number of unofficials in the Legislative Council to eight, by the addition of one seat for the Kandyan Sinhalese and one for the Moormen (Arab descendants), the former six having been allotted to (i) the Low Country Sinhalese, (ii) the Tamils, (iii) the Burghers, (iv) the Planters, (v) the Merchants, and (vi) the general European community. The six leading officials, who constituted with the Governor the Executive Council, and three other office-holders, brought the number of Legislative Councillors, who met under the presidency of the Governor, up to seventeen. The former practice of appointing these Councillors for an indefinite time was altered by limiting the normal term to five years.

No further changes were made in the constitution till 1910, though, through the intervening twenty years, there was a growing feeling, by no means confined in the Island to Ceylonese, that there should be some reform, more especially in the Legislative Council, with regard to which suggestions were made for the abolition of the system of racial representation and the introduction of the elective principle in place of nomination. In 1909 memorials from a number of the inhabitants, praying for reforms in this direction, were forwarded to the Secretary of State, who decided that the Council might be enlarged and that the members representing the communities educated on European lines should be chosen by election and not by nomination. By Royal Instructions, dated November 24, 1910, the constitution of the Council was remodelled to consist of eleven official and ten unofficial members. Of the latter, four were elected, representing respectively the European Urban, the European Rural, the Ceylonese and the Burgher communities; the remaining six unofficial members were still nominated by the Governor and included one Kandyan Sinhalese, one Muhammadan, two Low Country Sinhalese, and two Tamil members. Two *ex officio* members, namely, the Principal Civil Medical Officer, and the Government Agent of the Southern Province, had been added to the official element. The reconstituted Council met for the first time on January 16, 1912. A year later the Governor reported that it was a harmonious and efficient instrument for giving effect to the measures necessary for the good government and progress of Ceylon. At the time of the reconstitution, the population of Ceylon amounted to 4,110,367, or about 162 to the square mile; it included some 440,000 Indian coolies; the revenue was Rs. 43,741,738 and expenditure Rs. 36,467,708; 14,769,208 tons of shipping entered and cleared; imports amounted in value to Rs. 164,405,788 and exports to Rs. 182,028,968; there were 325,282 scholars in Government and aided schools, and 34,375 in unaided. These figures may be compared with the corresponding ones already given for 1834 when the first Legislative Council met.

Stress was laid on this development as a reason for further reform of the constitution in a memorial submitted by the Ceylon Reform League and the Ceylon National Association to the Secretary of State at the end of 1917. In this it was asked that the Legislative Council should have an unofficial majority mostly elected territorially. Two years later the Ceylon National Congress, representing in the main the Low Country Sinhalese, formulated the following chief reform demands: "Enlarged Legislative Council, about fifty members, four-fifths elected territorially, wide maie

franchise, restricted female franchise, remaining one-fifth officials and officials representing important minorities; secondly, elected speaker, Legislative Council, thirdly, continuance full control budget, no diary; fourthly, Executive Council at least half Ceylonese, chosen from elected members Legislative Council, fifthly, Governor should possess English parliamentary experience; sixthly, complete popular control local self-government."* In June, 1920, the Secretary of State, to whom representations in the matter of reform had been sent by different sections of opinion in Ceylon, received at the Colonial Office deputations from some of the sections represented by the Kandyan Association, the Ceylon National Congress, and the European Association of Ceylon. As a result of consideration of their views there was passed on August 13, 1920, an Order in Council reconstituting the Legislative Council of 14 official and 23 unofficial members under the Presidency of the Governor. Eleven of the unofficial members were to be elected on a territorial basis and 8 others to represent the Europeans (2), Burghers (1), Chamber of Commerce (1), Low Country Products Association (1), Kandyans (2), and Indians (1). A member to represent the Muhammadan community and 3 others to represent such interests as in the opinion of the Governor were not adequately provided for otherwise were to be nominated by him. In order to prevent the occurrence of a deadlock in any essential matter it was provided that the Governor might declare that the passing of any measure was of paramount importance to the public interest, and that in such a case the measure might be carried by the votes of the official members. The Governor was also to have power to stop the proceedings of the Council in relation to any measure that he certified affected the safety or tranquility of Ceylon. The Legislative Council, constituted according to the above Order, was opened on June 7, 1921. In accordance with Royal Instructions issued to the Governor three unofficial members were appointed to the Executive Council. The statistics for the year of the coming into force of the revised constitution—corresponding to those given above for 1834 and 1910, were: population—4,504,549 or 178 per square mile, including somewhat under 500,000 coolies, revenue—Rs. 70,619,061; expenditure—Rs. 91,767,691; shipping entered and cleared—13,328,799 tons; value of imports—Rs. 260,897,161; value of exports—Rs. 258,600,413; number of children in Government and aided schools—383,108 and in unaided schools—21,322.

Even before the Order in Council had been sent out to Ceylon antagonism to its provisions and demands for "real and substantial majority in the Legislative Council, wide franchise, elected Speaker, half Executive Council members to be selected from territorially elected members of the Legislative Council and to have portfolios, and a Governor with parliamentary experience"† were received from the National Congress, the body representing mainly Low Country Sinhalese which had organized and conducted the agitation that had led to the issue of the Order. The election of representatives was, however, duly carried out and the Council met on June 7, 1921. In December of that year on the motion of Mr. (now Sir) James Peiris, the President of the National Congress, a resolution suggesting amendments to the Order was submitted to the Legislative Council. They were to the effect that the Legislative Council should consist of 45 members, of whom 6 should be officials and 28 elected on a territorial basis; that the communal and minority representation should be retained with minor alterations; that the Legislative Council should be presided over by a Speaker elected by itself; that the electorate should be widened by the reduction of the property and income qualifications; that there should be a redistribution of seats in the territorial electorates; that the Executive Council should consist

* Telegram from the President of Ceylon National Congress to the Secretary of State, dated 16th December, 1919.

† Telegram from the Ceylon National Congress Committee to Mr. D. B. Jayatilaka, dated 9th August, 1920.

the official members with whom should be associated three ministers' portfolios, chosen from the members of the Legislative Council. The Governor's power to stop debate should be repealed; and other minor changes should be made. These recommendations were considered by the Secretary of State, as well as a joint memorandum of the European, Burgher, Tamil, Muhammadan, and Indian members of the Legislative Council dated the 21st February, 1922, which set 45 members of whom 19 should be territorially and 11 communal rejected and 15 nominated; a scheme of the Ceylon National Congress for reconstitution of the Legislative Council prepared in March, 1922; and the proceedings of a Committee of the Legislative Council appointed by the Governor to consider the allocation and distribution of seats in the territorial electorates which reported in July, 1922. In the course of 1923 appeals were made to the Secretary of State with regard to the representation of various minority communities including that of the Tamils of Colombo, and it was not till the 19th December of that year that the Ceylon (Legislative Council) Order of 1923 was passed by His Majesty in Council. Minor modifications were made to it by an amending Order in Council passed on the 21st March, 1924. The Legislative Council then existing was dissolved on the 29th August, 1924, the reconstituted Council being formally established on the 15th October.

* The following are the principal provisions of the Ceylon (Legislative Council) Order in Council of 1923. The Council consists of 12 official members and 37 unofficial members. The official members are, five *ex officio* members, viz., the Senior Military Officer, Colonial Secretary, Attorney-General, Controller of Revenue, Treasurer, and seven other officials nominated by the Governor. The unofficials consist of three persons nominated by the Governor and 34 elected members. Twenty-three of the 34 represent territorial constituencies; three are European Urban, Rural, and Commercial members; and there are two members for the Burgher, two for the Indian and three for the Muhammadan community, and one for the Ceylon Tamils in the Western Province. The 23 territorial constituencies are divided up between the Provinces as follows: Western 5, Southern 3, Northern 5, Eastern 2, Central 2, North-Western 2, North-Central 1, Uva 1, and Sabaragamuwa 2. Elected members must be over 25 years of age, British subjects, able to speak, read, and write in the English language, and they must possess an income of not less than Rs. 1,500 or immovable property of the value of not less than Rs. 5,000, or must occupy premises of not less than Rs. 500 annual value in a town or of not less than Rs. 400 annual value elsewhere. Voters must be of not less than 21 years of age, male British subjects, able to read and write English, Sinhalese, or Tamil, and they must possess an income of not less than Rs. 600 or immovable property of the value of not less than Rs. 1,500, or must occupy premises of not less than Rs. 400 annual value in a town or not less than Rs. 200 annual value elsewhere. The procedure in connection with elections is laid down in detail in the Order. The Governor with the advice and consent of the Legislative Council can make laws for the peace, order, and good government of the Island, which have effect on receiving the Governor's assent, or if reserved for the signification of His Majesty's pleasure, on receiving His Majesty's assent by Order in Council or through one of His Principal Secretaries of State. No law, vote, or resolution imposing any tax or disposing of or charging any part of the public revenue can be passed unless it has been proposed by the Governor. The Governor is President and may attend or preside in the Council but when he does not do so the Vice-President presides. The Vice-President is elected by the Council and holds office until the next dissolution after his election. If the Governor is of opinion that the passing of any bill, resolution, or vote

is of paramount importance to the public interest he may declare it to be of such paramount importance, in which case only the votes of the *ex officio* members and nominated official members are taken into consideration. In such a case a report has to be made to the Secretary of State. The Council may be prorogued or dissolved at any time by the Governor and must be dissolved at the expiration of five years from the date of the return of the first members elected at the last preceding General Election if it was not have been sooner dissolved. The decision of the Governor in Executive Council on any question arising as to the intention, construction or application of the Ceylon (Legislative Council) Order in Council, 1923, and of the rule made thereunder is final.

The Executive Council is constituted under Royal Instructions to the Governor of three *ex officio* members, viz., the Colonial Secretary, Attorney-General and Government Agent for the Western Province, and of such other members as the Governor in pursuance of instructions received from the Secretary of State may from time to time appoint. At the present time there are six other members, viz., two official and four unofficial. According to the Letters Patent constituting the office of Governor and the Royal Instructions issued to him, he has, except in cases of urgency or of little importance, to consult with the Executive Council in making grants of land, in the appointment of judges and other necessary officers, in the grant of pardon or the reprieve of offenders sentenced to death, in the remission of sentences and fines, and in the dismissal or other punishment of public officers of a certain standing or in their suspension. The Executive Council has certain functions under the Pension Minute with regard to the grant, discontinuance and restoration of pensions and gratuities and under the (Legislative Council) Order in Council in connection with elections. In practice it is consulted before any bill is introduced into the Legislative Council or before amendments are made in the Civil Service Minute of the 17th December, 1920, or in the Pension Minute of 9th December, 1908, and before alterations of importance are made in General Orders and Financial Orders by which the procedure of all Government officers is regulated. Under some 200 Ordinances passed in the last 50 years the Governor in Executive Council has fixed the date of Ordinances coming into force, has passed regulations, fixed rates of royalty and fees, and generally has made orders in a variety of circumstances. In the last five years the tendency has been for the Executive Council to be less frequently consulted than formerly.

A list of the various Departments of Government, some forty in all, is given in Appendix III to this Report. The Governor's Orders to the Heads of Departments are communicated by the Colonial Secretary, the permanent head of the whole of the Public Services and particularly of the Civil Service. He is usually appointed from outside the Service of the Colony. The Colonial Secretary with the Controller of Revenue, who is generally the Senior Officer of the Civil Service in the Colony and has certain general supervisory powers in revenue matters, and the Treasurer, who takes charge of all public moneys, and is Accountant-General for the Colony, constitute the Staff Officers of the Services. The Civil Service consists of some 150 officers, originally selected by the Secretary of State as the result of competitive examinations open to natural-born British subjects of European or Ceylonese descent or of mixed European and Ceylonese descent. This Service furnishes officers for the general administration and part of the judicial work in the Colony, and is divided into five classes of which Class I comprises the Government Agents and heads of non-technical departments and Classes II and III the Assistant Government Agents, District Judges, Municipal Police Magistrates, and the principal assistants in the Secretariat and in the Revenue, Customs, and Excise Departments.

In addition to this Service there are a number of important officers in the technical Departments who with the Civil Service and the subordinate officers of the Government make up the public service of Ceylon.

The administration of justice is chiefly entrusted to the Supreme Court, composed of a Chief Justice and the five Puisne Judges with an original, appellate and an Admiralty jurisdiction to District Courts with an unlimited civil and limited criminal jurisdiction; to Courts of Requests for the disposal of minor civil actions; to Police Courts for dealing summarily with minor offences; and to Village Tribunals referred to in the Chapter of this Report which discusses local administration.

The present state of the Colony under the system of Government we have sketched above is generally indicated by the statistics of population, revenue, expenditure, shipping, imports, exports, education and cultivation given in Appendix IV to this Report.

CHAPTER III

WORKING OF THE EXISTING CONSTITUTION

The existing constitution has now been outlined. It remains to examine its working and the difficulties of administration to which it has given rise. We realise that the constitution was framed to meet the requirements of a transitional stage in the political advancement of Ceylon, and that it was in no sense intended to be a complete and finished structure. That it would need adjustment to accord with changing conditions was thus to be expected, and it was deliberately designed to be capable of such adjustment. We therefore, hope that our criticisms may be interpreted not as reflecting *ex post facto* on the framers of the Order in Council, nor on those who were called upon to administer it, but merely as an attempt in the light of experience to indicate those defects which the experimental period has revealed.

The Legislative Council

The most striking characteristic of the Ceylon constitution is the divorce of power from responsibility. The unofficial members, who are not responsible for the conduct of public business, enjoy an overwhelming majority in the Legislative Council; the official members, who are so responsible, are in a permanent minority. The official members owe no allegiance to the Council and are irremovable except by the Governor, in whom all executive authority is vested. The unofficial members, though in complete control in the Council, are denied the prospect of assuming office themselves. Thus, on a counting of heads, those who have the controlling votes in the Council are not called upon to bear the responsibility for their decisions: those who have to bear the responsibility are without the controlling votes.

A normal requirement of the parliamentary system of government is that the element which supplies the Executive should be able to command a majority in the Legislature, or if it cannot do so should give way to its opponents. Judged then by the accepted standards of parliamentary practice, a constitution such as that of Ceylon is a *reductio ad absurdum*. But it must be remembered that the representative institutions of the world have reached no final or definite form, that conditions vary from country to country and from continent to continent, imposing each in their own sphere special and peculiar limitations on the parliamentary system, and that the history of modern constitutional development is one continuous record of attempts to adjust accepted parliamentary practice to the realistic requirements of social and economic progress. It is no longer enough to criticise a constitution on the debatable grounds of political theory without examining the peculiarities of its environment. If we survey the

field in Ceylon we find that there is a complete absence of any party system among the elected representatives of the people, a consideration which, while a serious handicap to the development of responsible parliamentary institutions, was expected to lessen the embarrassment of a Government called upon to administer the country with a minority in the Legislative Council. Much depended therefore on the manner in which the grant to the elected representative of a controlling voice in the Council was interpreted. It was true that it transferred the balance of power from a responsible Executive to an irresponsible Legislature, an experiment which could not be without risk; on the other hand the very extent of the power entrusted to them made the elected members in a real sense co-partners in the Government. It was clear that without their active co-operation the Government would be helpless, but it was equally clear that they were as anxious as the official members to promote the good government of the country and would not be likely to withhold co-operation. The system thus promised a means of educating the unofficial members in the arts of government and the complexities of public business, and of providing them, with that training which would enable them in future years to assume responsibility for the administration of the Island. In the meantime the closest and most intimate contact was ensured by the constitution which, by depriving officials and unofficials alike of the power to act independently of each other, was calculated to produce an atmosphere of mutual assistance and goodwill.

It would therefore be too much to say that the constitution could not have worked efficiently under any circumstances; had these expectations been fulfilled there can be no doubt, that the results would have been wholly admirable. There was, however, a factor to which too little attention had been paid and which was destined to exercise a far-reaching effect on the situation. The constitution, which could only be smoothly worked on a basis of co-partnership, placed the elected members on the horns of a dilemma. If they acknowledged their co-partnership would they not be regarded as having abandoned their claim to manage their own affairs? If they refused their co-operation would they not lose that education and training in the arts of government which made so strong an appeal to them, and forfeit that confidence which His Majesty's Government had clearly shown in their moderation and sense of responsibility? For years they had pressed for reforms which would make them masters in their own house, and for the continuance of that pressure they were naturally dependent on public support. To accept an instalment only, even under protest, might weaken their case in public estimation and might even deprive them of the right to continue their campaign which was based largely on the deficiencies of the Government.

Added to these considerations was the fact that in one respect the constitution deliberately emphasized the distinction between official and elected members. The Governor was given power to nominate three unofficial members to the Executive Council. These Members were not necessarily to be selected from the Legislative Council, but if they were so selected they were to be required to resign their seats as elected representatives and to sit in the Council as nominated unofficial members. All connection between the elected members and the Executive Council was thus gratuitously severed. The members nominated by the Governor to the Executive Council were at once marked out as different from their fellows, to whom they became objects of suspicion. Instead of gaining added prestige they were liable to be distrusted as creatures of the Governor who had betrayed their constituents and deserted their cause. Their task of acting as a connecting link between the Governor with his official advisers and the Legislative Council became well-nigh impossible.

In this combination of circumstances a breach between the official and unofficial element in the Council was inevitable. Acceptance of the position of co-partnership faded from the picture of practical politics and the unofficials came gradually to regard themselves as a permanent Opposition. As soon as this tendency was manifest it was clear that the constitution would place the Government in a position of extreme difficulty. It had been hoped that the absence of a party system would assist the Government in dealing with a Council in which the official element was in a minority. But in practice this consideration exercised a contrary influence. For had the unofficial members been divided into two or more parties, each with clearly defined principles, they would naturally have tended to vote against each other, and on the majority of issues the Government would doubtless have been able to secure support. In any event the Government would have been able to take stock of its position and, in framing its policy, to weigh the considerations which made it probable or improbable that that policy would commend itself to various sections of the Council. But the elected members were individualists, untrammelled by party ties and free to vote as their judgment at the moment dictated. Their attitude therefore could not be calculated in advance. But if they lacked cohesion there was at work among them one common sentiment, namely, that they could administer the country more efficiently themselves. Thus in an atmosphere of uncertainty and instability the only constant factor was the general desire to make political capital out of the shortcomings of the Government and to add to its embarrassment.

Denied all prospects of office, the unofficial members were in no danger of being called upon to translate their criticisms into action and to execute in practice the measures which they advocated. They were free therefore from the deterrent which is usually present to the Opposition in countries where parliamentary government obtains. Apart from their responsibility to their constituencies, in which the bulk of the people were debarred from the franchise, they were free agents, who while able by their slightest actions to affect the fortunes of their country, possessed, if called to account for those actions, a convenient scapegoat ready to hand. It is then no matter for surprise that the launching of continuous and irresponsible attacks on the members of the Government collectively and individually became the distinctive feature of their policy.

In this unenviable situation the Government was faced with alternative courses of action. It could either risk a crisis by standing its ground in the face of an adverse majority, adhering to its considered proposals and throwing on the Council the responsibility for rejecting them; or it could give ground when opposed in order to secure the best compromise available. The Government chose the latter course. It may well have felt the danger of a series of crises which would have made more difficult continuity in constitutional advance. It, not unnaturally, was loath to run the risk of forcing a crisis in the early stages of the constitution and it hoped by the adoption of a conciliatory policy to convince the unofficial members of the sincerity of its motives and the reasonableness of its intentions, to woo them from an attitude of perpetual opposition and to introduce an atmosphere of cordiality in which genuine co-operation and achievement would be possible. This last object has to some extent been realised, but the unofficial members, though perhaps less distrustful of the Government now than formerly, have shown no signs of abandoning their general position as hostile critics. On the contrary, they were encouraged to redouble their efforts, seeing as they now did the full extent of their power. They had only to maintain the pressure to have the administrative machine completely at their mercy.

These developments, perhaps inevitable, served the best interests neither of the unofficial members nor of the Government. The former were emboldened to travel outside the sphere of legislation and to hamper the machinery of Government in executive and administrative matters. The

policy of the Government involved a virtual surrender of control, and any representatives in the Council could not but lose dignity. The reactions on its supporters and on those who looked to it for support were equally unfortunate, the effect on the moral of the public services disastrous. This aspect of the matter we shall deal with in greater detail at a later stage of the Report: It will suffice here that the direction in which the constitution was permitted to develop could not fail to handicap officials and unofficials alike in achieving the best results for the government of the country.

The Finance Committee

The dangerous twist thus given to the constitution is most clearly illustrated in the proceedings of the Finance Committee of the Legislative Council. The body is composed, on a familiar Colonial model, of all the unofficial members of Council sitting under the chairmanship of the Colonial Secretary, with the Controller of Revenue and the Colonial Treasurer as the only other official members. Its deliberations are conducted in private, and the record of its proceedings is not available to the public. Its composition and procedure thus make it equivalent to the Legislative Council sitting *in camera* with the official element reduced from twelve to three. This form of Committee, while doubtless appropriate to those Colonies which, less large or less politically advanced, possess a Legislative Council of small numbers, is altogether unsuited to conditions in Ceylon. Its retention under the existing constitution proved to be a serious mistake which has contributed in no small measure to the discomfiture of the Government.

The main function of this Committee consists in the examination of the annual Budget and Estimates, the Supplementary Estimates which are periodically required, and any measures or proposals in which financial considerations are involved. The normal procedure in dealing with the Annual Estimates is to take them Department by Department, the Head of the Department concerned being invited to attend for the purpose of giving advice or explanation and of answering any questions that may be put to him. Before the enlargement of the unofficial element in the Council, the Committee worked smoothly and well, its relations with Heads of Departments were invariably pleasant and mutually responsive, and business was despatched in a friendly and courteous manner. Under the existing constitution, however, these conditions have no longer been maintained. It has become the practice for Heads of Departments to be treated as hostile witnesses, against whom it is permissible to employ all the forensic arts of cross-examination. The conciliatory policy of the Government militates against these officers receiving adequate protection from the Chair, and the latitude allowed to the Committee places them at a further disadvantage. Questions are rarely confined to the matters at issue and the Committee are permitted to wander at will over the whole administrative field. Under a constant fire of uninstructed criticism, subjected to grave discourtesy, if not on occasion to personal insult, and denied the protection that is their due, it is not surprising that these officers find the treatment extended to them painful and humiliating. That they have shown commendable forbearance in the face of great provocation is generally recognised, but the unhappy results of these methods have not been confined to their own number. As we shall observe later in the Report, the reaction on the Services of which they are members could not fail to be sharp and severe.

Another aspect of the proceedings of the Finance Committee is that owing to the peculiar nature of the constitution the methods employed have contributed to its own aggrandisement. Its three distinctive features were absence of publicity, complete control over expenditure, and a total lack of responsibility for the execution of its decisions. The only check on its

...er lay in the Governor and his Executive Council, which was
 subordinate to the Legislature. With a Government less discipline
 material to an issue some reasonable *modus vivendi* might have
 reached; once embarked, however, on a definite policy of conciliation
 Government were powerless to control the Committee. Rightly or wrongly
 the Government were unwilling to risk the occurrence of a situation in
 which a decision might be taken in Executive Council and the supply neces-
 sary to carry out that decision refused by the Finance Committee. The
 prospect of a series of deadlocks, leading possibly to a serious crisis, could
 not appeal to those who had determined to explore all the possibilities of
 working the constitution by a process of compromise. There was only one
 way to ensure that the decisions of the Finance Committee should not run
 counter to those of the Executive Council, namely, that before arriving at
 any final decision in the Executive Council the Government should con-
 sult the Finance Committee and ascertain whether the action contemplated
 would meet with the Committee's concurrence. This course the Govern-
 ment considered it necessary to adopt. Thus not only was the Finance
 Committee permitted to concern itself with details of administration which
 were outside its legitimate sphere, but it was definitely encouraged by the
 Government to do so. The inevitable result has been the diversion of all
 important business from the Executive Council to the Committee which
 has gained in power and prestige in proportion as the Council has lost.

The Position of the Governor

These developments have placed the Governor in an anomalous position. While remaining responsible to the Secretary of State, and ultimately to Parliament, for the good government of the country, he has been deprived of the power to enforce his policy except in legislative matters of "paramount importance." The value of this safeguard, if standing alone, is unquestionably small. Few matters can in themselves be reasonably described as of paramount importance, yet an accumulation of unsound decisions on questions not falling within this category may exercise as disastrous and as far-reaching effects on the general welfare of the community as a mistaken decision on a first-class issue. The Governor's powers of certification have never been used in Ceylon, and so far as we are aware have only once been threatened. Yet we have every reason to suspect that there have been many occasions when his intervention, had it been permissible under the constitution, would have been in the best interest of the Island. In any new constitution it will be essential that his supervisory powers should be strengthened and explicitly defined.

Placed in this false position the Governor has been compelled to acquiesce in the devitalisation of his Executive Council, which under himself is still in theory the supreme executive authority, and in the transference of power to a body without responsibility. He is further handicapped in discharging the duties of his office by the restriction placed on his participation in the proceedings of the Legislative Council. While still technically President of the Council, and thus free to preside in and address the Council at any time, it has been ruled that he should only do so on special or formal occasions and that normally the Vice-President should occupy the Chair. He is thus denied the opportunity of maintaining close contact with the elected representatives on whose goodwill the Government is dependent and is compelled to obtain his information and advice, so far as the activities of the Council are concerned, at second-hand. His position resembles that of a Prime Minister whose duty it is to carry on the Government with a minority in the House, but who is himself denied entrance to the Chamber and is forced to work through a deputy to whom he can only give general instructions. The Governor's deputy is the Colonial Secretary, who is the Leader of the House and the Chairman of the Finance Committee and on him falls the great burden of carrying the business of Government through a critical assembly, and of devising measures to placate an Opposition fully

conscious of its power. With the possibility of an adverse majority always confronting him, quick decisions are essential. There is no time for him in the course of debate to refer for instructions to the Governor on points of detail, and even on points of principle he is at times forced to commit the Government on his own authority. The Governor is thus compelled by force of circumstances to leave him wide discretion and he now exercises an authority which is out of all proportion to that which would normally be assigned to him. Such a state of affairs cannot fail to be a source of constant anxiety to a Governor, however great the confidence which he may repose in his Colonial Secretary. If, in the conflict of personalities, that confidence either did not exist, or were forfeited, the administration of the country would become, to the Governor, a nightmare. As it is, royal co-operation between the officers who have recently held these high positions and their generous desire for the political advancement of the people, for whose government they were still responsible, have bridged over a period in the constitutional history of Ceylon fraught with difficulty and danger.

It may be said that the prevention of the Governor from participating in the proceedings of the Legislative Council has nevertheless been of ultimate benefit in that it has tended to remove him from the sphere of political controversy and to place him in a constitutional position more befitting His Majesty's representative. We would have been disposed to share this view had the provisions of the constitution been generally consistent with such dignified isolation. The fact remains, however, that under the constitution the Governor alone is responsible for the government of the Island and in him alone is executive authority vested. The placing of this immense burden on his shoulders is incompatible with his exclusion from the assembly to which the centre of power, though not of responsibility, has shifted. This exclusion could in fact only have been justified if his responsibility had been confined within certain specified limits or altogether taken from him. The result of a compromise such as that adopted in Ceylon has been to inflict on the Governor the disadvantages and none of the advantages of each position. Neither an all-powerful executive authority nor the nominal head of an administration responsible to an elected parliament, he has been compelled to undertake full responsibility without the means of making his will effective; and yet so far from being removed from political controversy the very fact that he continues to be responsible for the government entangles him in every debatable issue that arises. We shall outline at a later stage of the Report our proposals for remedying this inconsistency; it is our purpose here merely to draw attention to the disabilities under which, the Governor at present suffers.

The Executive Council

Connected with these disabilities is the position of the Executive Council. We have already indicated that this body, once supreme in practice and in public estimation, now finds itself of less importance than the Finance Committee of the Legislative Council. To its loss of power and prestige three factors have contributed. First, the growth of the power of the elected representatives and the methods by which that power has been given expression; secondly, the fact that whereas in the Legislative Council there is an overwhelming unofficial majority, in the Executive Council there is a decisive majority of official members; and thirdly the fact that the unofficial members of the Executive Council need not necessarily be selected from the Legislative Council and, if so selected, have been compelled to resign their seats as elected representatives and to accept seats as nominated unofficial members, a procedure which has impaired their authority and undermined confidence in their representative character. We have already had occasion to point out the unfortunate effects which

have arisen from this last distinction and we are glad to learn that an alteration of policy in this respect has been foreshadowed and in certain cases carried out. We fear, however, that it will come too late to exercise any pronounced effect on the situation. The other difficulties are, of course, incapable of solution except by a radical change in the framework of the constitution.

The Training of Unofficial Members

One of the objects which, as we have said, the Government had in mind in acquiescing in and even encouraging the discussion of administrative matters by the Finance Committee of the Legislative Council was the training of unofficial members in the complexities of public business and the awakening of their interest in practical issues. It was hoped that by this means uninstructed, and therefore unhelpful, criticism would be replaced by criticism at once informed and to the point. The Government evidently considers that much has been achieved in this direction, and that the general knowledge of administration and the insight into the methods of Government Departments gained by unofficial members has facilitated the progress of business. This may be so, but it appears to have been overlooked that the training thus given to unofficial members has been training, in details of administration outside their legitimate sphere of activity and has caused a degree of interference with the administrative machine altogether unwarranted by and inconsistent with the accepted standards of parliamentary government. We fully realise that Ceylon, with its population of five millions, is so small a community and that its cultivated area is so confined that the discussion of Legislative policy looms perhaps less largely in the minds of the Council, and presents to them fewer attractions, than its practical execution. We were soon to discover that everyone in Ceylon was known to each other, that every Government official occupied a position of prominence in the public eye from which, whether on or off duty, he could never escape, and that, especially in matters of appointment and promotion, the interest of unofficial members was daily enlisted in administrative matters of practical importance to their friends and constituents. The Ceylonese people are well-known lovers of petitions, and whereas in Great Britain these would have been dealt with in correspondence with Ministers, their relative importance in the atmosphere of Ceylon was such that they formed an admirable subject for ventilation in the Finance Committee and furnished a constant supply of ammunition for use against the Government. All these considerations naturally impelled the unofficial members, without encouragement from the Government, to concern themselves with details of administration which normally would not have been within their competence; once encouraged by the Government it is not surprising that they took up the pursuit with ardour. Whatever view may be held regarding this aspect of their training it obviously is one which will require careful consideration in determining the form which any new constitution should take.

Another method by which it was hoped to train unofficial members in the handling of public affairs lay in appointing them to serve on various Committees. There were already in existence certain advisory Committees on which their services could be utilized, such as the Railway Board, the Public Works Advisory Board, and the Local Government Board. But it was on select Committees of the Council, and on representative Commissions, appointed *ad hoc* to conduct some specific investigation that the Government pinned its faith. It may be noticed here that the appointment of a Committee is apt to be looked upon as a convenient and attractive method of avoiding a deadlock and shelving awkward questions; that the Ceylon Government should show a pronounced partiality for this expedient was therefore not unnatural. But the advantage that has been taken of this

partiality has resulted in the Council overreaching itself. We were informed in evidence that in November last there were in existence no less than fifty-five *ad hoc* Select Committees and Commissions manned by members of the Legislative Council. It is only necessary to say that each Committee is composed of some ten to fifteen members, whereas the total strength of the Council is only forty-nine, for the absurdity of the position to become apparent. In effect each member of the Council, apart from his normal parliamentary duties, may find himself required to serve, not on two or three but on ten or twelve *ad hoc* Committees. Since the Council itself normally meets for two days a week, only four days are available for committee work. Even if the whole of his time could be devoted to committee work it would be physically impossible to arrange for so vast a number of committees to function simultaneously. When the varied interests and engagements that are the lot of every member of Council are taken into consideration it is apparent that they are confronted with a superhuman task. The inevitable result has been stagnation and delay in public business and a sacrifice of efficiency altogether disproportionate to the advantage gained. Some Committees find it difficult to obtain a quorum; others have dragged on for years without presenting a report; others again have contented themselves with the issue at intervals of interim reports. The machinery of Government has been slowed down and its legitimate activities paralysed. We do not wish to convey the impression that none of these Committees has succeeded in performing a useful service; on the contrary many have done admirable work and there is no doubt that in numerous instances an interchange of views and information has been of great value to officials and unofficials alike. If the system had been confined within reasonable limits we should have had nothing but praise for it; the point which we wish to make is that it has been extended beyond these limits, and that this extension has not only made efficient working impossible but now threatens to confine the administration to the transaction of routine business and to involve in delay and confusion all the more important matters which claim the attention of the Government.

Summary

We hope that we have now succeeded in showing that the existing constitution, under which the Government is faced with grave difficulties, cannot be accepted as satisfactory. It is reducing the Government to impotence without providing any means of training the unofficial members in the assumption of executive responsibility; the tendencies to which it has given rise and the methods by which it has been worked have alike been detrimental to the best interests of the country. The defects inherent in it are such that it could never have worked successfully except under the most favourable conditions. Denied these conditions, it has proved an unqualified failure.

It is no part of our duty and it is not our intention to apportion the responsibility for the present unsatisfactory state of affairs. Justice demands however that we should place on record our view that it would have been surprising if the unofficial members had taken a different course from that which they pursued. Placed as they were, it was inevitable that they should drift into a permanent opposition; the distinctive features in their case have been their keenness and enthusiasm, and their determination to acquire at all costs a real knowledge of all that concerns the machinery of Government. The industry and the application which they have so markedly displayed have been most praiseworthy: the fact that the results have been disappointing should not be allowed to detract from the credit which is their due. If, in their ardour to promote the cause

of responsible government, they have failed to retain a true perspective and have sometimes resorted to methods which would not commend themselves to ~~many~~ experienced men of affairs, they have done their best to make amends by their eagerness to undertake any and every form of public duty and their readiness to face all the personal sacrifices involved in its accomplishment. We had the privilege of meeting and talking with all the unofficial members both privately and officially; many of them gave evidence before us, and nearly all of them presented us with written statements of their views. We have followed with interest their activities in the Council, in the Press and in their constituencies. Their general ability and their keen grasp of affairs made a deep impression on us and we have no hesitation in saying that the educated element of the Ceylonese people, of which they are typical and representative, provides as fine a material as could be wished for the realization of their country's political progress. Had the existing constitution extended to them, within limits however narrow, responsible participation in the Government we should have been in a better position to estimate their reactions to high office and to determine with dispassionate accuracy their capacity for handling affairs of State. It is one of the chief defects of the present constitution that no such opportunity has been afforded to unofficial members and we consider it essential for the completion of their political education that they should now be invested with a substantial measure of responsibility for the government of the Island.

The Colonial Secretariat

No account of the working of the existing constitution would be complete without a reference to the difficulties which have arisen from deficiencies in administrative organization. It has already been pointed out that, politically, Ceylon has long since advanced beyond the narrow confines of the old system of "Crown Colony Government": there has however been no corresponding readjustment of the administrative machine. The executive business of Government remains, as ever, highly centralised under the Colonial Secretary, who continues to be sole channel of communication between Government Departments and the Governor. He is responsible to the Governor for the general supervision of all the Departments of Government, for co-ordinating their work, for recommending to the Governor the acceptance or rejection of their proposals and for defending their approved policy in the Council. Subject therefore to the supreme authority of the Governor, he is in the position of a Minister in charge of some forty Departments of Government. However able, experienced and hard-working he and his staff may be, it is obvious that this task is no longer capable of efficient performance. Not only have the progressive activities of Government been responsible for a continuous growth in the volume of business, but the interest of the Legislative Council in matters other than legislation has been reflected in an overwhelming increase in interviews and correspondence, particularly with the unofficial members. The work which the Colonial Secretary is called upon to undertake as spokesman of the Government in the Council and as Chairman of Finance Committee is alone of vast extent; if his normal administrative work be added the burden is insupportable. Added to these considerations is the fact that the Office of Colonial Secretary is usually filled by appointment from outside the Ceylon Civil Service; the strain imposed on the holder is therefore doubly severe by reason of his lack of familiarity with Ceylon conditions. There can be no doubt that the system has outlived its usefulness and is to-day a source of delay and inefficiency with aids to the difficulties of Heads of Departments and calls for drastic action. We propose to deal with this subject in greater detail in the following chapter which outlines our recommendations for the reform of the constitution.

CHAPTER IV

THE CENTRAL GOVERNMENT

Introduction

The defects of the existing constitution are, as we have shown, primarily due to the fact that, when the last revision was made, a considerable increase in power was given to the Legislative Council, while no corresponding responsibility accrued to its members. The resulting lack of balance can be redressed in two ways. The first would lie in a return to what used to be known as "Crown Colony" government, which could be effected by altering the composition of the Legislative Council in such a manner as to deprive the unofficial members of their majority and incidentally of their control over finance. There has been no advocacy of this method in any responsible quarter. Apart from the well-recognized difficulty of taking back power once given, it would not seem the policy of Justice or statesmanship to have recourse to such a step, unless or until the inhabitants of Ceylon had manifestly failed to avail themselves of a chance of successfully managing their own affairs under conditions, which, unlike those at present obtaining, gave them a fair opportunity of doing so with success.

The other method of redressing the balance lies in going forward rather than backward, in giving responsibility as well as power. This is certainly the course which the British people would prefer and we are glad to be able to recommend it. The question before us thus resolves itself into determining the degree to which responsibility may justifiably be transferred and the means by which such a transference may most advantageously be effected. Before stating the conclusions we have unanimously reached as a result of our investigations, we propose to review various suggestions made to us in the course of our stay in Ceylon and to give the reasons which preclude us from recommending their adoption.

Schemes Suggested

FULL RESPONSIBLE GOVERNMENT

There were witnesses, chief among whom were the delegates of the Ceylon National Congress, who indicated that full responsible government, whether or not involving the grant of Dominion status, must be the immediate goal of any constitutional advance in Ceylon; but the fact that the Ceylonese politicians have not yet had an opportunity of showing their executive ability as Ministers in charge of Departments seems to have produced a measure of agreement that some less drastic change as an immediate step will be in the best interests of the ultimate political future of the Island. Had the inhabitants of Ceylon presented greater appearance of unity and corporate spirit one obstacle to the grant of full responsible government would have been removed. Not only is the population not homogeneous, but the diverse elements of which it is composed distrust and suspect each other. It is almost true to say, that the conception of patriotism in Ceylon is as much racial as national, and that the best interests of the country are at times regarded as synonymous with the welfare of a particular section of its people. If the claim for full responsible government be subjected to examination from this standpoint it will be found that its advocates are always to be numbered among those who form the larger communities and who, if freed from external control, would be able to impose their will on all who dissented from them. Those on the other hand who form the minority communities, though united in no other respect, are solid in their opposition to the proposal. A condition precedent to the grant of full responsible government must be the growth of a

public opinion which will make that grant acceptable, not only to one section, but to all sections of the people; such a development will only be possible if under a new constitution the members of the larger communities so conduct themselves in the reformed Council as to inspire universal confidence in their desire to harmonious conflicting interests, and to act justly, even at a sacrifice to themselves.

Here we must observe that modern facilities for the acquisition and distribution of exact statistical information have provided a seaching test of government. In the face of statistical returns, which speak for themselves, Government can no longer hope to satisfy their critics by facile protestations and assurances in general terms, and in cases when such returns do not already exist consent must be given sooner or later to their production. The new Council will therefore enter upon its duties with the certain knowledge that the results of its work will necessarily be reflected year by year in the records of the statistician and that it must abide by the verdict to which such records may give rise.

Another consideration, the significance of which will, however, disappear if the recommendations contained later in the Report are adopted, lies in the size of the electorate, which at present numbers some 200,000 or 4 per cent. of the population. The grant of a responsible government to an electorate of these small dimensions would be tantamount to placing an oligarchy in power without any guarantee that the interests of the remainder of the people would be consulted by those in authority. It seems hardly necessary to observe that His Majesty's Government is the trustee not merely of the wealthier and more highly educated elements in Ceylon but quite as much of the peasant and the coolies, and of all those poorer classes which form the bulk of the population. To hand over the interests of the latter to the unfettered control of the former would be a betrayal of its trust. Yet the full significance of this seems to have escaped the notice of many witnesses who put forward the claim for full responsible government but were opposed to any extension of the franchise.

Attempts were frequently made, by those anxious to meet this argument and to minimise the relative importance of executive experience, to draw analogies from British political history. But these were in no case apposite. For it may be answered to those who urged as a precedent the passing in the interests of an oligarchy of the Reform Bill in 1832 or who pleaded the assumption of office without previous Ministerial experience by the Labour Government in 1924 that the followers of Earl Grey and of Mr. Ramsay MacDonald had been well trained in affairs, on the bench or in the counting house, in local government bodies or in Trade Union councils, respectively. That the Ceylonese are in the process of acquiring a keen grasp of public affairs cannot be gainsaid; but their training has had to be undertaken *ab initio* and the comparatively small part which they have played up to date in the financial and commercial life of the Island has provided so solid basis for their tuition.

On the wider issues of Imperial relationships, including responsibility for the defence of the Island and the security of its inhabitants, we need make no comment here since these are not strictly relevant to a discussion of the form of government best suited to the internal requirements of Ceylon. The general considerations which we have adduced, however have sufficed to convince us that the grant of complete responsible government is under present conditions impracticable.

This is a conclusion which we have no doubt will commend itself not only to the minority communities but to a majority of the Sinhalese themselves. But what measures short of full responsible Government can be proposed? It has been very clearly stated by many representative public

men in Ceylon and by the spokesmen of various organisations, who gave evidence before us, that anything in the nature of divided responsibility, anything of a "diarchic" character, to use a well-known term, would be doomed to failure. Against this, many other important witnesses, while condemning a system which would involve the division of the budget and so impair the control of the Council over finance, were convinced that a scheme whereby responsibility would be shared between officials and un-officials represented the only practicable step. They foresaw the risks involved in the devolution of undivided responsibility on a body of men who would be without previous experience of high office, or even of minor office, in the administration of important public departments. These two opposite points of view were strongly and ably put before us by men of considerable weight in the country.

A NOMINATED EXECUTIVE INDEPENDENT OF THE LEGISLATURE

In this situation a number of proposals were made to us for the adoption of what has been termed a half-way house. The first type of proposal involved a perpetuation of Colonial government, with however that degree of responsibility which is involved in the appointment by the Governor to the Executive Council of certain unofficial members of the Legislative Council, who would be in charge of departments but responsible only to His Excellency, although of course they would be subject to criticism from the Legislative councillors. In the Executive Council these unofficial members would be joined by official members. This scheme has been urged upon us by witnesses of experience, both European and Ceylonese. It has the advantage of providing an executive council homogeneous in that its members would hold office by identity of tenure. It would place Ceylonese ministers in a position of authority, and would give those selected for these appointments more power to negotiate with, and win the support of, unofficial members for counsels of moderation than is possessed by Ceylonese members of the Executive Council under the present system. The possibility, also, of promotion to positions of such prominence and power might exercise a constant, if sub-conscious, influence on the outlook of unofficial members seeing that an attitude of unreasonable obstruction might well be deemed a bar to office. Moreover, there is undoubtedly attraction in a scheme which, somewhat in the manner of the Morley-Minto reforms in India, might enable the Ceylonese members to learn as ministers in charge of departments something of departmental administration, and might indeed allow a remoulding of the administration of Ceylon—no easy task—under the protecting shelter of the Governor's control. But it must not be forgotten that the Morley-Minto ministers were not, as the Ceylonese ministers presumably would be, called upon to perform their functions side by side with a legislature which had ultimate financial control. In these circumstances it is at least doubtful how far the Governor's authority would in reality prove a shelter; for there would be little reality in the distinction made between ministers appointed by and responsible to the Governor and those appointed by and responsible to the Legislature. So long as the Legislature possesses the power of the purse it can in theory force the Governor to work with "ministers" who are agreeable to it. Short of this, however, it is well to note that the Council can submit such ministers to all the pressure which it exerts upon the present Government, and with the same resultant loss of administrative efficiency and *moral*. That it would be likely to take an even more severe line with such "nominated ministers" than it has ever taken with the existing official members is suggested by the fact that these could be easily represented as the "Hirelings of Queen's House" or as standing examples of the British lack of confidence in the Ceylonese. It is significant that the Morley-Minto regime was short-lived; and it may

be prophesied that, directly the new constitution were formed in Ceylon, force of habit would assert itself and a cry would be raised for "responsible ministers."

It was, however, pointed out by those who put forward this scheme that, whatever might be said against it on paper, it had been shown to work well in practice in the constitution of the Central Government of India. The resemblance, however, between Indian and Ceylonese conditions is more apparent than real. For instance, the Viceroy's Ministers (Executive Council) may be chosen from the whole of India, and have frequently had before their appointment to membership of, and little contact with, the Legislative body. In Ceylon it is almost axiomatic that the Ministers would be selected from that small group of men who for the past thirty years have either been members of the Legislative Council, or, having been prominent in the controversies which preceded the recent reforms, are bound by the closest of ties, both of sentiment and of actual association, to its members. Here, as elsewhere, the difference in size between the Island and the Sub-continent stands in the way of, the lightly drawn analogy.

A MIXED EXECUTIVE

Another type of proposal contemplated the formation of an Executive Council, composed partly of officials and partly of unofficials, these latter to be elected by, or partly elected by, and wholly responsible to, the Legislative Council. In dealing with a Legislature, to which control of finance has been accorded and from the action of which no spheres of activity have been scheduled as "reserved," it is difficult to imagine the smooth working of a system under which a certain number of Ministers are, and a certain number of Ministers are not, responsible. In the Indian provincial governments it has been made to work because the official section has never parted with ultimate financial control. In the reserved subjects it has full and complete control; in the transferred subjects it has determined what is to be the limit of money allotted. In Ceylon we might in an extreme case be faced with the situation that the Legislative Council would choose to finance the departments presided over by the Ceylonese and starve the departments presided over by Europeans. And yet the position would remain that the European Ministers could not resign. They would no less find themselves in an awkward position if the unofficial members of the executive were thrown out by the Legislature for backing a policy which they had co-operated with the officials in framing. After the political convulsion was over the officials would find themselves colleagues of the new Ministers who had perhaps led the very attack upon the colleagues who had suffered for their sympathy with the official notions.

But there is an even more fundamental objection than these considerations, which perhaps are over-speculative and take too little account of the fact that an illogical constitution has been made to work in Ceylon. Attendance at but one debate of the Legislative Council is necessary to realise the disturbing influence exercised by the presence of European officials. Their presence in a row on the Government bench seems to obscure the natural issues of politics and to stimulate an attack direct, or implied, upon a target which can hardly be missed. In and outside the chamber, in debate, at question time and in the lobbies, this fatal magnet seems to disturb the natural movements of the political compass. There was no one who did not assure us that even if full allowance be made for the reality which their appearance may lend to a debate, the reduction of the number of official members was imperative. It is, however, to be doubted whether reduction in itself would be efficacious. The fewer who remain the more concentrated may be the attack. It may be that the friction between Ceylonese legislators and European officials is an unavoidable

necessity of the political life of Ceylon; but, if it is to be removed, there appears to be no remedy short of declaring in so many words that since the Ceylonese have been given the power, they and they alone must assume the responsibility. The management of their affairs must therefore be handed over to them, subject only to certain safeguards, which should be designed to protect the minorities in their midst and the interests of that empire of which Ceylon forms an important part. In view of the fact that the Legislative Council has been given the power of the purse it is difficult hopefully to assume any other attitude.

But apart from arguments based upon constitutional theory there are other considerations which cast doubt upon the wisdom or sufficiency of a plan which selects for investment with ministerial office a handful of members of the Legislative Council. We have seen convincing evidence of the irresistible strength of the pressure brought to bear by unofficial councillors upon the European heads of departments. The points at issue have often been trivial, racial or personal, but in their sum they have depressed the *moral of the Services*. If the Colonial Secretary, advised by European chiefs with their intimate knowledge of the internal economy and traditions of their departments, has found it difficult to withstand this pressure, is it humanly possible for any Ceylonese minister coming fresh to the work so to escape the political atmosphere in which he has been moving as to constitute himself a more effective champion of his departmental officials? Under one condition only is this possible—the minimization of the pressure by legislative councillors, obtainable only by the growth among them of a fuller comprehension of administrative methods and problems. It surprised us in visiting the various institutions in Ceylon which are engaged on medical, agricultural or social service work, that although these had on more than one occasion provoked the strictures of unofficial members of the Legislative Council, we saw no evidence in the Visitors' books of any widespread tendency upon their part to inspect or look over such institutions; and further inquiry assured us that such in fact was not their practice. The calls upon the time of a Legislative Councillor are many, and no doubt there are other opportunities, beside those of a personal visit, for a councillor to assure himself that he is not discussing a subject with which he is but imperfectly acquainted; but it is an undoubted weak point in any system of mere ministerial government that it gives no definite encouragement to councillors who are not members of the ministry to familiarise themselves at first hand with the work which is being undertaken by departments; indeed it may be said to go further even than the present constitution in the encouragement of a transfer of that responsibility to the shoulders of the few directly concerned. This is but to say in another way that there are no elements in a ministerial system which in their nature tend to reduce the volume of uninstructed criticism and suggestion on the part of legislative councillors; and it is not without significance that even in quarters in no way antipathetic to a greater association of Ceylonese in the government of the Island, the view was sometimes held that the appointment of Ceylonese ministers to the ministerial headship of departments would be a step unfair to the individuals who might be selected.

MINISTRIES IN COMMISSION ✓

It was perhaps considerations of this nature which prompted three prominent councillors, of different political outlook, to suggest that the ministries should be created should, as it were, be placed in commission; that each minister should be assisted by a committee of two or three colleagues to be drawn from the Legislative Council. The notion merits the closest attention. Assuming for the purposes of argument the ministries to be five in number, their formation according to this plan would provide a body of fifteen or twenty persons (or of a greater number were the committees to be

enlarged) who would form a kind of governmental *bloc* which, with such number of officials as might be left in the Chamber, might act as the motive force behind legislative proposals and stand as the expositors of policy *vis-a-vis* the councillors in matters of administration. Such a *bloc* would in addition prove a valuable recruiting ground when the ministers, originally appointed, should for one reason or another disappear, and entry to the *bloc* might be a coveted recognition of good service, the more so if to membership were attached certain privileges or emoluments. While lastly, a minister thus protected or watched by coadjutors would feel both stronger in the face of criticism in the Legislature, and would in questions of patronage be provided with a "Mr. Jorkins" in duplicate, should the interests of a particular race or caste or creed become inconveniently clamant.

It is impossible after close examination to resist the conclusion that these ideas, attractive at first sight, are not sufficiently related to what our experience tells us is the actual practice of legislative bodies and in particular the practice of legislative bodies in their relation to the executive. If a given policy, emanating originally perhaps from one of these committees, is to have the combined support of the members of all of them, one is expecting an unusual and unlikely unanimity among them. One is expecting an impossible unanimity, unless in some corporate capacity these twenty members have at some period of the proceedings been able to meet together, probably with the remaining official members, to discuss, amend and pass them. Though such meetings for the discussion of proposed measures occur in the British and Dominion Parliaments it has to be remembered that they are meetings of homogeneous parties bound to act together on definite principles which differ in important particulars from the principles adopted by other parties in the Legislature. Without such a bond the meeting of the suggested committees would resemble that of the Finance Committee now existing, and would constitute a body open to most of the objections of the present Finance Committee, since its proceedings would be in private and would reproduce the preponderance of unofficial (as opposed to full ministerial) members; or it would involve some sort of a cabinet council composed of twenty or twenty-five members, a size unwieldy in any body of the kind. For it must be remembered in this connection that for the purpose of forming a Government *bloc* in the House the measure must emerge from such discussion with a support which is virtually unanimous.

In the second place it is desirable to look at these suggested committees from the point of view of the Civil or Public Servant administering the department concerned by a particular measure. Judged from the purely bureaucratic point of view it is arguable that authority vested in a board of four is as workable as authority vested in a single Minister; indeed it has been shown above, particularly in matters of patronage, that the former alternative has certain advantages. But when the permanent official begins to contemplate the passage of his measures through the Legislature, the Board of four appears less satisfactory. It is the essence of valuable preliminary discussion, which is anything more than departmental, that the body charged with the examination of the measure should form as far as possible a microcosm of the deliberative body to which it will ultimately report. It is a recognised practice, in the House of Commons, for example, that committees should be representative of different sections, a departure from this principle being justifiable only in matters of a highly technical character where the judgment of the most expert members procurable is called for. A committee of four, therefore, would in the preponderance of cases be insufficiently representative.

It has been argued that there are advantages in restricting the number of those unofficial councillors who serve upon committees, in that in not utilising the whole personnel of the Council opportunity will be given for the growth of an opposition. We deal with this argument in the course

of our remarks on the possibilities of the traditional form of parliamentary government in Ceylon; it will suffice to observe here that even if conditions were favourable to the growth of such a system the selection from the Council of its most prominent members for appointment to these Committees would necessitate the formation of an opposition from material so weakened and impoverished that the provision of an alternative Government might not be within its capacity.

AN UPPER HOUSE

Not directly arising from these suggestions, but necessarily related to them, is the proposal which was advocated in some quarters, both Ceylonese and European, that the new constitution should provide for the establishment of a bi-cameral legislature. It was contended by certain Ceylonese witnesses that it would be unwise to rely solely on the Governor's powers of intervention as a means of checking hasty or ill-advised legislation. A Governor, it was said, whose term of office was limited to a period of years, might not possess sufficient knowledge of the country, or sufficient confidence in his own judgment, to use his powers on his own initiative, and it was claimed by these witnesses that under the existing constitution the Government had been frequently lacking in the courage and confidence requisite for opposing with firmness the whims and caprices of the unofficial members of the Legislative Council, even when the wishes of the Council had been contrary to the ascertained views of the country. It was submitted that the creation of a second chamber would provide a beneficial check on legislation, would inspire the Government, no longer dependent on the good will of one chamber alone, with greater resolution and decision, and would reduce to a minimum the necessity for the Governor's intervention.

It was generally agreed that the members of the second Chamber should be elected and not nominated, but opinions differed as to the form and qualifications of the electorate. There was, however, a common desire that the Upper House should not be a replica, on a narrower franchise, of the Lower. It was therefore suggested that the composition of the Upper House should be primarily functional or vocational, or communal. If the former basis were adopted it would enable the Legislature to be thoroughly representative of all sections of the people; if the latter, it would enable the Lower House to be elected on a purely territorial basis and would at the same time guarantee to the minority communities a permanent voice in the counsels of the country. In surveying the situation in Ceylon we have come unhesitatingly to the conclusion that communal representation is, as it were, a canker on the body politic, eating deeper and deeper into the vital energies of the people, breeding self-interest, suspicion and animosity, poisoning the new growth of political consciousness, and effectively preventing the development of a national or corporate spirit. As we are suggesting in the following chapter, there can be no hope of binding together the diverse elements of the population in a realisation of their common kinship and an acknowledgment of common obligations to the country of which they are all citizens so long as the system of communal representation, with all its disintegrating influences, remains a distinctive feature of the constitution. What useful purpose would be served by its abolition in the Lower and its perpetuation in the Upper House we confess that we are unable to appreciate.

A functional or vocational basis of election would be less damaging than a communal basis, but it would none the less serve to perpetuate cleavages in the population which are largely artificial, and would, by the identification of different classes with particular interests, obstruct those unifying tendencies which it must be the aim of true statesmanship to foster and to cherish. However the question may be approached it can hardly be denied

that the creation of a second Chamber, even with a scope less wide and with powers less extensive than those assigned to the Lower House, would neutralise to a large extent the transfer of responsibility to the elected representatives of the people. It would be the height of timidity as of inconsistency to recommend a transfer of responsibility while devising means to render that transfer not fully effective. The position would be incongruous indeed if the composition of a second Chamber were to be such that the representatives of a commercial and professional oligarchy, elected by their own members, would be given a perpetual right to nullify at their discretion the expressed wishes of their territorially-elected compatriots.

Apart, however, from these criticisms, which seem to us sufficiently destructive, the arguments for the creation of an Upper House fail on two grounds, physical and financial. Ceylon is a small country, with a small population. It possesses an important but not large educated element, and the franchise has up till now only been extended to 200,000 persons, or 4 per cent. of the population. Weighty evidence was submitted to us which showed that there was little likelihood, in view of the variety of claims upon the time and interest of the educated section of the community, of obtaining candidates of sufficient standing and authority for election to an Upper House, without at the same time impairing the channel of supply for the Legislative Council. This consideration gains added importance by reason of the recommendation, which will be made later in this Report, that the minimum strength of the Legislative Council should be increased from 49 to 68. We would strongly deprecate any step which would restrict the supply of candidates of equal suitability to those who have gained election to the existing Council, and if as seems clear an Upper House cannot be established without a lowering of the standard and quality of Councillors there can be no doubt that it would be a constitutional luxury which the country cannot afford.

An Upper House is always a potential source of friction, and the powers which its advocates would wish to be assigned to it require, therefore, careful analysis. It would clearly be impracticable to invest it with powers to initiate, amend or reject measures dealing with finance or taxation, and its functions would be necessarily limited to the general discussion of policy and to the consideration, amendment, approval or rejection of other than financial measures. But it may be doubted whether in the peculiar circumstances of Ceylon these powers would be sufficient either to placate communal interests or to act as a check on hasty legislation. For it is towards financial favouritism or discrimination that the fears of the minority communities are chiefly directed, and those who are most apprehensive of "hasty legislation" usually have measures of taxation in mind. In either case the powers of the Governor and the Secretary of State would remain as hitherto the only safeguard, and the Upper House could do no more than register an ineffective if emphatic protest. The result would be either a tendency to demand that the Upper House should be granted a share of responsibility for finance, or a realisation that it was at best but a clumsy clog in the wheel of political progress. In either case its establishment would have sown the seeds of fresh dissensions.



Fundamental Considerations

NON-EXISTENCE OF PARTY SYSTEM

It is impossible to say that none of the schemes of reform submitted to us could be worked, given a spirit of compromise in all concerned. On the other hand it has been indicated that each has its own inherent difficulties, and that all of them suffer from the limitation that they represent developments to a greater or less degree along the line which leads

towards government on the traditional parliamentary model. Here, therefore, we wish to draw attention to certain fundamental considerations, the importance of which does not seem to have been recognized by many of the witnesses who gave evidence before us.

The parliamentary system of government is essentially dependent for its success on combined as opposed to individual efforts, on the existence of parties whose representatives agree on a common policy, work together in support of their party's aims, are loyal to each other and to their party's decisions and preserve on all major issues a united front in Parliament. It is the balance of parties which gives stability and prevents too frequent changes of Government; it is the party system which renders politics intelligible to the electorate; and it is the party system which reduces to a minimum the intrigues, bargainings, and understandings, which in a House of petty groups or independents are apt to become an essential preliminary to every parliamentary decision.

In Ceylon, however, circumstances have not been such as to cast political activity in the form of a balance of parties in the Legislative Council. It is true that an elected member is forced frequently to conceive of himself as the champion of his own community or race, for, while democratic Government exists and human nature remains what it is, that is quite inevitable. In so doing he will have found himself side by side with other like-minded unofficial members in a communal or racial group. But almost as easily the considerations which bring these groups into being may cease to be operative. The elected member will then have found himself to be once more an individual separated from his fellow members or only acting with them chiefly because they are one and all driven by forces, which we have described above, to criticise the Government. The student of the proceedings in the Council will find it difficult to discover any clear cut lines of division on political, constitutional, or economic issues which would form the basis of a party system suited to the constitution and forms of British Parliamentary government as that has generally been understood. The qualification is necessary, for it is a commonplace to-day to point to some uncertainty among those best informed as to the future form of parliamentary practice in Great Britain. It is generally agreed, for instance, that the change from a two-party to a three-party system in the British Parliament has caused difficulty in the operating of machinery which grew up to fit the older model. Where there are groups and no main division of parties the difficulty of adapting the machinery of British Parliamentary government of the old type is obviously increased.

It is argued in some quarters that the absence of political parties in Ceylon is due to the denial of responsibility to the unofficial members of Council, and that the grant of responsibility would result in the immediate development of a party system. While the argument is not without some substance we can detect few signs in the political life of the Island to make us confident that parties, if and when formed, would owe their origin to economic or political differences in national policy rather than to racial or caste divisions. The reverse is rather the case; for, as we have shown, the evils of communal representation have accentuated rather than diminished racial differences, and caste distinctions, always acute, have, with the passage of years, lost little of their emotional appeal. We fear that it would be cleavages of this kind which would most naturally form the framework of a party system, and we need hardly point out that formation of parties on racial or caste lines would be fatal to the best interests of the country.

Thus there is at present not only no immediate prospect of the appearance of a party system but a serious danger that in the formation of parties obligations of race or caste would be too insistent to be ignored. Both these considerations must militate against the success of a parliamentary system of government purely on traditional lines, the first since it would

be denied conditions essential to its successful operation, the second, since those conditions if and when realized might be such as to inflict untold harm on the social structure of the Island.

MODERN DEMOCRATIC TENDENCIES

And here we should like to say by way of interpolation that even if the possibility of party government were more conceivable than we think it to be, the Ceylonese might none the less resent their subjection to such features of it as are deplored by a growing body of democratic opinion. It is no secret that within political parties in Great Britain inquiries are constantly being undertaken to ascertain whether the machinery of Parliament cannot be reformed so as to make it more responsive to public opinion. It is frequently contended that with every session the subordination of the House of Commons to the Cabinet increases and that the occasion on which members of the House are permitted to record a free vote are becoming less and less frequent. It is certainly true that the subjection of the private member and the gradual obliteration of his individuality has been increasingly conspicuous at Westminster in recent years. Nor is this the case in the British Parliament alone; the protest of the individual against his supersession, whether in parliamentary institutions or in other deliberative bodies, is almost worldwide. While in other countries experiments have been made with the object of restoring the authority of the individual member of the Legislature, no definite measures have as yet been proposed in Great Britain for the remedy of the present state of affairs; it cannot be doubted, however, that substantial modifications in the existing procedure will not be long delayed. We should be blind indeed if with all our admiration for the energy and ability of the unofficial members in Ceylon we were to make recommendations which would yoke them to a system possibly already obsolescent. On the contrary, we propose to take full advantage of the opportunities which we have enjoyed of gauging the deficiencies of current parliamentary practice and the direction in which the forces of constitutional evolution are now impelling us, and to frame our recommendations with the object of providing for Ceylon a form of government, modern, practical, and democratic, which will combine with the best elements of the parliamentary system features designed to escape its ascertained and acknowledged weaknesses.

NATURE OF ADMINISTRATIVE PROBLEMS

Another consideration present to our minds is that Ceylon has come to an important and even critical stage in its history. The absence of social and industrial legislation is no doubt due largely to the important place which feudal ties, family help and private charity have always occupied in Ceylonese society. Modern development, by which Ceylon has been affected, has tended to make domestic and private charity unequal to the solution of the economic problems of these days and especially of those which beset cities like Colombo and Kandy. Although Ceylon has not become industrialised, and is never likely to be largely so, there is already evidence of gaps which have been left in the social structure by the absence of any poor law system, of workmen's compensation, of up-to-date factory legislation, of proper, or even decent housing for certain sections of people, of control over sweated trades or adequate facilities for primary education. We are gratified to know that a number of these matters are engaging the attention of members of the Legislative Council; and we feel that the new constitution must be such as will give scope to the people of Ceylon, through their own representatives, to remove any reproach which the absence of such provisions brings, and will enable them without falling into the equal error of forcing upon rural districts legislation devised to meet urban problems to make suitable provision for the prevention in time of the development of certain conditions which to-day present baffling problems to the statesmen of Western Europe.

Another subject of vital importance is the promotion of agricultural prosperity and the well-being of the rural population. Few countries are without a serious agricultural problem and Ceylon is no exception to the rule. We shall have occasion to make observations in this connection in another paragraph, but we wish to emphasize here that we have been impressed by the want of general administrative symmetry which exists at present in Ceylon. The primitive character of the provincial government, as against the comparatively advanced system of central government, is very noteworthy. Any further grant of responsibility to the central government will emphasize and increase this contrast; and such opportunity, as may be afforded, must be given under the new constitution to redress the balance by the encouragement of local self-government as a first step in the elaboration of measures to diminish the poverty and ill-health which in some provinces is the lot of many villagers. It is essential to emphasize, at the risk of reiteration, the importance of keeping in sight the lot of the rural worker. The great gulf fixed between him and the educated and westernized classes of Colombo forms a contrast.

One cannot follow the proceedings of the Legislative Chamber without observing that its members have displayed a predominating interest in administration. They have in fact subjected the executive to an exhaustive and inquisitorial examination which they have often carried out in a manner which has shown some lack of consideration for the pride and feelings of the public services. Partly, the instinct has been a sound one, for in so small a country and with the conception of the scope of government which has existed up to now, administration rather than legislation has loomed large in the eye of the politician. To a great extent this will always remain the case. The clash of the claims of rival races in the Colony alone furnish a series of administrative problems unknown in Great Britain. Every piece of preferment, every school grant, every subsidy towards research work raises this difficulty. The presence of a large contingent of imported labour, the fact that a land settlement of the Island is not yet completed, and the practice of the villager to supplement his work in the paddy fields by chena or dry cultivation, are but a few instances of the way in which almost daily problems of administration are presented to the Government. The politician would lose touch with reality were he to overlook them. Granted that this be the case it would seem wise to make a virtue of necessity, and to render it more easy for the Legislative Council to participate in the administrative functions of Government with knowledge and intelligence.

The factors then which we have to consider in devising a new constitution are these: first that there are circumstances which make inadvisable the grant of full responsible government but that the time has come when a substantial measure of responsibility should be devolved on the elected representatives; that in the absence of a balance of parties the establishment of a purely parliamentary system of government on the existing British Model is not suited to conditions in Ceylon; and that in view of the special nature of its problems, the compactness of its area and the nature of the training given by the existing constitution to the unofficial members, it would be inexpedient, if not impracticable, to insist on the exclusion from the purview of the Council of the executive business of the Government. To these considerations must be added the distrust of each other shown by unofficial members and the pressure which they are accustomed to exercise on those who represent the Government, pressure which in a Council without a party system would speedily make the position of single ministers intolerable. In taking account of all these factors, it must be our aim not slavishly to follow the forms and practice of the British model which was not designed to meet conditions similar to those obtaining in Ceylon, but to devise a scheme in consonance with local circumstances, a scheme which will be concerned not to reflect an

alien philosophy, but to give free play to the peculiar genius of the Ceylonese themselves and above all a scheme which may bring about a resolute handling of social and economic questions before, as in most Western lands, they have grown too complicated to remedy.

Scheme Recommended

The scheme which we have decided to recommend to His Majesty's Government has been designed with these objects. It formally recognises the right of the reformed Council to deal with administrative as well as legislative matters; it imposes responsibility on each one of the unofficial members and so provides for that education without which no ministerial system could be expected to flourish; it provides seven ministerial posts for the elected members and thus transfers to them in generous measure the responsibility for the management of their own affairs; at the same time it provides for their association with standing Executive Committees and thus secures them from the disabilities which the absence of parties would otherwise engender. It is a scheme which is calculated to divert attention from the academic discussion of political theory to the practical consideration of the pressing administrative problems of the day. It is a scheme which, while giving responsibility as well as power guarantees that political progress shall go hand in hand with administrative knowledge. It is a scheme which gives the Ceylonese free institutions and direct responsibility.

In broad outline the scheme involves the constitution of a representative Chamber, to be called the State Council, which will perform dual functions and require dual organisation, legislative and executive. It will sit, therefore, for the former purpose in Legislative Session, and for the latter purpose in Executive Session. The Departments of Government, instead of being concentrated under the supervision of the Colonial Secretary, will be divided into ten groups. Three of these groups will be left in charge of the Colonial Secretary (in future Chief Secretary), the Attorney-General and the Treasurer. These Officers, who will be known in future as the Officers of State, will have the full status of Ministers, but their functions will be mainly advisory and only in a secondary sense executive. The remaining seven groups of Departments will be in the charge of Members of the State Council. On the opening of the new Council, the members will divide themselves into seven Executive Committees, one for each group, and each Committee will elect its Chairman for appointment by the Governor. These Chairmen will have the status of Ministers and will be individually responsible for the administration of the Departments assigned to their charge: they will, in addition, be collectively responsible for all financial measures. The executive business of government will be dealt with by these Committees and reported to the Council in Executive Session for confirmation. In the same way legislative measures will be sponsored in Legislative Session by the Chairman of any Executive Committee at whose instance they may have been prepared. Both the legislative and executive actions of the Council will require the assent of the Governor, who will be specially charged by Royal Instructions to refuse or reserve assent to measures which infringe certain clearly defined principles. But otherwise it will be seen that the elected representatives will be placed in a position to exercise complete control over the internal affairs of the Island.

In adopting this system of standing Executive Committees we have not been unmindful of certain similar schemes which were tentatively suggested to us in Ceylon, notably by Sir James Peiris. These schemes seemed to us, however, to fall between two stools, in that they failed to combine with a parliamentary system the full advantages of a system of Standing Committees. Thus the Committees were to be composed of a maximum of five members each, who were to be elected by the Council, the Chairman being nominated by the Governor. Although members

would not be eligible to serve on more than one Committee, this would leave a number of members outside the Committees and without any opportunity of serving on them. It was further proposed that the Chairman of each Committee would be a member of the Executive Council and would there be joined by the officials in charge of those Departments not transferred to the control of the Committees. The Executive Council would function as a Cabinet; the number of official and unofficial members would be equal; and the Governor would have a casting vote. We consider that this procedure would bring with it all the evils of divided responsibility, the official members being responsible to the Governor, the unofficial members to the Council. If, moreover, the Executive Council were to be collectively responsible it would be necessary for each Chairman to carry his Committee with him; and this would involve an attempt to create a Government *bloc* which, as we have shown would be almost impossible of realisation. And unless such a bloc was formed there could be no stability, for the proposals of the Government would be liable to be outvoted at any time. As a *modus vivendi* the Committees would probably tend to group themselves together into a species of Finance Committee, before which the proposals of the Government would have to be laid before being presented to the Council. Any such development would react on the administration and would inevitably reproduce all the defects of the present system.

We have adopted an altogether different line, and recognizing the need of transferring responsibility, real as well as apparent, we have framed our proposals in some relation to the system obtaining in the most modern deliberative bodies of power and influence, such as the League of Nations. Here the representatives of the World Powers, with all their varieties of races and outlook, have thought fit to organize themselves on a basis of Standing Committees as the most convenient method of disposing of the programme of administrative and detailed work which habitually confronts them, of facilitating practical achievement, of acquiring and distributing an exact knowledge of those problems which await solution, and of inspiring all members with that mutual confidence so essential to effective co-operation in the common interest. We propose now for the sake of convenience to outline our scheme as briefly as we may, reserving until a later stage a detailed analysis of its more important provisions.

Outline of New Constitution

1. The composition of the Legislative Council will be altered for the reasons given in the following Chapter, and will consist of 65 members elected for territorial constituencies, 3 *ex-officio* members (the Chief Secretary, the Attorney-General, and the Treasurer), and certain members nominated by the Governor, up to a maximum of 12, if the Governor should consider the nomination of such members necessary to make the Council more representative. It is not proposed that apart from these three *ex-officio* members there should be any official members of the Council. The Council will in future be known as the State Council.

2. The State Council will concern itself with administration as well as with legislation. Possessing these dual functions it will require dual organization. To deal with administrative matters it will sit in Executive Session: to deal with legislation it will sit in Legislative Session.

Executive Procedure of Council

FORMATION OF EXECUTIVE COMMITTEES

3. On the assembly of a new Council the members would proceed to divide their total number into seven standing Committees. This division would be effected by secret ballot, opportunity having been previously given to members to indicate their individual preferences as to the Committee on which they should serve. The names having been allocated, a

further ballot would be held by each Committee for the nomination of Chairmen for appointment by the Governor. In appointing the Chairman the Governor would normally follow the recommendations submitted to him, but he would have the right to reject any particular recommendation or to refer back for further consideration.

4. The seven standing committees would deal respectively with the following subjects :—

- (i) Home Affairs.
- (ii) Agriculture.
- (iii) Local Administration.
- (iv) Health.
- (v) Education.
- (vi) Public Works.
- (vii) Communications.

POSITION OF CHAIRMAN

5. The Chairman of each Committee would be in the position and have the status of a Minister in charge of those Departments of Government which dealt with the matters within the purview of his Committee. A suggested classification of the business of Government falling into these seven categories will be found in paragraph 13.

6. The Chairman of each Committee would receive a salary of £1,800, or Rs. 27,000, per annum. The members of these Committees would not receive a salary additional to their salaries as Members of Council.

DUTIES OF COMMITTEES

7. Each Committee would exercise general supervision over the Departments placed under its management. It would act executively and by majority vote. Its decisions would be recorded in a report which would be presented after each meeting to the whole Council sitting in Executive Session. These reports, after being passed by the Council, would be submitted to the Governor for formal ratification. As explained later the "General Orders" of Government would define the business for which the sanction of the Committee would be necessary, and would also state what measures would, and what would not, require the approval of the Council and the Governor. All matters of minor importance, however, though subsequently category, and no action could be taken on them until the Governor had formally confirmed the decision of the Council; matters of minor importance, however, though subsequently appearing as approved by the Council, could be approved by the Executive Committee concerned and action taken on the Committee's decision in advance of formal approval by the Council and the Governor. In order that the Governor might keep in close touch with the activities of these Committees, copies of the agenda paper and minutes would be submitted to him by the secretary before and after each meeting of a Committee.

8. Subject to this general procedure, which we have elaborated in some detail hereafter, the duties of each Committee may be said to consist of:—

- (a) the preparation of the annual Estimates of Revenue and Expenditure in respect of the Departments under its control;
- (b) the preparation of such Supplementary Estimates as might be required from time to time;
- (c) the consideration of such executive business as the Chairman might direct to be placed on the agenda paper, or such as might be brought up by individual members;
- (d) the consideration of proposed legislative measures falling within the scope of the Committee.

COMMITTEES AND THEIR OFFICERS

9. The Chairman of each Committee would be provided with a permanent Official Secretary who would be a member of the Ceylon Civil Service, with the seniority of Class II or Class III, but might be a member of the Public Service of similar standing. The Official Secretary would not occupy in relation to the Heads of Departments a position of official superiority, but he would be the intermediary between the Chairman and the Heads of Departments in all such matters as the latter did not consider a case for direct personal touch. We refer later to the question of the offices and staff to be provided for the Chairman and his Official Secretary, who would also be the Secretary of the Standing Executive Committee.

10. The Head of a Department would sit with the Executive Committee when matters relating to his particular Department were under discussion and at all other times when the Chairman thought desirable. He would not have any vote but would be at liberty to join in the discussion.

11. The Colonial Secretary, who we suggest should in future be known as the Chief Secretary, would have the right to attend either personally or by deputy the meetings of any standing Committee and of speaking but not of voting at such meetings.

12. The Treasurer would be consulted on all matters involved in the preparation of the annual Estimates and Supplementary Estimates, and the Committee would not be able to take any decision on these Estimates until he had reported to them his opinion from the financial point of view.

DEPARTMENTS UNDER COMMITTEES

13. We suggest that the activities of Government be divided between the Executive Committees as follows:—

(1) *Department of Home Affairs :*

- Police.
- Prisons.
- Fire Brigades.
- Mines.
- Factories.
- Labour, including Indian Immigrants.
- Workmen's compensation.
- Insurance.
- Statistics.
- All matters of internal arrangement not allotted to other Departments.

(2) *Department of Agriculture :*

- Agriculture.
- Irrigation.
- Forestry.
- Veterinary Services.
- Fisheries.

(3) *Department of Local Administration :*

- Local Government.
- Lands.
- Settlement.
- Survey.
- Local Option.

(4) *Department of Health :*

- Medical and Sanitary Services and Research.
- Medical Education, Hospitals, Asylums and Charitable Institutions.

Public Analyst.
Quarantine.
Housing.

- (5) *Department of Education* :
Elementary, Secondary, Technical and University Education.
University College.
Museums, Libraries and Galleries.
Archæology.
Printing.
- (6) *Department of Public Works* :
Public Works.
Electrical Undertakings.
- (7) *Department of Public Communications* :
Railways.
Posts and Telegraph.
Ports and Harbours.

It was represented to us by some witnesses that the Police should be under the direct control of the Chief Secretary.

We recognise that in a country with such a skeleton defence force the Police are in a somewhat special position and one not quite in line with that of other services. We are, however, satisfied that the vital importance of the maintenance of law and order is recognised by the politicians and public men of the Island, and that no personal or sectional interest will be permitted to interfere with its efficiency and good working. In that belief, we have refrained from advising that the Police should be a reserved service, and we recommend, as indicated above, that it be included among the services to come under the control of the Minister and Executive Committee for Home Affairs.

DEPARTMENTS OF THE OFFICERS OF STATE

14. In addition to these there would be three Departments, under the Colonial Secretary (Chief Secretary), the Treasurer and the Attorney-General, of which the functions would be as follows:—

(8) *Department of the Chief Secretary* :

External Affairs.
Maldivé Islands.
Defence, including Volunteer Corps.
Drafting of Legislation.
Public Service Administration; discipline, appointments, and transfers.
Audit.

(9) *Department of the Treasurer* :

Finance generally (see Appendix VI)

(a) Executive duties, statutory and otherwise; Custody, collection and disbursement of all revenue, including that derived from customs, excise and salt: preparation of Annual Budget and Estimates and of Supplementary Estimates; investment of State funds; management of the public debt; loans to local authorities, etc.

(b) Financial supervision of all Departments, including contracts, stores, financial regulations of public services, strength of establishments, leave regulations, salaries, pensions, and allowances.

(c) Advice on financial policy, including taxation, loans, exchange, currency, etc.

(10) *Department of the Attorney-General.*

- Administration of justice generally.
- Advising the Government in all legal questions.
- Preparation of all legal instruments and contracts.
- Conduct of elections.

The Department of the Colonial Auditor is placed under the Chief Secretary, but we contemplate that for the work of his Department the Auditor would be responsible to the State Council.

15. These three Officers would be known as Officers of State. Their Departments, which are either of Imperial importance or what may be called implementary of the decisions of the State Council, would not have Executive Committees associated with them. Though in the position of Ministers they will in effect be respectively political, financial and legal advisers to the Council and the Government rather than executive officers in the sense of the Seven Chairmen of Standing Committees.

16. There will thus be ten Ministers in charge of Departments, seven of whom will be nominated by the Council itself from its own number. The remaining Ministers will be the three Officers of State who will be *ex-officio* members of the Council.

✓BOARD OF MINISTERS

17. The Executive Council would be abolished and a Board of Ministers* would be set up. This Board would be composed of the seven Chairmen of Standing Committees and the three Officers of State. The Chief Secretary would be the *ex-officio* Chairman and the Leader of the Council, who is referred to further on in this Chapter, Vice-Chairman. Its Secretary would be an officer of the Ceylon Civil Service of the standing of Class II.

18. The Board would be in the position of a Committee of Management; it would settle the order of business for the Council, both in Executive and in Legislative Session; and it would determine the procedure by which matters which concerned more than one Standing Committee could most conveniently be arranged. Apart from these routine matters its principal task would be the presentation of the Annual Budget and Estimates and Supplementary Estimates for all of which it would be collectively responsible; in other respects the individual and representative responsibility of Ministers would be maintained. This Board would also be responsible for electing one of its number, not an Officer of State, to be Leader of the State Council, and the member so elected would be Vice-Chairman of the Board.

19. It would be the duty of the individual Chairman of the Executive Committees, and of the Officers of State, to submit to the Board of Ministers, through the Treasurer, by March each year the Estimates agreed upon by their Executive Committees for the ensuing financial year. It would then be the duty of the Board, under the guidance of the Treasurer, to determine the maximum expenditure of each Executive Committee, to criticize and revise their Estimates and to incorporate them, together with proposals dealing with taxation, in an Annual Budget for presentation to the Council. Should any Executive Committee omit to present its Estimates within a reasonable time the Treasurer should report the omission to the Governor, who would be empowered to make up, with such assistance as he might require from the Board of Ministers and the Heads of the Departments concerned, what would be known as a "certified Estimate." Any such certified Estimate before being finally approved by the Governor would however be placed before the State Council in the ordinary way.

20. It would be provided in the constitution that in order to assist the Council in the examination of financial measures no proposal involving the expenditure of money not already voted, whether in the form of a proposal by an Executive Committee or of a Bill or resolution, should be discussed

by the Council without having before them a Memorandum from the Board of Ministers, prepared with the assistance of the Treasurer, explaining the financial implications of the proposal.

21. The defeat of the Board of Ministers on the Annual Budget and Estimates, or on Supplementary Estimates or consequential financial measures, or on a vote of no confidence, would involve a general election. It would, however, be within the competence of the Council to refer back the Budget, Estimates or Supplementary Estimates, or consequential financial measures, to the Board of Ministers for further consideration either of the whole or of individual items, a safeguard which is designed to reduce to a minimum the risk of a hasty decision. In order that the procedure should not be rendered liable to abuse it should be provided that reference back to the Board could only be made once, and that the Board having reviewed the matter in the light of such reference should explain their considered decision to the Council and should stand or fall by the result. Apart from these contingencies, although individual Ministers might be changed, the Board would last the lifetime of the Council which would be four years.

22. It would also be provided in the constitution that no private member might introduce a motion to impose or augment a tax, a motion for a grant of supply or a motion which in any way created a charge upon the public revenue, the right to introduce any such motions being confined to the Chairmen of Executive Committees and the Officers of State, who would first be required to obtain the concurrence of the Board of Ministers.

—COUNCIL IN EXECUTIVE SESSION

23. The duties of the Council in Executive Session would be to approve, reject or refer back with comment to the originating committee, the reports of the Committees which dealt with executive business. These reports would, as explained in paragraph 7, contain a record of the decisions of the Executive Committees, and would be concerned with such matters as proposals for new works and services, contracts, grants to schools, and questions involved in execution of policy approved in the Annual Estimates. The Chairman of each Executive Committee, or in his absence the senior member of the Committee, would act as *rapporteur*.

24. When the Council is in Executive Session, any member, not being a member of a particular Committee, would be free to give notice of a proposal bearing on the work of that Committee. The proposal would then be referred, without discussion, to that particular Committee and the member in question would be permitted to attend at the meeting of the Committee at which his proposal was to be considered and be allowed to speak on that item only.

EXECUTIVE COMMITTEES—VACANCIES AND TRANSFERS

25. Vacancies and transfers in connection with membership of Executive Committees after the first elections would be dealt with by resolution in the State Council after due notice had been given.

RATIFICATION OF PROCEEDINGS BY GOVERNOR

26. It would be the duty of the Officers of the Council to record the decisions of the Council in respect of each report, and at the close of each day's proceedings to submit to the Governor for ratification the reports approved, or in the case of reports not wholly approved those items which had been passed, by the Council. No action would be taken on the items approved by the Council pending the Governor's ratification, which would be conveyed to the Speaker of the Council (see paragraph 42) by message.

27. In dealing with the reports approved and submitted to him by the Council the Governor would normally follow the Council's recommendations. He would, however, have the unqualified right of veto, though he

would not normally exercise this right unless the recommendations of the Council were such as in his opinion to conflict with the terms of the Royal Instructions issued to him. He would also have the right to refer any particular items back to the Council for further consideration. The executive proceedings of the Council, with a report of his action in the event of disagreement with the Council's decisions, should be periodically submitted by the Governor to the Secretary of State, by whom the Governor's decisions would be open to review.

Legislative Procedure of Council

ORIGINATION OF BILLS

28. The Parliamentary Draftsman, who we recommend should be attached to the Chief Secretary's Department, should be instructed to hold himself at the disposal of the Chairmen of Executive Committees and of the Officers of State. When any matter under consideration by an Executive Committee reaches a stage at which the Committee, after having taken such legal advice as it may deem desirable, considers that it should form the subject of a Bill the Chairman would cause a memorandum embodying the essential points to be drawn up by the Department concerned and forwarded to the Parliamentary Draftsman who would prepare a Bill for introduction into the State Council. At the same time the Chairman would communicate to his fellow Chairman on the Board of Ministers the substance of the proposed Bill and his intention to introduce it. If the Bill were such as to conflict with or affect the policy or practice of other Departments the Chairman would already have consulted with the Chairman and Executive Committee controlling those Departments and in most cases he would therefore be able to present the Board of Ministers with agreed conclusions. In cases where Executive Committees, and their Chairmen, differed over legislation affecting Departments under their respective control it would be the duty of the Board of Ministers to provide machinery, by joint Committee meetings or otherwise, by which such differences could be composed. Apart from these cases, it would only be necessary at this stage for the Chairman of the Executive Committee solely or principally concerned to confirm from his fellow Chairmen that no Department other than those already consulted was concerned and to arrange with them the order to be assigned to the Bill in the programme of business awaiting submission to the State Council. This order having been decided, the Bill would in due course be introduced into the Council by the Chairman, or in his absence by the senior member of the Executive Committee, and would there be subjected to the ordinary procedure of the Standing Orders.

A similar procedure would apply, *mutatis mutandis*, in those cases in which an Officer of State was the originator of a Bill.

PRIVATE MEMBERS PRIVILEGES

29. As has been indicated above, the main avenues for business coming before the legislative sessions of the State Council would be the Board of Ministers and the Executive Committees. In the Executive Committees individual members of a Committee would be entitled to bring forward proposals for ultimate submission, if approved, to the State Council. It would be desirable, in addition, that the Standing Orders should contain provisions which would give certain facilities—by ballot or otherwise—to permit of any private member putting forward a resolution or Bill in the State Council. After introduction of any such private member's Bill, it would be referred to the appropriate Executive Committee without discussion and after that Committee had reported on it the consideration of its

further stages would depend on its position in relation to other business, which—as in the case of other business—would be decided by the Board of Ministers.

STANDING COMMITTEES (LEGISLATIVE)

30. At the opening of every session the Council would be divided by the Speaker (see paragraph 42) into two permanent Standing Committees A and B for the consideration of legislative measures in their committee stages. The Chairman and the Deputy-Chairman of Committees would preside at each of these respectively. It is suggested that these Committees might be formed by the amalgamation of the Executive Committees into two Legislative Committees as follows:—

Standing Committee A

Members of the Committees on ..	Executive	}	Home Affairs.
			Agriculture.
			Local Administration.
			Education.

Standing Committee B

Members of the Committees on ..	Executive	}	Health.
			Public Works.
			Communications.

PROCEDURE ON SECOND READING

31. The present "Rules and Orders" of the Legislative Council provide, as the only alternative committee stages after the second reading of a Bill, for the reference of the Bill either to a committee of the whole Council or to a select committee of the Council appointed *ad hoc*. These "Rules and Orders" should be revised and the following three possibilities should be available in future:—

(1) A Committee of the Whole Council for the discussion of the Annual Budget and Estimates and Supplementary Estimates and for such exceptional measures as the Board of Ministers might prefer to subject to this procedure.

(2) A Select Committee of four or five members for the examination of very detailed, complicated or technical measures, a course only to be adopted at the special motion of the Board of Ministers.

(3) One of two permanent Standing Committees A and B as recommended in the preceding paragraph.

32. The normal procedure would thus be to refer Bills after second reading to one or other of the two permanent Standing Committees. If these Committees were formed, as suggested, by the amalgamation of Executive Committees, it might be possible to concentrate different types of experience and thus facilitate an appropriate allocation of Bills. It would be necessary to provide that the Minister or member in charge of the Bill, if not already a member of the Standing Committee to which it was referred, should be added to the Committee for the duration of the discussion on his Bill.

33. In the case of the Annual Budget and Estimates and Supplementary Estimates it would be permissible for the Council, as already indicated, to refer back the Appropriation or Supplementary Appropriation Bill, or other consequential financial measures, to the Board of Ministers for further consideration as an alternative to second reading. Such reference back could however only be made once and the Board having reviewed the

matter and announced their considered decision to the Council would stand or fall by the result. After second reading the Bill would be committed to a Committee of the Whole Council, at which stage the Estimates of individual Departments would be discussed. We recommend that the number of days to be allotted by the Council to the discussion of supply should be laid down, preferably in the Order in Council, and that machinery should be provided to enable the Members of Council to decide, possibly by ballot, the order in which they would wish to discuss the Estimates of the various Departments.

PROCEDURE ON REPORT STAGE

34. On a Bill being reported to the Council by the Committee to which it had been referred, the Council would have power only to consider the amendments made by the Committee. With these the Council would agree with or without amendment, or disagree. The Council would, however, have no power to consider new amendments to the Bill except such as were consequential on amendments made by the Committee and agreed to by the Council.

35. It will be important therefore to ensure that the Standing Committees A and B are fully representative. It might perhaps be necessary, in order to eliminate all risk of injustice being done by the curtailment of proceedings on the Report Stage, to make special provision for the temporary addition to a Standing Committee of any members of the Council, up to a fixed number, who might be vitally interested in a particular Bill but who would not otherwise serve on the Committee.

PROCEDURE ON THIRD READING

36. In the absence of a revising Chamber it will be essential that verbal and drafting amendments should be permitted on Third Reading after proper notice. After a Bill has been read a third time and passed it should be submitted in the usual manner for the Governor's assent, and would not become law until such assent had been received by message.

37. In considering any measures passed by the Council the Governor would possess an unqualified right of veto, but he would not normally exercise this right unless the provisions of the measure were such as in his opinion to conflict with the terms of the Royal Instructions issued to him. He would also be at liberty to reserve his assent pending the signification of His Majesty's pleasure, to suggest amendments to the Council, to insist that any single Ordinance should be carried by a majority of two-thirds of the Council or to condition his assent by a stipulation that the Ordinance should be withheld from operation for a period not exceeding six months.

38. All Ordinances enacted by the Council would continue to be submitted for the signification of His Majesty's pleasure, and His Majesty would retain full power of disallowance and of legislation by Order in Council at his discretion. In the event of the Governor rejecting any measure or delaying its operation he should at once render a full report of his action to the Secretary of State, who would continue to be responsible for advising His Majesty to accept or to overrule the Governor's decision.

39. Such alteration in the Standing Orders of the Council as may be necessitated by the procedure outlined in the foregoing paragraphs should, we suggest, be effected by the Committee referred to in paragraph 41 below. In future the Council should be vested with full power to amend its Standing Orders at its discretion, with the proviso that no amendments shall be made unless carried by a majority of two-thirds of the Members.

General Procedure of Council

OPENING OF SESSION

40. Each session of the Council would be opened by a speech from the Governor with the ceremonial proper to such an occasion.

CEREMONIAL

41. In view of the importance of ceremonial as a stabilizing influence in parliamentary practice we suggest that the Governor should appoint a small Committee, in anticipation of the first meeting of the Council, to examine its Standing Orders with a view to the preservation and elaboration of such ceremonial forms and practices as might be considered appropriate to the increased power and dignity of the Council.

PRESIDING OFFICERS

42. At the outset of a new Council the members would proceed to elect from among their number a Speaker, a Chairman and a Deputy-Chairman of Committees each of whom would be qualified to act as Deputy Speaker. The salary of the Speaker, who would be charged with the execution of duties normally appertaining to that post, would be that of a Minister; the salary of the Chairman and Deputy-Chairman of Committees would be £1,000, or Rs. 15,000 a year.

OFFICERS OF THE COUNCIL

43. The Speaker would be responsible for the management of the buildings and the general administration of the Chamber. He would be assisted by a staff of clerks and assistants who would be known as "Officers of the Council." These Officers would either be seconded from the Civil and Clerical Services, or if such a course were considered preferable, might be specially recruited, engaged and paid by the Speaker.

CONTROL OF BUSINESS

44. As already indicated, the control and arrangement of business would fall within the scope of the functions of the Board of Ministers. The latter would thus be free to summon a legislative sitting of the Council by putting down Bills as the first orders on the paper, or an executive sitting by giving precedence to the consideration of reports from the Executive Committees. As regards these reports it might be convenient to give, according to a rota, priority to the discussion of the activities of certain Departments on certain days, much as is done in the House of Commons for questions.

45. The Board of Ministers would have power to move to take the time of the Council for urgent business, and this question should be decided without amendment or debate. Provision should also be made on the lines of House of Commons Standing Order No. 10 for the discussion of urgent matters regardless of departmental priority. Bills presented by the Chairmen of Committees would have precedence in "Orders of the Day" over all other Bills and in the order determined by the Board of Ministers. A limited time only should be allowed for questions on each day, and members should be debarred from asking more than a given number of questions on any one day. Steps should also be taken to regularise by Standing Order the length of the questions asked and to provide machinery for the censorship of questions which should be vested in the Speaker.

Such in outline is the scheme which we recommend should form the basis of a new constitution. We have presented it without detailed argument in order that it may be viewed readily as a whole and a general

conception gained of the changes proposed without the distractions involved by a discussion of the reasons for each step. We propose, now, however, to elaborate certain aspects of it in order that we may leave no room for doubt as to the interpretation we assign to its various provisions.

Details of New Constitution

APPOINTMENTS AND PROMOTIONS OF PUBLIC OFFICERS

The dual functions and organisation of the Council have, we trust, been sufficiently explained, and the duties of the various Executive Committees would not seem to require further elaboration. We think however that it would be well to indicate here in general terms the extent to which these Committees will be responsible for appointments in the Departments under their direction—a subject which we have dealt with in detail in the chapter on the Civil and Public Services. Under the existing system the Head of a Department is empowered to make appointments, on his own authority, to non-pensionable officers which carry a salary not exceeding £80 or Rs. 1,200 per annum. All appointments and promotions not falling within this category are made by the Governor personally, subject to the approval of the Secretary of State in respect of certain classes of appointments carrying salaries exceeding £300 or Rs. 4,500 per annum and all appointments of which the salary exceeds £450 or Rs. 6,750 per annum. We contemplate the continuance of this procedure, subject to the following modifications. Where an appointment is of a class which falls within the purview of only one Executive Committee we consider it proper that the Committee should be entrusted with the responsibility for recommending to the Governor the candidate whom they consider best qualified to fill it; in the case of all other appointments the responsibility for advice will be entrusted to a Public Services Commission, whose functions we outline later. In the former case, the recommendation of the Executive Committee will be forwarded to the Governor through the Public Services Commission; in the latter case it will be open to the Chairman of an Executive Committee to make such representations to the Public Services Commission as the Committee may recommend. We must not however be regarded as contemplating any modification of the full powers of the Governor in this respect. On the contrary, since the advice tendered to him may on occasion be conflicting we consider it essential in the public interest that he should retain full liberty of action. The procedure which we suggest has been designed not to fetter his discretion but to assist him to form an unbiased judgment. It will at the same time serve to protect all classes and grades of public officers from political interference and to encourage in the members of Executive Committees a sense of the high responsibility which they will now be called upon to discharge.

DIVISION OF RESPONSIBILITY BETWEEN MINISTERS AND HEADS OF DEPARTMENTS

We desire next to refer to certain considerations which will affect the position of the Chairmen of Executive Committees. The first of these is the necessity for a clear division of responsibility between the Chairman and his Executive Committee on the one hand, and the Heads of the Departments under their control on the other. We recommend, as a guiding principle, that the Head of a Department should be supreme in the routine administration of his duties. Otherwise, however, we would deprecate any diminution of the full authority of the Chairman and Members of an Executive Committee which should be subject only to the overriding authority of the Council itself, and ultimately of the Governor. In some Departments this division of responsibility will present less difficulties than in others. The activities of the Education Department, for instance, are governed by a detailed code of procedure; a simple division of responsibility in the case of that Department could be effected by leaving the administration of this code in the control of the Head of the Department and providing that any departure from the code, and any decision in matters to

which the code either did not apply or was of doubtful application, would require the sanction of the Committee. If this system commended itself as likely to provide a suitable working basis, it might be applied to other Departments. But while detailed interpretation might be left to individual departments, certain general definitions common to the administration as a whole should be worked out and embodied in the "General Orders" of Government for the guidance of officers serving under Executive Committees, and these definitions, as we have suggested in paragraph 7 of the scheme, would embrace not only the measures for which the sanction of a Committee should be obtained but also those measures which would require the confirmation of the Council and, ultimately, of the Governor. The importance which we attach to the adoption of working rules of this nature is such that we would have wished ourselves to make more detailed recommendations for their elaboration. We recognise, however, that the practice of the various Departments cannot be expected to be uniform but must be adjusted to accord with their own individual requirements, and that too great a rigidity would be likely to prove as detrimental to smooth and efficient working as would complete license to frame their own rules without regard to the general interests of Government. We feel, therefore, that this task must be entrusted to those who have an intimate knowledge and experience of the inner workings of the various Departments in Ceylon and we recommend that the Government should at once be invited to give this question their attention in order that whatever rules may be considered appropriate may be defined and approved before the introduction of the new constitution.

PREPARATION FOR ADMINISTRATIVE DEVOLUTION

Other preparations for a change of system must also be made in advance of a decision as to the precise nature of that change. The decentralization of control from the Secretariat, which is so urgently needed and which must necessarily form a prominent feature of any new constitution, must be carefully prepared for and elaborated without delay. The grouping of Government Departments, the provision of office accommodation and secretarial staff for the Chairman of each Executive Committee, and the multitude of minor questions to which so comprehensive a transference of work and responsibility will give rise, will all require careful thought. Plans must be made, and the organisation for the change to the new system completed, well in advance of its introduction and we consider that no time should be lost in framing a complete scheme of decentralization from the present Secretariat and in making both public officers and members of the Council acquainted with its details. The point which we wish to emphasize here is that after a careful examination of the position in Ceylon we have been compelled to recommend the simultaneous adoption of measures of administrative devolution as well as of constitutional reform. It is obvious that great risks would be run if these measures were to be carried out with incautious abruptness and the conduct of public business handed over to inexperienced Ministers with secretarial staffs to whom the conditions would be, if not equally strange, at least sufficiently unfamiliar to cause embarrassment. In order therefore that the new Ministers and their Executive Committees may be given every chance of success it will be essential for them to take over the control not of Ministries which exist only on paper and which they would be compelled to create but of Ministries which had already been organised.

RELATIONS OF MINISTERS WITH EXECUTIVE COMMITTEE

With these preliminary observations we now pass to a closer review of the relations of a Minister (1) to his Committee (2) to the Council (3) to his fellow Ministers. We have already indicated that the business submitted for decision to an Executive Committee would be decided by

majority vote. It might happen therefore that a Minister might find himself in a minority on his Committee and might, in consequence be compelled, when presenting the report of his Committee to the Council, to recommend measures, whether specific proposals or a general course of action, of which he did not approve. Even if this situation were frequently to arise we do not think that difficulty in working the system need be anticipated. It may safely be assumed that the questions at issue would usually be matters on which judgments might differ without any question of principle being raised. Moreover, it would be permissible for the Chairman, without disloyalty to his Committee, to explain when presenting the report to the Council that he had personally taken another view but that the Committee had decided by a majority that an alternative course should be recommended. Such minor differences of opinion are of common occurrence in those bodies, such as the League of Nations, where a committee system has been adopted, and need not in themselves affect the prestige or authority of the Chairman. If it were otherwise, the Chairman would either have to carry the Committee with him on every occasion or resign, a position which would lead either to the dictatorship of the Chairman or to resignations of embarrassing frequency. In either case the association of an Executive Committee with the Minister would then prove of little or no value. In order to derive the fullest advantage from a system of Executive Committees there must be that full and free discussion and interchange of opinion which is consistent with the assumption by each individual member of a share of responsibility. If full and free discussion is to be encouraged it is obvious that there must not be talk of resignation on each occasion on which judgments differ. That is not to say that the Chairman should retain office whatever may transpire in Committee: on the contrary if he finds himself in constant opposition to a majority of his Committee, or at variance with them on a major issue, and if he finds that harmonious relations are endangered by these differences of opinion he will naturally resign. Another Chairman would then be selected by the Committee for appointment by the Governor, and the Committees reconstructed in order to admit of the ex-Chairman serving on one or other of them if he should so desire. In normal course, however, whilst the Committees as first elected would doubtless require some adjustment of personnel from time to time, we should not expect frequent changes of Chairmen to be necessary.

POWER TO REFER BACK

It is essential that the Council in Executive Session should have complete power, in reviewing and confirming the activities of an Executive Committee, to refer back to the Committee, for further consideration, any items on which it was not fully satisfied, and that it should be able to exercise that power without an ever-present fear that the resignation of the Chairman would be involved. We regard this principle as one of the highest importance. The whole purpose of the Committee system, as has been explained, is to obtain the fullest value from the co-operation of all Members of Council, and the system of "reference back" is designed both to secure that co-operation and to reduce to a minimum the risk of friction or of hasty decisions. It is, in our view, essential to the smooth working of the executive machinery of the Council that recourse should be freely had to the practice. We desire, therefore, to emphasise here that we place the adoption of this principle in the forefront of our recommendations, and that we wish it to be interpreted in practice not as a form of rebuke to the body to which reference back is made but merely as a means of securing that the fullest information shall be placed before the deciding authority, that the views of all individual members of Council shall receive the fullest weight and that no decision be taken except after adequate opportunity for full and careful consideration.

view. It would advise and warn, but would not relieve the Council of the duty of decision. The Chairman of this Committee will be the Chief Secretary by virtue of his precedence in the Island. The Senior Officer of State, second only to the Governor, and called upon to administer the Government during the Governor's absence or incapacity, he will, naturally occupy the position of Senior Minister. But he will be in no sense a Prime Minister. Though Chairman of the Ministers' Committee his duty will be to act, in common with the other Officers of State, in an advisory rather than in an executive capacity. On his elected colleagues, the Chairmen of the Executive Committees, will fall the responsibility of decision in matters outside those assigned to his own department, and in order to make this quite clear we propose that the Officers of State should have no right to vote at the meetings of the Board of Ministers. In framing this scheme for a new constitution we have aimed throughout our task at devolving on to the shoulders of the Ceylonese themselves as great a degree of responsibility for the management of the affairs of the Island as is compatible with a system which must inevitably fall somewhat short of full responsible government. The responsibility thus granted to them will, we have no doubt, be fully justified, but in order that it may exercise its full effect it is essential that it should be realised by the Council and appreciated by public opinion that the Government will in no sense be run by the Chief Secretary and his official colleagues, but that on the contrary the burden will now be shifted to Ceylonese shoulders, the Officers of State being present in the deliberations of the Board of Ministers and of the Council, for the main purpose of giving that expert advice and assistance with which no new Government can dispense. It is true that the Officers of State will be responsible in a Ministerial capacity for administering the special Departments which we have recommended should be retained in their charge, and in this sense will be executive officers, but they will administer these Departments with the primary object of assisting and not of hampering their Ceylonese colleagues, of whose policy their activities will be largely implementary. In pursuance, therefore, of our intention that the Officers of State should be regarded as advisory rather than as executive officers we would propose that, while the Chief Secretary should by virtue of this Office be the Chairman of the Board of Ministers, he should not be the Leader of the Council. Just as at the Board it would be his duty to give his fellow Ministers the benefit of his expert advice and administrative experience, while leaving to them the responsibility for decision, so in Council it would be primarily his duty to advise and to point out dangers and difficulties rather than to assume any personal responsibility for the proposals under discussion. The exposition of these proposals would normally be undertaken by the Chairman or appropriate member of the Executive Committee concerned: in the case of the Budget, or in other cases where the Ministers would be collectively responsible, the Leader of the Council would be the chief spokesman of the Government. The Leader of the Council would be elected by his fellow Ministers and would be the Vice-Chairman of the Board of Ministers. He would normally continue in office for the life-time of the Council, but it would always be possible for the Board to arrange among themselves for this duty to be transferred to another of their number, while leaving the former holder free to continue his work as Chairman of an Executive Committee. He would of course fulfil his duties in close consultation with the Chief Secretary, with whom as Chairman of the Board he would be in constant touch. But his would be the entire responsibility for explaining to the Council the decisions of the Board, for announcing the order of business, for answering questions affecting the Government as a whole, and for taking the chief part in defending the proposals for which Ministers were collectively responsible. He would in fact be the Parliamentary mouthpiece of the Government. At the meetings of the Board of Ministers he, as Vice-Chairman, would take the chair during the absence of the Chief

Secretary unless the Governor should have appointed an officer to discharge temporarily the duties of the latter. On the Leader of the Council too would fall the responsibility of speaking for the Council on public occasions.

Under these proposals the emphasis is laid on the position of the Chief Secretary as a counsellor and friend in need to the Government rather than as a leader of the Government himself but, so far as his own Department is concerned, he will of course be in the same position as any other Minister, except that he will have to account for his administration, not only to the Council, but also to the Governor, to whom he will continue to be directly responsible. It will be seen from this resumé of his activities that the character of this office will undergo a complete change. The existing Secretariat will disappear and its place will be taken by ten Secretariats forming part of separate Ministries; while the transference of responsibility to the elected representatives will deprive the Chief Secretary of his supreme authority over all Departments of Government and will leave him with the responsibility for conducting only a small portion of the public business. Though second only to the Governor in status and administering the Government during the Governor's absence, the duties that have hitherto fallen on him as adviser to the Governor will in future be shared by all his fellow Ministers. It is to the latter individually and collectively that he will stand out as the chief adviser and coadjutor, while to the Governor all Ministers equally will be responsible for giving advice and assistance. If, however, the Chief Secretary is to fulfil his advisory functions successfully, it will be essential that he should be familiar, not only with the general principles, but also with the details of every important problem which may come up for solution. To this end we have suggested that he should possess the right to attend both personally or by deputy all the meetings of Executive Committees. He will thus be able to share in the discussions on any given issue from its inception, and will have ample opportunity of making himself acquainted with its implications. His responsibility for the smooth working of the Public Services Commission and for matters of establishment and personnel will give him an insight into all branches of the administration. In pursuance of this conception of the Chief Secretary's functions we would recommend that he should no longer be responsible for conducting the Governor's correspondence either locally or with the Secretary of State. Despatches should now be registered and housed in the office of the Private Secretary to the Governor, a copy of public despatches and of such confidential despatches as the Governor may find it necessary to communicate to the Ministers being sent to the Chief Secretary with a covering minute for communication to the Board of Ministers. Having been read at a meeting of the Board, a despatch would then be handed to the Minister or Ministers concerned who would be responsible for collecting the material for a reply. This material would similarly be submitted to the Governor under cover of a minute from the Chief Secretary as Chairman of the Board. We consider it important that all the Ministers should be made acquainted with the tenor of current correspondence with the Secretary of State, whether directly applicable to their Departments or not, and we recommend therefore that in all cases of other than extreme urgency the channel of the Board of Ministers should be used for such correspondence even if one Department only is concerned.

THE TREASURER ✕

Under the new constitution the Treasurer, as a full Minister, will no longer suffer from the disabilities which at present attach to his position. While he is the general financial adviser of the Government there is at present no obligation on the Government to consult him on matters not placed by statute in his charge, and though in practice his advice is sought on most questions of financial importance there is no guarantee that this

will be the case. We understand, indeed, that it is not uncommon for him to learn of such matters only when a decision has been taken. "It is true that in all questions of major importance he is able by virtue of his position as a member of the Executive Council to ensure that a decision on them is not reached without full consideration of the financial point of view; but in other questions he is dependent for an opportunity for advice on the discretion of individual officers in the Secretariat. We consider this somewhat haphazard procedure a serious defect of the existing system which must be remedied under the new constitution. We have accordingly recommended that it should be obligatory on the Executive Committees to obtain the Treasurer's advice on all matters involved in the preparation of the Annual Budget and Estimates and of Supplementary Estimates, and that it should not be competent for them to reach a decision with regard to these matters until the Treasurer has reported to them his opinion from the financial point of view. After an Executive Committee had passed its Estimates the latter would be referred to the Board of Ministers who would examine and if necessary revise them and incorporate them in the Annual Budget. The actual work of preparing a complete Budget would of course be undertaken, for submission to the Board, in the Department of the Treasurer, who would thus be given a further opportunity for recording his opinion. After being passed by the Board, the Budget would be submitted to the Council under cover of a Memorandum by the Board of Ministers, prepared with the assistance of the Treasurer, explaining its financial implications. The same procedure would be followed in any matters not covered by the Budget but raising financial considerations. We have also proposed that the Treasurer should be entrusted with the financial supervision of all Departments and their establishments, much on the lines of the Treasury in Great Britain. Instead therefore of being overshadowed by a Secretariat not bound to seek his advice, he will be in intimate touch with the financial aspect of all questions from their inception, and will be given an ample opportunity of expressing his opinion from the financial point of view in the initial stages of a proposal, in the intermediate stage at the Board of Ministers, and in the final stage of discussion in the Council. He will be the Financial Adviser to the Government, with the status and authority of a Minister, and so able to place before his colleagues all the material considerations to enable them to form a decision. We cannot doubt that the procedure which we contemplate will be conducive to efficacious action on his part, but we must repeat that the role which we have assigned to the Officers of State is advisory rather than executive, and, though the position of the Treasurer is being strengthened to enable him to give advice as circumstances may demand, the responsibility for decision will lie with his elected colleagues and with the Members of Council. We have however provided, for convenience of administration, that the Treasurer should be entrusted with the executive duties normally appertaining to his office. A tentative list of these duties is given in Appendix VI to this Report.

THE ATTORNEY-GENERAL

In the same way the Attorney-General will be the Legal Adviser to the Government, with the full status of Minister, and so able to participate in the deliberations of the Board of Ministers and of the Council. He will be responsible for advising the Heads of Departments and Executive Committees on such matters as may be referred to him, as for example the examination of contracts and the preparation of legal instruments. In addition, we consider that he should be executively responsible for the administration of justice throughout the Island, which will thus be definitely placed on a non-political basis, and for the conduct of elections. We contemplate also that he will continue to exercise the duty imposed on him under Colonial Regulation 182 which provides that each Legislative Act, when submitted to the Secretary of State for the signification of His

Majesty's pleasure, should "be accompanied by a statement from the Law Officer of the Crown to the effect that in his opinion the Governor's assent may or may not be properly given thereto, and also by a report from the Governor or Law Officer giving all requisite explanation respecting the object of the Act and any legal or political question it may involve." Directions of this nature might, we consider, conveniently form part of the Royal Instructions issued to the Governor. We would recommend that in order that the Attorney-General's duties may be satisfactorily fulfilled special attention should be paid to the staff of his Department, which has been criticized as a second "bottle-neck" not less effective than that of the Secretariat in obstructing the free flow of public business. Until recently the Attorney-General was personally responsible for drafting all legislative measures and there can be little doubt that he and his Department have been overworked. In consequence many important projects, e.g., for the amelioration of social conditions and for the revision of municipal constitutions and ordinances, have reached his office only to lie on the stocks. A Parliamentary Draftsman has been recently appointed to assist him, a step which will doubtless afford him a welcome measure of relief. It is, however, desirable that this officer should be transferred to the Department of the Chief Secretary in order that the Attorney-General may be freed from drafting responsibilities. In the United Kingdom the corresponding officers are independent of the Law Officers of the Crown. As a further method of avoiding congestion it would be worth while to examine the possibilities of supplying the new Ministers with their own legal advisers on whom they could rely for routine legal advice. Even if the business of Government has not yet assumed such proportions as to justify the appointment of legal advisers to each Ministry it must be expected that this stage will soon be reached.

We were also informed by various witnesses that delays have been occasioned in the administration of justice. While inviting attention to this statement we have refrained from making any recommendations for the improvement of the judicial machinery, particularly in view of the fact that a Select Committee of the Legislative Council was recently appointed to consider the reorganization of this branch of the public service. We accordingly confine ourselves to expressing the hope that the result of the Committee's investigations will be such as to remove all cause for complaint in this connection.

Position and Powers of the Governor

It remains to define the position and powers which we have assigned to the Governor under this scheme for a constitution. We propose first to comment on the two extreme and diametrically opposed courses which immediately suggest themselves. The first is to approximate his position to that of a Governor who has no constitutional responsibility for the Government of the country where he represents the Sovereign; the other is to restore him to a complete direction of the affairs of the Island. The adoption of either policy would make his position well defined. Under the first course his responsibility to the Secretary of State would in a sense be secondary, for he could always point to responsible Ministers should any action be called in question. Under the second course he and he alone would be responsible, and he would be bound to exercise his powers under an abiding sense of his responsibility. It is easy to understand then that a Governor would welcome the selection of one or other of these alternatives. But neither of them is suited to the conditions of the present case. We have already indicated that in our view it is out of the question to reintroduce in Ceylon the conditions of what used to be known as "Crown Colony Government." But it is no less impracticable for us to recommend that Ceylon should pass from such conditions, with but one brief intermediate stage, to full responsible government. The position of the Governor must be consistent with the type of constitution which we contemplate.

If the new constitution is effectively to transfer to the elected representatives a large measure of responsibility the retention unaltered of the Governor's powers would be inappropriate; if on the other hand the constitution will not be equivalent to the grant of full responsible government it would be illogical to place the Governor in the position of the constitutional head of such a government. The change then in the position of the Governor must accord with the degree to which responsibility is to be transferred, and his executive powers must be diminished in direct ratio to the advance made towards responsible government. There is nothing unpractical or confusing in this procedure. As a country ascends the scale of self-government it is inevitable that the powers of the Governor should be gradually restricted, and the British Empire affords many examples of countries which enjoy a large but not a full measure of responsible government, involving a corresponding modification of the Governor's constitutional status. While therefore we cannot accept either of the two extreme conceptions of the Governor's position we must emphasize that the assignment to him of an intermediate status is both justifiable in itself and is in full accordance with the accepted principles of constitutional development in the Empire.

Our central aim in devising a new constitution has been the devolution on the inhabitants of Ceylon of the responsibility of managing their own internal affairs, subject only to certain safeguards in the background. It follows then that the executive responsibility of the Governor must be *pro tanto* diminished. But here we are faced with a paradox. For with every transference of responsibility to representative organs the Governor must be given such additional reserve powers as will enable him to see that this responsibility is not wrongly exercised. These reserve powers will represent one form of safeguard, which will operate if and when the principles of the constitution should be infringed: the other form of safeguard which we contemplate lies in the presence of the Officers of State as expert advisers and critics. The responsibility for the proper use of these safeguards will lie with the Governor and the position which he will occupy will best be made clear by a detailed exposition of the powers which we recommend should be entrusted to him.

LEGISLATION

The Order in Council of 1923 empowers the Governor to make laws for the peace, order and good government of the Island (Article XLVII) and provides that no such law shall take effect until either the Governor shall have assented thereto in the name and on behalf of His Majesty, or His Majesty shall have given his assent thereto by Order in Council or through one of His Principal Secretaries of State (Article XLVIII). The right of His Majesty to disallow any law assented to by the Governor is preserved by Article XLIX.

We propose that these provisions should be retained in the new constitution.

Article XIII of the Royal Instructions of 1920 provides that the Governor shall not assent in the name of His Majesty to any Bill of the following classes :—

1. Any Bill for the divorce of persons joined together in holy matrimony.
2. Any Bill whereby any grant of land or money or other donation or gratuity, may be made to himself.
3. Any Bill affecting the currency of the Island, or relating to the issue of Bank Notes.
4. Any Bill establishing any Banking Association, or amending or altering the constitution, powers, or privileges of any Banking Association.

5. Any Bill imposing differential duties.

6. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon His Majesty by Treaty.

7. Any Bill interfering with the discipline or control of His Majesty's Forces, by land, sea, or air.

8. Any Bill of any extraordinary nature and importance, whereby the Royal prerogative, or the rights and property of British subjects not residing in the Island, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced.

9. Any Bill whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable.

10. Any Bill containing provisions to which the Royal assent has been once refused, or which have been disallowed by His Majesty (subject to certain reservations).

We propose that, with the exception of paragraph 9, these provisions should be retained in the new constitution and that the following new provisions should be added:—

amended

(a) Any Bill whereby persons of any particular community or religion are made liable to any disabilities or restrictions to which persons of other communities or religions are not also subjected or made liable, or are granted advantages not extended to persons of other communities or religions.

(b) Any Bill whereby the rights or privileges of public servants may be prejudiced.

(c) Any Bill whereby the financial stability of the Island may be endangered.

(d) Any Bill relating to questions of defence or public security, or any matter affecting naval, military or air forces or volunteer corps or the control of aerial navigation or aircraft.

(e) Any Bill relating to or affecting trade outside the Island, or docks, harbour, shipping, or any lands, buildings, or other matters of naval, military, or aerial interest or of Imperial concern.

(f) Any Bill relating to or affecting the administration of justice in the Island.

*Public
or directly
disposition*

All these additional stipulations must be subject to a general proviso excepting from their operation any Bill which may be enacted at the request or with the prior consent of the Governor or Secretary of State. With regard to category (c), we consider that each Legislative Act submitted for the signification of His Majesty's pleasure should, if financial considerations are involved, be accompanied by a statement from the Treasurer recording his opinion whether such Act is or is not likely to endanger the financial stability of the Island, and that provision to this effect should be included in the Royal Instructions issued to the Governor.

By Article L. of the Order in Council of 1923 the Governor may reserve any Bill passed by the Council for the signification of His Majesty's pleasure thereon; and he is bound so to reserve any such Bills which may in any way alter or be inconsistent with the provisions of the Order in Council.

We contemplate no alteration in this Article.

Thus the Governor will possess a general right to refuse or reserve assent to Bills passed by the Council but he will not normally exercise this right unless the Bills contain provisions of such a character as to bring them within the above-defined categories of Bills to which he is bound to refuse or reserve assent. But we do not wish to restrict his action within too

narrow a compass by binding him in all cases either to assent, or to refuse or reserve assent. We recommend therefore that he should be granted the following additional powers:—

(i) The power to refer back to the Council for further consideration any Bill the provisions of which may appear to him to be undesirable, and to suggest such amendments as he may deem expedient.

(ii) The Order in Council should provide that where the Governor certifies a Bill as involving an important question of principle such Bill shall not be deemed to have been passed by the Council unless it shall have secured the votes of two-thirds of the members. The Governor would thus have power to certify any Bill as coming within this Article of the Order in Council and to refer back to the Council any Bill so certified for further consideration.

(iii) The power to attach to his assent a condition that the Ordinance shall be withheld from operation for such period as he may prescribe but in any case not exceeding six months.

Thus in dealing with Bills passed by the Council six alternative courses will be open to the Governor. He may:—

- (1) Assent.
- (2) Reserve assent pending signification of His Majesty's pleasure.
- (3) Refer back to the Council for further consideration, with or without suggested amendments.
- (4) Certify a Bill as coming within the Article of the Order in Council which demands its passage by a two-thirds majority.
- (5) Attach to his assent a condition withholding the Ordinance from operation for a period not exceeding six months.
- (6) Refuse assent.

These powers he may exercise at his unfettered discretion, but the constitution should provide that in each instance he should render a report of his action to the Secretary of State who will be responsible for advising His Majesty to accept or over-rule the Governor's decision.

In addition, the Governor should be vested with power to enact laws himself, if the Council refuses its co-operation, in matters which he may consider to be of paramount importance in the public interest. Provision of this nature is included in the existing constitution, Article LIV. of the Order in Council of 1923 reading as follows:—

“LIV.—(1) If the Governor is of opinion that the passing of any Bill or of any clause of it, or of any amendment to any such Bill, or of any resolution, or vote, is of paramount importance to the public interest he may declare such Bill, clause, amendment, resolution or vote to be of paramount importance. Such declaration may be made by the Governor or by an *ex-officio* Member of the Council acting by the authority and on the instructions of the Governor either before or after the votes of the Members are taken.

“ (2) In any such case only the votes of the *ex-officio* Members and Nominated Official Members shall be taken into consideration, and any such Bill, clause, resolution, or vote shall be deemed to have been passed by the Council if a majority of the votes of such *ex-officio* Members and Nominated Official Members are recorded in favour of any such Bill, clause, amendment, resolution, or vote.”

We consider that the principle of this Article should be retained in the new constitution, but its phraseology will of course require amendment. The procedure indicated in the Article will not be appropriate to a Council in which the elected element has been enlarged and the official element

reduced to the three Officers of State. In such circumstances we consider that the power to enact legislation should rest absolutely in the Governor himself and that no voting on the Bill should be required.

EXECUTIVE ACTION

We have indicated that under our proposals the periodical reports of the Executive Committees, as amended and passed by the Council, would be submitted to the Governor for ratification and that it would not be competent for the Executive to take action on any items approved by the Council until the Governor's ratification had been received. This principle should be definitely established in the constitution. To enable him to deal with such reports the Governor should be given similar powers to those advocated in the legislative field. Thus he should have power to approve, refuse approval, reserve approval pending submission to the Secretary of State, refer back to the Council for further consideration, or certify any particular item as involving an important question of principle and so requiring the support of two-thirds of the members of the Council. It may be considered unnecessary to give him the delaying powers which are more appropriate to legislative than executive measures, but it would perhaps avoid confusion if the constitution were to include a general provision extending to the executive actions of the Council the powers given him to deal with legislation.

The same instructions should also be laid down for his guidance as to the matters to which he must refuse or reserve his approval, and the same power should be given him to take executive action, in default of the co-operation of the Council, in matters of paramount importance to the public interest. He will thus have a general right to refuse or reserve approval to any executive measure of the Council, but he will not normally exercise this right unless the measure is of such a character as to fall within the categories of measures to which he is bound by Royal Instructions to refuse or reserve approval. In addition, it should be provided that the executive proceedings of the Council, with a report of his action in the event of disagreement with the Council's decisions, should be periodically submitted by the Governor to the Secretary of State, by whom the Governor's decisions would be open to review. The submission of these reports would not, however, delay action on his decisions which, as in the case of assent to legislation, would be operative as soon as they had been given. It should also be provided in the constitution that the right of making appointments to the public service should rest with the Governor and the General Orders of the Government should be revised to enable the procedure which we have recommended on pages 102-105 to be adopted.

A further field for executive action lies in those matters which we have recommended should be placed in the charge of the Officers of State. The latter, as we have indicated, will in strict constitutional theory be responsible to the Governor. But since the control both of policy and finance will be in the hands of the Council, to which the Officers of State will in practice have to account for the actual administration of their Departments, the theoretical position loses much of its significance. We contemplate then that in respect of the Departments retained in their charge the Officers of State will be in much the same position as other Ministers, and that the Governor will normally follow the advice of these officers. Since, however his responsibility for the affairs under their control will be absolute, he will of necessity retain full discretion and will thus be free in matters directly Imperial as distinct from local interests to direct action on his own initiative and in accordance with his own judgment. Generally speaking, however, his powers in these, as in other respects, will be supervisory rather than executive and we have no doubt that in matters of detail the Officers of State will be given a free hand.

Among the Imperial affairs referred to above is one of vital importance, viz., the defence of the Island. In this matter we do not contemplate any change in the well-understood relations between the Governor as Commander-in-Chief and the Officer Commanding the Troops.

On the question of direction by the Governor (in this and in matters affecting external relations) we think it necessary to state that while we are definitely of opinion that those affairs for which the Imperial Government is responsible to the Parliament of the United Kingdom, and to the people of the whole Empire, should remain under Imperial direction, we are not fearful that there will be any desire on the part of the representatives of the people of Ceylon so to order the policy of the Island as in any way to militate against the general interest of the Commonwealth of Nations to which they belong, or against the special interests of the people of Great Britain who have commercial, financial, or other connection with the Island. What we heard and saw in Ceylon, the treatment meted out to ourselves there, the respect we observed to be shown on all occasions to His Excellency and to his high Office, the candid recognition to us of benefits derived from the long association of the Island to the United Kingdom, all forbid this fear.

GENERAL

Certain duties are at present imposed by statute on the Governor-in-Council. Under our proposals, however, the Executive Council will be abolished and the Governor will in future have no formal Council to assist him. It will be necessary, therefore, to make fresh provision for the fulfilment of these duties which are often of an unimportant and even trivial character. We recommend that an Ordinance should be passed devolving these duties either on the Head of the Department or on the Minister and Executive Committee concerned. In the unlikely event of any of these duties being considered by the Secretary of State to be too important to admit of such devolution we would propose that they should be vested in the Governor personally.

The constitution also provides for the exercise of certain powers by the Governor in Council. These powers are vested in him personally but in exercising them he is now bound to consult the Executive Council though he is not bound to follow their advice. Among these powers is the exercise of the prerogative of mercy which should continue to be vested in him alone. Other powers, such as the certification of matters of paramount importance, we have suggested should be strengthened and enlarged, and these the Governor will exercise on his own judgment as on his own responsibility. The abolition of the Executive Council will not, however, deprive him of the opportunity of seeking advice from members of the Government; as we shall stress later, he will be free to consult Ministers at his discretion and to avail himself of facilities which have been specially designed to enable him to keep in closer touch with current political opinion than it is possible for him to do at present. The constitution must also provide for the grant to the Governor for certain additional powers; he must be given power to appoint the Chairman of Executive Committees and the procedure governing such appointments must be clearly defined; and he should also have power to declare a state of emergency and on such declaration to take over the control of the police, and of any other Department or service which he may consider it in the public interest to direct.

Thus the functions of the Governor will in general be negative rather than positive, supervisory rather than executive. He will no longer be responsible himself for the administration of the Island; his duty will be, first and foremost, to see that those on whom the responsibility will now fall do not infringe the principles enunciated in the constitution for their guidance.

His personal responsibilities for the government of the country hitherto complete, will be limited in the main by the express provisions of the Royal Instructions. But he must inevitably play a large part in establishing the new administration on a sound basis. In this task he must be more active, as a brake, as a stabilising force, and as an agent for reassuring the nervous than he could be under a system of full responsible government.

But he must equally avoid the other extreme and not seek to model his conduct on that of his predecessors under "Crown Colony Government." He must be independent of local politics if he is to gain public confidence in his impartial judgment.

It is precisely for this reason that we have refrained from recommending that a formal Council over which he would preside should be constituted to assist him. Association with such a Council would inevitably involve him in political controversy and would destroy that independence of position so essential to unprejudiced supervision. It would be most unfortunate if he were to become associated in the public mind with the discussions which will arise in the daily proceedings of the State Council, or of the Board of Ministers, composed, as it will be, of those members of Council who will occupy controversial positions. Nor must he be placed in such a situation that he would be open to the charge of dominating the proceedings of the Board of Ministers. If he were to preside at the meetings of the Board this would certainly be his fate. Moreover, if the constitution were to provide for that business which is at present dealt with in Executive Council to be transacted in future by the Governor in Council with his Ministers, this procedure would be tantamount to forcing on the latter a collective responsibility which they would not otherwise possess. On the other hand the association with the Governor of a special Council not necessarily composed of Ministers, would offer no satisfactory solution, since such a body would inevitably become to the Ministers and Members of Council an object of suspicion and distrust. Not responsible to the State Council, its members would have special opportunities of obtaining the Governor's ear, and any intervention by the Governor with the measures passed by the State Council would doubtless be attributed to the undue influence exercised by his own Council. If Ministers or Executive Committees were to obtain any impression that they had been thwarted by the reference of their proposals to an outside body which could not be called to account for its actions, it is clear that the Governor's position would be rendered doubly difficult and the harmonious operation of the new constitution endangered. We are convinced, therefore, that the public interest would best be served by his dissociation from the proceedings of the Board of Ministers and of the Council, and that no formal Council should be constituted to assist him: he will thus remain in the position of a supreme arbiter, impartial and independent.

From the administrative point of view this procedure is fully practicable, since, as we have indicated, provision can be made without difficulty for the fulfilment of those duties which the Executive Council is now called upon to perform. We recognise, however, that if the Governor is to fulfil to his satisfaction the supervisory functions which we have assigned to him it will be essential for him to be given ample opportunity of making himself familiar with all the activities of Government. It will be his task to preserve constant touch with his Ministers, and through them with every branch of the administration: a task which decentralisation from the Colonial Secretariat will render less difficult than under the present regime. To facilitate the maintenance of this contact we think it desirable that copies of all agenda and minutes of every Executive Committee and of the Board of Ministers should be furnished by their officials to the Governor at the time that they are circulated to members. He should also be furnished with copies of all documents supplied to the Council, including the

Orders of the Day and the official record of the proceedings. This procedure will give the Governor the opportunity of keeping in touch with both the legislative and executive activities of the Council and will enable him to bring to bear, through the agency of the Ministers, with whom we have assumed he will be in constant and friendly intercourse, all the qualities of judgment and experience associated with the Officer of His Majesty's Service selected on account of special distinction for the high post of Governor of Ceylon.

CHAPTER V

FRANCHISE AND REPRESENTATION

I.—Franchise

EXISTING POSITION

The population of Ceylon at the last census (1921) was 4,498,605 and is now estimated to be in the neighbourhood of 5,125,000. This includes the Indian immigrants, now some 7,000,000, a considerable number of whom, as has been pointed out elsewhere in this Report, may be regarded as permanent residents of Ceylon. The number of adult males in 1921, was approximately 1,180,000 and of females 975,000. The present electorate is confined to males and the conditions to be fulfilled to qualify for a vote in the election of Legislative Councillors are prescribed by Article XXVI. of the Order in Council of 1923, as follows:—

“XXVI.—(1) No person shall be qualified to have his name entered on any register of votes in any year if such person—

- (a) is not a British subject; or
- (b) is a female; or
- (c) is not of the age of 21 years; or
- (d) is unable to read and write English, Sinhalese or Tamil; or
- (e) has not, during the whole of a period of six months immediately prior to the commencement of the preparation of the register, resided in the electoral district to which the register relates; or
- (f) has been sentenced in any part of His Majesty's dominions to death or penal servitude, or to imprisonment for an offence punishable with hard labour or rigorous imprisonment for a term exceeding twelve months, unless he shall have suffered the punishment to which he has been sentenced or such other punishment as by competent authority may be substituted for the same or shall have received a free pardon from His Majesty; or
- (g) has been adjudged by a competent court to be of unsound mind; or
- (h) does not have or hold one of the following qualifications, viz.:—

(i) The possession or enjoyment of a clear annual income of not less than Rs. 600, such possession or enjoyment having subsisted during the whole of a period of six months immediately prior to the commencement of the preparation of the register;

(ii) The ownership of immovable property, either in his own right, or in right of his wife (but not as lessee or usufructuary mortgagee), situate within the electoral district to which the register relates during the whole of a period of six months immediately prior to the commencement of the preparation of the register, the value of which after allowing for any mortgage debts thereon, is not less than Rs. 1,500;

(iii) The occupation as owner or tenant during the whole of a period of six months immediately prior to the commencement of the preparation of the register of any house, warehouse, counting-house, shop, or other building (hereinafter referred to as qualifying property), situate within the electoral district to which the register relates, of the annual value of not less than—

(a) Rs. 400 if situated within the limits of any Municipal, Local Board, or Sanitary Board town, or of any Urban District Council, or of the Board of Improvement of Nuwara Eliya;

(b) Rs. 200 if situated elsewhere;

Provided that the qualifying property need not be throughout the period of qualification the same property if the annual value is in no case less than Rs. 400 or Rs. 200 as the case may be, and if such property is in all cases situate within such area as aforesaid.

(2) The terms 'house, warehouse, countinghouse, shop, or other building' include any part of a building when that part is separately occupied for the purposes of any trade, business or profession; and any such part may, for the purpose of describing the qualification, be described as office, chambers, studio, or by any like term applicable to the case.

(3) Where an occupier is entitled to the sole and exclusive use of any part of a building, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

(4) Residence in an electoral district or the occupation of a house shall not be deemed to be interrupted for the purposes of this article by reason only of permission being given for the occupation of the house as a furnished house by some other person on a monthly tenancy at will, or on a lease for a period not exceeding five months in the whole, or by reason only of notice to quit being served and possession being demanded by the landlord of the house, or by reason only of the fact that such residence has been interrupted by absence in the performance of any duty accruing from or incidental to any office, service, or employment held or undertaken by any person otherwise qualified to have his name entered on any register.

(5) The commencement of the preparation of the register of voters shall be deemed to be the date on which a notification is published in the *Government Gazette* calling upon all persons desirous of having their names entered in the register of voters to forward their claims to the registering officer."

The number of registered voters in 1924 was 204,997 which is 4 per cent. of the total population of five millions. Even when the number of women and of those below 21 has been deducted from the total population, it will be seen that the franchise is at present exercised by a relatively small number of persons. It was also brought out in the course of evidence that the Rs. 50 per month income qualification ruled out a large number of propertyless workers whose income was much below that figure. It was a point of interest that the Ceylon National Congress—whose deputation included prominent Sinhalese members of the Legislative Council—while putting forward strong demands for full responsible government expressed themselves as desiring no extension of the present franchise. This view of the Congress, it is understood, was afterwards modified but it was in rather remarkable contrast to that of certain other witnesses who opposed the grant of full responsible government but were in favour of lowering the franchise and were even prepared to give special representation to the lower-paid workers. One of the British members of the Legislative Council went further and advocated manhood suffrage at 25. The leaders of

the Tamil (Hindu) community were generally in agreement with the Congress spokesmen in deprecating any further extension of the franchise and they, too, desired the granting of full responsible government. The Ceylon Labour Union, on the other hand, put forward a strong plea for manhood suffrage, on the ground that very few of its 40,000 members had a vote. It was obvious that the nationalist leaders of Ceylon desired to work full responsible government with an electorate from which the greater proportion of the people were necessarily excluded. They even hinted that a lower franchise would involve a risk of bribery and corruption.

NEED FOR EXTENSION

In view of the backward character of social and industrial legislation in Ceylon, which has no provisions for relieving destitution, no workmen's compensation, only the most elementary of factory regulations, and no control over hours and wages in sweated industries, a good case could be made out for regarding the extension of the franchise as more urgent than any increase of responsible government. When a considerable increase in responsible government is being recommended, therefore, the question of the franchise becomes of first importance.

If we consider how recent is the development of democratic institutions in the East, and the centuries of patriarchal and feudal government in these countries, the attitude of the Sinhalese and Hindu leaders is not altogether surprising. The various social strata have for so long been definitely marked off, the transition from the lower to the higher has been practically impossible, and no one has questioned the supreme right of one or of a few to dominate the lives of the multitude. There are gratifying signs that the rigidity of these social divisions is lessening. Democratic and electoral institutions are being accepted and even demanded, but the modern principle of political equality that goes with them has not yet been fully grasped. In view of the history of Great Britain and other countries, this is not to be wondered at, but, at the same time, we could not recommend a further grant of responsible government unless that government were to be made fully representative of the great body of the people.

The importance of the principle is reinforced by considerations of expediency. We have already indicated our belief that a wider franchise would expedite the passing of such social and industrial legislation as is now in force in every progressive country. We believe, also, contrary to some of the views that have been put before us, that corruption and manipulation of the electorate are made more difficult the larger that electorate becomes. In British constitutional history, each extension of the franchise has diminished corruption, until today it may be said to be non-existent. Further, we feel that there is considerable justification for the argument that only by exercising the vote can the political intelligence to use it be developed.

For these reasons we have decided that the franchise must be extended, and, having so decided, we are faced by further problems.

AGE QUALIFICATION

It was suggested to us by certain witnesses that any difficulty there might be in combining a large extension of the franchise with the necessity of keeping the numbers of the electorate within reasonable bounds might be overcome by raising the minimum age for voters to 25. This would certainly have made our task easier in one important respect. We have, however, found ourselves unable to accept the proposal. The age of 21 is regarded, almost throughout the world, as a legal and social mile-stone marking the assumption of the functions of adult life. Again, as the present voting age is 21, such a provision must either disqualify a number

of present electors or be limited to new voters. In Great Britain it has been found impracticable, in this as in other matters, to withdraw privileges already conferred, and this no less true of Ceylon.

PROPERTY AND INCOME QUALIFICATION

We have considered the desirability of retaining as a voting qualification the possession of a given amount of property or the receipt of a certain minimum income. The property qualification was a constant feature in the constitutions of older days, but it has progressively lost its former importance. It has been held that ownership of property implies some stake in the country and a tendency to respect for constituted authority and to concern for the maintenance of the stability of the State. There is however considerable substance in the argument that a respectable citizen without property is more affected than an owner of property by the goodness or badness of the constituted authority and he is at least equally entitled to have a voice in the selection of his rulers. In any case, in view of our other recommendations in this connection, a property qualification would be incongruous, and we suggest that it should be omitted.

It has already been stated that the present income qualification of Rs. 50 a month excludes the great majority of the working class of Ceylon. No clear guidance was given to us as to what the effect of reductions to any specific lower figure would be, and statistics of wages are not available, though it is said that many workers earn from Rs. 15 to Rs. 20 per month. In addition to this difficulty, it was pointed out to us that it is not easy to assess the income of the small agricultural holders, who form a large proportion of the population; it was probable, however, that their income was in most cases less than the above figures. Many of the depressed or low-caste classes have a merely nominal wage. The villagers are already accustomed to manhood suffrage as the elections to the village committees (which in some form or other go back to remote times) are conducted on that basis. This consideration throws further doubt on the necessity for the retention of an income qualification, which would in any case have to be fixed at a very low figure if any substantial increase in the electorate were to be obtained.

LITERACY QUALIFICATION

The question of the retention of a literacy qualification has caused us perhaps more concern than any of the other conditions discussed in this section of the Report. Arguments for and against such a qualification were ably presented to us in evidence. It was pointed out to us that it is desirable that the electorate should be intelligent, and ability to read and write in some language is usually accepted as proving the possession of, at least, a certain minimum of that quality. It was also claimed that it is desirable for the elector to be able to read newspapers and election literature. It was said that while, at present, there is no literacy test for the manhood suffrage in village committee elections, the elector is there dealing with matters within his local knowledge, and with a candidate with whose views and character he is familiar. There was the further argument that the literacy test encourages a desire for education.

On the other hand, there were those who said that mere ability to read and write is no evidence of intelligence, political or otherwise; that the illiterate countryman with his "horse sense" is shrewder and wiser than many a city and literate mediocrity, and is a better judge of character; that newspapers and election literature sometimes give a wrong impression, and that a sounder view is formed of candidates and policies by thought and discussion, even where national issues are involved: and that the literacy test, in a country like Ceylon, must be so elementary as to be valueless as an educational goal.

Two broad considerations have greatly influenced our decision in this matter. The first is the recent and present condition of education in the Island. Although there has admittedly been a continuous improvement for a number of years, we were informed by the Director of Education that at present 45 per cent. of the children in Ceylon are receiving no education, and that, even in Colombo thousands of children do not go to school. Further, a very large number of the total staff of teachers in primary schools have received no special training. Any real and genuine literacy test would therefore rule out many thousands, peasants and others, who might be intelligent and otherwise suitable, because through no fault of their own they have never had an opportunity of acquiring literacy.

We have already referred to the condition of the 70,000 or 80,000 persons of low caste or of depressed classes among the Tamil community. One of our wishes is that many of them, by receiving the vote, will not only be placed in a better position to obtain redress for their grievances but will gain a new status and self-respect as possessing one of the highest privileges of citizenship. If, however, there were to be a strict literacy test, very few members of these classes would be qualified to vote, since the present adult generation, with the exception of those who have been helped by missionary schools, have been denied education. Indeed, it is only recently, as a result of Government pressure, that a few of the present generation have been allowed to share the instruction of the more fortunate children of the higher castes, albeit under conditions which mark their inferior status. Among the Sinhalese also there are some sections who have similar disabilities though their actual numbers and their proportion to the whole are smaller. Again, amongst the Indian immigrants, whose position we examine later, a literacy test would produce a mere handful of electors as by reason of their low birth and lack of opportunity they are very largely illiterate.

We would hesitate before recommending the imposition of any qualification which would deny to these humble people the political status of their more fortunate fellows and the opportunity of escaping from conditions some of which are incongruous in any country with established democratic institutions.

The second broad consideration which has influenced us is the nature of the present literacy test. So far as we were able to ascertain, the test is not one on which any great reliance can be placed. The Headmen supply the lists of electors and are responsible for seeing that the statutory qualifications are fulfilled. All the Government Agents and many other Government officers gave evidence before us and none we questioned had ever conducted a literacy test or had ever heard of anyone else doing so. If, therefore, we were to recommend a literacy test, as the sole qualification for the franchise, we could hardly be satisfied with the present procedure and would be compelled to make further recommendations with a view to ensuring that the test should be a real one. One of the difficulties which would then have to be faced is that the spoken language of the Sinhalese, by far the largest section of the population, is different from the written language. We are satisfied that the imposition of a real literacy test would disqualify a number of the present electors. It would, in fact, be a new element in qualification and would involve the setting up of new examining and administrative machinery which would be a disturbing influence.

In the local option polls which took place in the Jaffna district last year there was no insistence on a literacy qualification and the ballot papers of illiterate voters were marked by the returning officer, who is always a Government official. We were informed that there had been no complaints touching the efficiency and fairness of the method. This experience furnishes us with an important precedent.

For all these reasons, therefore, and not without reluctance, we have come to the conclusion that literacy should not remain as one of the qualifications for voters at elections for the State Council. As we have already

indicated, the development of responsible government requires, in our opinion, an increasing opportunity to the rank and file of the people to influence the Government, and the franchise cannot be fairly or wisely confined to the educated classes. At the same time, we hope that the members of the Legislative Council will give their early and serious attention to providing facilities for primary and intermediate education for all the children of the Island. Provision of teachers and of training colleges, we were informed, is the most urgent need. Teachers will be more easily obtained and will be more likely to be of the proper type, if the pay and status of the teachers is made definitely higher than it is at present in Ceylon. Social and caste prejudice must not be allowed to interfere with equal educational opportunities for all children. If this important matter is vigorously and promptly tackled, the question of literacy should become, in a few years, one of merely academic interest.

MANHOOD SUFFRAGE

We have now shown that none of the suggestions placed before us for the application of the franchise, whether involving an alteration in the minimum age for voters, or the retention of a property, income, or literacy qualification, is in our view free from serious objection. In view of the difficulties we have mentioned and of our belief that a greatly enlarged electorate is desirable, we have decided to recommend the adoption of manhood suffrage. On this basis according to the figures supplied to us, the possible voting strength of the electorate will be increased to 1,200,000. We desire however to make two reservations. In the first place we consider it very desirable that a qualification of five years' residence in the Island (allowing for temporary absences not exceeding eight months in all during the five-year period) should be introduced in order that the privilege of voting should be confined to those who have an abiding interest in the country or who may be regarded as permanently settled in the Island. As will be seen later this condition will be of particular importance in its application to the Indian immigrant population. Secondly, we consider that the registration of voters should not be compulsory or automatic but should be restricted to those who apply for it, the method of application being of course definitely laid down and widely published. This condition will have the effect of subjecting the actual voting strength of the electorate to a gradual instead of an immediate increase to the maximum of 1,200,000 and will go far towards ensuring that a potential elector is not given the vote until he has learned to appreciate its value. In view of the great changes we have recommended in other directions we attach importance to both these considerations, but we feel that when the people have become accustomed to these changes the registration of electors might well be made comprehensive and automatic.

WOMEN'S FRANCHISE

We have given serious consideration to the question of women's franchise. Apart from the familiar arguments in its favour, and the general principle of sex equality, we have been impressed by the high infantile mortality in the Island, the need for better housing, and for the development of child welfare, midwifery and ante-natal services, all providing problems in the solution of which women's interest and help would be of special value. It is also true that though the position of women in the East has not, till recent years, been suitable for the exercise of political power, that position is rapidly changing and the demand for the vote was put before us by a large and representative deputation of Ceylonese ladies. It was difficult to deny the force of the argument that the women of Ceylon are at least as competent to exercise the vote as the women of India, a considerable number of whom already possess the franchise.

In considering the extension of the franchise to women on the same terms as men, we are faced with a difficulty which has caused us concern. As we have stated, our recommendations in regard to male franchise will involve an increase in the electorate from 200,000 to 1,200,000. The enfranchisement of women on the same terms would result in a maximum total electorate of about 2,175,000. The magnitude of such a change is obvious, and we wish to run no risk of imperilling the success of the reforms which we have recommended by too drastic alterations in other directions. On this account we feel compelled to modify the conditions governing the women's vote. The deputation of women who came before us expressed themselves as prepared to accept high voting qualifications, including a definite standard of literacy. They were not, of course, aware of what conditions were likely to be imposed in the case of men. Since limitation of the size of the electorate has to be made, it is reasonable that it should apply to women who, in spite of it, would be making a notable political advance. A test of literacy would have been the simplest check on large numbers, particularly as the standard of literacy is lower among women than men. The arguments, however, which we have already adduced on this subject prevent us from recommending any such qualification. The imposition of a higher minimum age presents an equally simple, and, in our view, a less objectionable, solution, and we have decided to recommend that the vote be given to women on the same terms as men, but that the minimum age be 30 in their case. Women over 30 years of age should also have the right to stand as candidates for election to the State Council. The procedure we contemplate will establish the principle of sex equality and will follow the British precedent of allowing for the gradual expansion of the female electorate by imposing at the outset a higher age qualification than that applicable to men. There is much to be said, moreover, in favour of a procedure which will throw on to the women themselves the responsibility for making efforts to influence public opinion in Ceylon in favour of a fuller franchise.

The number of women in Ceylon over 30 years of age may be put at approximately 650,000. The maximum possible total electorate which would result from the adoption of our recommendations would, therefore, be 1,850,000. Though at first sight this figure may in certain quarters cause some concern, it will be appreciated that the residence qualification and conditions of registration already proposed will apply to female no less than to male voters and will have the effect of checking the immediate increase in the effective voting strength of the electorate. It may, indeed, be some years before a figure approaching the maximum is reached, and by that time there should, as we have indicated, be no objection to the adoption of universal adult franchise combined with the compulsory and automatic registration of voters. We must repeat, however, that a large extension of the franchise is rendered immediately imperative by the great increase in responsible government which we have recommended. Such a responsible government, we feel, must be in touch with and ultimately responsible to the main body of the people whose interests it serves. We believe that the people of Ceylon in the matter of exercise of the franchise, as in other large changes which we recommend, will not fail to justify the trust which we advise should be committed to them.

SUMMARY

Under these proposals, therefore, the conditions governing the grant of the franchise (including those provisions in the present Order in Council upon which we have not commented) should exclude only those who:—

- (a) are not British subjects; or
- (b) are not of the age of 21 years, if males, or of 30 years, if females;

or

(c) have not resided in the Island for a period of five years and have not, during the whole of a period of six months in the eighteen months immediately prior to the commencement of the preparation of the register, resided in the electoral district to which the register relates; or

(d) have been sentenced in any part of His Majesty's dominions to death or penal servitude, or to imprisonment for an offence punishable with hard labour or rigorous imprisonment for a term exceeding twelve months, unless he shall have suffered the punishment to which he has been sentenced or such other punishment as by competent authority may be substituted for the same or shall have received a free pardon from His Majesty; or

(e) have been adjudged by a competent authority to be of unsound mind.

With regard to qualification (c) the condition with regard to residence in a particular electoral district has been altered in deference to representations referred to in Chapter IX.

The qualification for membership of the State Council should be the same as that of the electors, except that no person should be eligible who has not a literary qualification in English. To prevent unjustifiable or frivolous candidatures it would be desirable that candidates for State Council Elections should—after the system in Great Britain—be required to lodge a deposit to be forfeited if a certain percentage of votes was not obtained. The qualification for electors and members of Municipalities, Urban District Councils, and Local Boards, so long as they continue, should be the same as for electors and members of the State Council, except that members should be residents of the areas they represent. Women over 30 years of age will thus be eligible to vote and to be elected to these bodies on the same terms as men. In view of the special circumstances attending the constitution and elections of village committees we do not ourselves recommend any change in the existing qualifications for electors and members of such bodies, and we should expect similar qualifications to be applied also in the case of Town Committees, if and when constituted.

II.—Communal Representation

One of the most difficult problems in connection with the formation or alteration of constitutions for the various overseas countries of the Empire is that of communal representation. The populations are made up of diverse elements, often with fundamental racial and religious differences. Even within with same racial or religious community caste distinctions may be responsible for rigid division of classes. These diverse elements and distinct classes, even if not antagonistic to each other, are in more or less separate compartments, this resulting in a lack of homogeneity and of corporate consciousness which make it difficult to achieve any national unity of purpose. Communal representation was devised with a view to assisting the development of democratic institutions in countries of different races and religions and in the hope of eliminating the clash of these various interests during elections. It was expected to provide, peacefully, an effective legislative assembly which would give a fair representation of the different elements in the population and would also tend to promote unity. Unfortunately the experiment has not given the desired results, but has had, if anything, the opposite effect. The representatives of the various communities do not trust one another, and communal representation has not helped to develop an uniting bond or link. The minority communities are fearful that any preponderance of governmental power held by another community will inevitably be used against them and are keenly on the alert for signs of discrimination. In addition to the difficulty presented by the

divisions and attitude of mind of the indigenous peoples, there is the question of the representation of the European section of the population, which usually forms a community too small in numbers or too scattered in distribution and too much isolated from the general life of the country to be likely to secure representation by any system of territorial election.

In Ceylon we have a characteristic example of these difficulties. All the indigenous peoples of the Island are collectively described by the term "Ceylonese." They consist of Low-Country and Kandyan Sinhalese, of Ceylon and Indian Tamils, of Ceylon and Indian Moors, of Malays and of Burghers. Generally speaking the Sinhalese are Buddhists (2,800,000), the Tamils, Hindus (985,000), the Moors and Malays, Muhammadan (310,000). There is also an important Christian element which, with the Burghers and Europeans, numbers some 445,000.* Buddhism in Ceylon has been largely influenced by Hinduism. One of the results of this influence may be seen in the caste system which prevails among the Sinhalese no less than among the Tamils, in spite of the fact that caste distinctions are alien to the teachings of Buddha. There are not quite the same classes of "untouchables" in Ceylon as there are in India, but there are many castes which have been so long denied opportunities of education and advancement that they have now lost all initiative and self respect. That the rigidity of the system has been to some extent relaxed during British rule none will gainsay, but in all essentials it is as strongly enforced today as ever, and constitutes a serious obstacle to the development of Ceylon into a free, united and democratic nation.

THE SINHALESE, LOW-COUNTRY AND KANDYAN

Of the various elements making up the Ceylon people the Sinhalese are by far the largest; they now number 3,300,000. Although of one stock, they are divided among themselves, as they consist of a Low-Country and a Kandyan people. The latter, some 1,200,000 in number, occupy the Central, North-Central, Uva, and Sabaragamuwa Provinces and part of the North-Western Province. They remember with pride their ancient kingdom, and among their highlands have preserved much of the conservatism and many of the customs and habits of their forefathers. The Low-Country Sinhalese form the bulk of the population in the Western and Southern Provinces and in the remaining part of the North-Western. The accessibility of these provinces to the outside world combined with the fertility of the soil has made them prosperous and progressive, and their people more cosmopolitan in outlook than the Kandyans.

Constituting, as they do, such a large majority of the population, with an assured number of seats in any territorial system of election, there is naturally no demand among the Sinhalese for communal representation, though the party of the Kandyan chiefs have made a strong appeal for self-government of their own Provinces to which they claim they are entitled under the Convention of 1815. This appeal is dealt with in the following Chapter. The attitude of the Sinhalese to the claims of the other communities for communal representation has been in general one of opposition, but with a willingness to concede temporary and partial applications of the principle with a view to securing good-will and co-operation in their demands for more responsible government for the Island. At present they hold sixteen territorial seats on the Legislative Council.

THE CEYLON TAMILS

The Ceylon Tamils number 540,000 and inhabit mainly the Northern and Eastern Provinces. Their ancestors were originally settlers from Southern India, but they are now regarded as an integral part of the Ceylon people.

* Census for 1921 (See Appendix IV).

For various reasons, many of them wholly admirable, they have obtained political influence somewhat disproportionate to their numerical strength. Formerly many sought their fortunes in the Straits Settlements and in the Malay States, but educational progress in Malaya has reduced the demand for their services in that country. They are now spreading gradually into the Sinhalese districts and are to be found all over Ceylon, especially in the professions and in clerical positions. Before the constitution was last revised, the Sinhalese members of the National Congress of Ceylon came to a private arrangement with certain Tamil representatives as to the relative proportion of seats to be allotted to each race in the Legislative Council. This proportion was to be two Sinhalese to one Tamil and was embodied in effect in the distribution of seats proposed by a Committee of the Legislative Council. The Report of this Committee, accepted by the framers of the present constitution, provided for eight Tamils and sixteen Sinhalese representatives in the Council. On the occasion of the last revision of the constitution a further claim was put forward by the Tamils for a seat in Colombo, known as the Western Province Tamil seat. This demand was conceded, though with a clear understanding that the position in regard to it was to be reconsidered on the next revision of the constitution. Although it is evident that the Sinhalese were prepared to and did make a very substantial concession to the Tamils in regard to the general proportion of seats in the Legislative Council, they, as represented by the National Congress (in which they were largely predominant) opposed the granting of the Western Province seat. Failure to agree on this point led to a rupture in the Congress, with the result that practically all the Tamils resigned from that body. It is, therefore, reasonable to assume that the former agreement as to the proportion of seats in the Legislative Council no longer has the same significance. In any case, in considering afresh the whole problem of representation, private arrangements between races or groups, while worthy of attention, cannot take precedence of considerations in the interests of the Ceylon people as a whole. The Commission has given careful attention to the question of the Western Province seat and to the Tamil claims for its retention, but they are unable to see any good reason for its continuance. In view, also, of the geographical distribution of the Tamil population, which makes it certain that a substantial number of territorial seats will come to them, the Commission sees no necessity for any arbitrary settlement of the relative proportions of Sinhalese and Tamil seats.

THE MUHAMMADANS

The Muslim community number 312,000 of whom 262,000 are descendants of Arab traders settled in Ceylon, 35,000 are descendants of Arabs settled in India, and 15,000 are Malays, the descendants of the troops brought from Java by the Dutch. Though small in numbers, it is by reason of its commercial and trading activities an important element in the population. A considerable number of Muslims are in Colombo, while many are scattered throughout the Island engaged in shopkeeping and trading. In the Eastern Province there are a number who are engaged in agriculture. There are three Muslim communal representatives in the Legislative Council.

It is generally agreed that communal representation is least desirable when on a religious basis. Religious tolerance is essential in a country with any approach to democratic institutions, and there should be no need for the protection for a particular faith which special representation of that faith in the Legislature implies. The main ground on which the claim for this representation is made is that certain laws and customs of the Muslims, based on their religion, differ from those of the larger communities, and that disabilities in these matters might be imposed by the Legislature in the absence of Muslim spokesmen. It was, however, admitted by the Muslim representatives who appeared before us that if this occurred

it would not be by deliberate intention but through ignorance or misunderstanding. It is the hope of the Commission that the carrying out of the recommendations of this Report will not result in the absence of persons of the Muslim faith from the Legislative Council, but that these will obtain entrance as territorial members and not as religious representatives. Even if that were not to happen, however, we suggest that a representative body of Muslims, appointed by themselves to safeguard those special interests which are thought likely to be affected, would be in a position to make representations to the Legislative Council, and would almost certainly secure fair and just consideration of any questions at issue. Apart from this, the increased powers suggested for the Governor in another part of the Report would be available to prevent injustice to the Muslims, as to any other minority community. This view may not be immediately acceptable to the general body of Muslims, but we are satisfied that there is little fear of religious intolerance in Ceylon, and that it will be in the interests of Muslims themselves that communal representation for them should cease and that they should now be identified with the general electorate.

It is interesting to note the disintegrating effect of communal representation on the community itself as illustrated by the case of the Muslims in Ceylon. In addition to the general Muslim demand for two additional communal representatives on the present basis, certain Malay representatives contended in evidence that apart from their religion they had no common interests with the Moors, and that they should be definitely removed from the same compartment of communal representation. They suggested that two of the present seats should go to the Moors and one to the Malays, their point being that communal representation should be on a racial and not on a religious basis. Further, the Muslims of the Eastern Province expressed to us their disappointment with their religious communal representatives. Those, they said, had been selected from the trading section of the Moors, and were not familiar with or interested in agriculture, which is the main occupation of the Eastern Province. If, however, the basis of representation remained as it is they wanted one of the present three communal seats to be specifically allocated to the Eastern Province.

We believe that the members of the Muslim community in Ceylon have for centuries served a useful purpose, especially as traders and merchants; that, in spite of certain serious incidents during the War which were brought to our notice their presence is (not) unwelcome to the other communities in Ceylon; and that, so long as they contribute, as they do now, by their special qualities to the general prosperity and welfare of the country, there is little likelihood that their interests will be adversely affected by any action of the Legislative Council. Their merging in the general electorate will link them up more definitely with the other communities of Ceylon as an element in a population which, though diverse in character, has yet a common country and should possess a common national consciousness.

THE BURGHERS

The Burghers are a small but not unimportant community. As is well known, they are the descendants of Dutch settlers, and have frequently been prominent in the public and professional life of the Island. At present there are two Burgher seats in the Legislative Council, and it was strongly represented to us that these at least should be retained. It is true of all minority communities to say that any possible or reasonable extent of communal representation would still leave them at the mercy of the majority, and this is specially the case with the Burgher community. If the Legislature were anxious to oppress the Burghers in any way, it would not be prevented by the presence of two Burgher communal representatives. The real safeguard here, as in other cases, lies in the fairness and



commonsense of the members of the majority communities, and in their realisation of the essential unity of interest of all sections of the people. Here, also, it is true, as in the case of the Muslims, that so long as the Burgher community can continue to make a valuable contribution to the intellectual life and public service of the Island there is little doubt that its presence will be appreciated, and that its members will be accorded fair and equitable treatment. The ultimate safeguards for minorities in the constitution will, of course, be also available for the Burghers.

THE INDIAN TAMILS

The problem of the Indian immigrant labourers is a serious and difficult one and arises here in connection with communal representation of the Indian community. There are at present about 700,000 of these people in the Island, most of them employed on the tea and rubber estates at the higher levels where Sinhalese have hitherto been unwilling to work in large numbers. Indian Tamils are also engaged as labourers on Government, Municipal, or other work in the towns, and are also to be found as traders and shopkeepers. The coolie section of the people are not very happily placed in their own country of Southern India. Many of them are of the depressed and outcast class and have lived in great poverty, and in many ways their lot in Ceylon is an improvement on that of their fellows in Southern India. At the same time, the conditions of the Indian labourer in Ceylon are still capable of improvement, and must be bettered before they can be described as satisfactory. An important Government official with a seat in the Legislative Council has the post of Director of Indian Immigrant Labour and looks after the welfare and protection of these workers. The Indian Government also has set aside for this purpose a member of their Civil Service who at the present time is an Indian. He resides in Ceylon and keeps in touch with both the Indian and Ceylon Governments in relation to matters concerning the Indian immigrants. As a consequence of representations by the Indian Government, as well as of the activities of the Director of Immigrant Labour, improvement has in recent years been secured in connection with such matters as housing, wages, and medical care.

Although planters, as a whole, are anxious that their coolies should have good conditions, they become somewhat restive of what they consider Governmental interference with their industry and tend to take up a defensive attitude to proposals for improvement. It has, further, to be remembered that many of the estates are owned by limited liability companies in Great Britain, and that the managers or agents in Ceylon have not always a free hand to respond enthusiastically to suggestions involving capital outlay or increased current expenditure. It is also fair to say that the planters' attitude has been affected by the fact that the indigenous labour of the Island is not controlled or regulated in any way and they naturally resent special regulations for their workers which are not imposed in regard to other workers many of whom are worse off than the estate coolies. This differentiation, it is hoped and believed, will soon be ended.

In view of the economically helpless position of these Indian immigrant workers, their large numbers, and their utter lack of organization, it was decided at the last revision of the constitution that two Indian communal representatives should be members of the Legislative Council. Although these two members represent the whole Indian population in Ceylon and not only the immigrant coolies, they are naturally supposed to pay special attention to this section of their fellow countrymen. In considering whether the retention of these two members on a communal basis is desirable or necessary, it has to be remembered that, on the one hand, the British planters naturally tend to regard their relationship with their estate workers primarily from an industrial point of view, while the Ceylonese

members of the Legislative Council, on the other hand, including a number who are themselves planters, just as naturally, do not feel any great responsibility for an element in the population that is largely alien, and for this reason not viewed with any enthusiasm. As to whether the two Indian representatives in the Legislative Council have been able to secure improvement in the conditions on the estates, considerable diversity of opinion was expressed in the evidence put before us. It was, however, fairly clear that one of the strongest influences in securing such new regulations as are contemplated or which have been put into force has been the pressure of the Indian Government, and, doubtless, this will continue to be exercised. Another important consideration is that a large section of these immigrant labourers—said to be from 40 per cent. to 50 per cent.—may be regarded as permanent residents of Ceylon, and that a substantial number of the estate workers have actually been born in the country. At present, only a small fraction, mainly the supervisors, called kanganies, and some of the coolies who work in the Government or municipal service have the necessary income qualification to vote at elections for the Legislative Council. We believe that, with the changes in the franchise recommended in an earlier part of this Chapter, even when there is a necessary five years' residential qualification, a considerable number of these people will become entitled to a voice in the election of a territorial representative, and in that way should be able to secure, perhaps, a more effective expression of their grievances and difficulties in the Legislative Council than under the present arrangement. In view of this and of the other considerations already stated, it is not considered necessary to retain the two Indian seats for the benefit of the coolie population. As regards the other members of the Indian community, many of whom hold a not unimportant place in the trading and business life of the Island, the considerations which have already been put forward in the case of the other communities apply equally here, and therefore the Commission sees no good reason why seats for Indian communal representatives should any longer be set aside in the Legislative Council, although they hope and would expect that, under the territorial system, some representatives of this community would be elected.

THE DEPRESSED CLASSES

The condition of the depressed classes who are mostly to be found in the Northern and Eastern Provinces has caused us some concern and anxiety. References have already been made to them earlier in this Chapter and we have here to consider whether or not it was desirable that they should be given some form of special representation. It seems to us, however, apart from the general consideration we have advanced, that the enfranchisement of these people and the provision of equal and adequate educational facilities are the true remedies for their condition. We are also satisfied that good will result from the action which we were assured was being taken by the leaders of the Hindu community to break down the social prejudices which at present militate against recognition of equality of citizenship.

THE EUROPEANS

The Europeans are a minority community who may be regarded as being in a special position. They are small in numbers, amounting only to about 11,000 in all, and consist of planters, merchants, bankers and businessmen, superior artisans and members of the public service. The days of the proprietary planter have now almost passed, and the planters of today are mostly the employees of limited liability companies at home. They are widely distributed over the tea and rubber estates in the interior. Generally speaking they take little part in political affairs, and this may also be

said of the business community which is concentrated in Colombo. The general, industrial and financial interests in the Island are predominantly in European hands, and the capital invested in the country from British sources is very considerable. We are satisfied that with this capital the Island is being developed in a manner which greatly advantages its people. Some of the Europeans may be regarded as more or less permanent residents, but a large majority must be looked upon as having their main interests and domicile outside Ceylon. At present they have two direct communal representatives in the Legislative Council, and one who may be regarded as occupying a European seat—that allocated to the Chamber of Commerce. Membership of the Chamber of Commerce is not confined to Europeans, but there are only a few Ceylonese members.

In the case of all the other communities it is conceivable that with smaller electorates, and especially with a diminution of community antagonisms and the development of a more corporate spirit, representatives may be elected to the Legislative Council on a territorial basis. Although there are those who believe that Europeans might be so elected, the bulk of opinion was against this being a possibility. The case was quoted to us of Mr. Freeman, an ex-Government official, who, because of the excellent work which he had formerly done and of the affection in which he was held by the people, was permitted to be returned unopposed for a territorial seat in the North-Central Province. This was generally regarded as a very exceptional case, and one not likely to recur. It was represented to us, also, that the Fort Division in Colombo, and perhaps one or two seats in the planting areas might afford a possible chance for a European to enter the Legislative Council as a territorial member. In considering the question of European representation, however, we must frankly contemplate the position that if the representation of communities and of special interests were abolished, this would probably mean, in the absence of any other arrangement, the elimination of unofficial Europeans from the Legislative Council altogether. At the same time it must be remembered that the official element in the Council will, under our proposals, be reduced from twelve to three. Although we do not share the view expressed by some members of the European and of the Planters' Associations as to the significance of any anti-European or anti-British bias, and although we do not fear that the Ceylonese members of the Legislative Council would be so unfair and so blind to their own interests as to act unjustly to the important European interests in Ceylon, we recognise that it is desirable that the British element in the population should be represented in the Legislative Council. We were assured by influential and representative Ceylonese politicians and public men that they would greatly regret the absence of representatives of the British community from the Legislative Council, and no serious, if any, objection was expressed to their retaining their present three seats. On the other hand, if other communal representation is to be eliminated in the new constitution, it might seem an invidious distinction if European seats were retained on the old basis. We therefore have to devise a scheme which will meet the case of the Europeans and serve the country generally, and which, without restoring communal representation in another form, will help to make the Legislative Council more representative during the time of adjustment to the altered conditions following on the grant of the new constitution.

GENERAL CONSIDERATIONS

It was generally admitted, even by many communal representatives themselves, that the communal form of appointment to the Legislative Council was a necessary evil and should only continue until conditions of friendliness and acknowledgment of common aims were developed among the different communities. It is our opinion, however, that the

very existence of communal representation tends to prevent the development of these relations, and that only by its abolition will it be possible for the various diverse communities to develop together a true national unity.

Communal representation in Ceylon has no great antiquity to commend it, and its introduction into the constitution with good intention has had unfortunate results. As has already been suggested, it tends to keep communities apart and to send communal representatives to the Council with the idea of defending particular interests instead of giving their special contribution to the common weal. We very gladly recognise that most, if not all, of the communal representatives have risen superior to this natural tendency and have shown an interest in matters affecting the general welfare of the Island. We believe, however, that if these same representatives were elected, as we hope they may be, as territorial representatives, they will be able to give a fuller contribution, unhampered by having to be constantly on the watch, fearful of the antagonism or the oppressive action of the other communities.

We might have been encouraged to suggest the retention of some communal representation if there had been evidence of any diminution in the supposed necessity for it. We found however, that not only did those who already had communal seats desire that the number of these should be increased, but also that a number of other communities, religions, castes, and special interests, not at present represented, came before us claiming that it was necessary for them to have seats in the Legislative Council and that they were as much entitled to this privilege as those who already possessed it. The result was that, so far from the demand being reduced increased and new claims were put forward which would have made the number of communal seats more than 50, instead of the 10 already existing. Our investigations show that the desire for communal representation tends to grow rather than to die down, and in these circumstances, it being in itself admittedly undesirable, it would seem well to abolish it altogether while the number of seats involved is still comparatively small.

Although communal representation was continued in the last revision of the constitution, a step in the right direction was taken by giving communities a territorial as well as a communal vote. This may have involved an apparent unfairness to the majority communities in that it gave a member of a minority community two and sometimes more votes. It has, however, succeeded in paving the way for the elimination of communal representation altogether, by giving the communal electorates the opportunity of realising the common interest which they possess with their fellow-Ceylonese in the divisions in which they reside. The new conditions will thus be more easily understood and appreciated than would otherwise have been the case.

The possibility of introducing proportional representation as an unobjectionable method of securing the representation of minority communities engaged our serious attention. We considered the various modifications of this principle which are in practice including that in Germany. We came, however, to the conclusion that the large areas required (involving the difficulty of securing personal touch between a member and his constituents), and the somewhat complicated system of voting, made proportional representation unsuitable for the needs of Ceylon.

RECOMMENDATION OF NOMINATED MEMBERS

We have mentioned in considering the case of the Europeans that we believe the best opinion in Ceylon would regret the elimination of their representatives from the new State Council. In other respects, also, the abolition of communal representation might make the State Council not as fully representative as it should be. There is common agreement that, apart from any question of defence of races or religions or special interests,

it is desirable that the composition of the State Council should be such as to give expression to as many points of view as possible. It is much better that this should be achieved in the case of a democratic Assembly entirely by a democratic system of election, and we trust that in the not far distant future that method will be found to answer in Ceylon. In the meantime, however, we realize that the abolition of communal, and complete reliance on territorial, representation would perhaps be too sudden a change, causing undue apprehension. We have therefore decided to recommend that, after a general election, the Governor should have the power of nominating to the State Council up to 12 unofficial members, of whom not more than 6 should be Europeans. We do not intend that these nominated seats should necessarily be used to fill up gaps in the minority representation resulting from a general election. Our hope rather is that the Governor will be able to use these nominations to make the State Council more generally representative of the national interests, and that in course of time it will be possible for the number of these special nominations to be progressively reduced.

III.—Electoral Areas

It has been mentioned in discussing the question of Communal Representation that a readjustment and redistribution of Territorial seats might assist the representation of minority communities. A number of instances were given us of considerable concentrations of particular races or classes in certain areas, who were however swamped in voting power by other classes because of the size and composition of the electoral areas. It was impossible for us to go into such detailed study of all the electoral areas of the country as to be able to give any proper guidance as to changes which might be desirably effected. We were satisfied, however, that if a redistribution of seats were made so as to make the population of each constituency approximate to 70,000-90,000, that a certain opportunity would be afforded for territorial election of Minority members even though they had to depend mainly on the support of their own communities. Prospects for the return of such members are particularly favourable in Colombo and in the Northern and Eastern Provinces.

We fully realize that the numbers of some of the minority communities are so small that even with this reduction in the size of the constituencies they could not hope in any one area to possess a majority of voters. It must be remembered, however, that with the great extension of the franchise which we have recommended the tendency will be for the number of candidates for election to the Council to increase, and it is not likely that in many cases elections will be fought between more than two rival candidates. It is obvious that the greater the number of candidates the greater will be the prospect of the return of a member of a minority community. At the same time we hope that the consolidation of the people into a single territorial electorate will ultimately militate against the recording of votes merely on communal lines. Just as in elections for local government bodies, where there are no communal seats, there has been an increasing tendency for electors to judge candidates on their merits without regard to communal affiliations, so in future elections for the State Council the abolition of communal electorates should lead to a recognition of identity of interest, and to the election of candidates irrespective of communal bias. The desire to promote the union of the Ceylonese peoples and the conviction that this will only be achieved by the merging of them into a single electorate form indeed the mainspring of our recommendations on this subject.

We recognize that there may be, for a period, some fear and distrust among minority communities if they find themselves unlikely to be fully represented, or, it may be, not represented at all in the State Council, but we believe that the religious and political toleration characteristic of

Ceylon will continue to be shown whatever may be the composition of the State Council and that the minority communities will gradually discover that their fears are unfounded. On the other hand, it is obvious that the more representative of all sections of the people the State Council is, the better will it justify its national character. And we trust that, at no distant date, it will be possible for even more varied sections of the people to be represented by the territorial method than have so far been able to make their voices heard in the counsels of the country. While it is natural that communities and special interests should prefer to be represented by one of their own members, it may be hoped that, as has already taken place not only in local elections but also in some of the Legislative Council elections, a member of one community (which may be a minority community) may be supported for his ability and character by members of other communities.

We therefore recommend that as soon as may be found possible after the publication of this Report a local Commission should be appointed to rearrange and redistribute the territorial electoral areas so that they may approximately conform to a population standard of 70,000-90,000. It would be desirable that the report and conclusions of this Commission should be concluded in time to incorporate their recommendations, if and as approved in the Order in Council setting forth the provisions of the new constitution. A degree of latitude must of course be allowed to the Commission in case they are unable to secure a near approximation to the figures suggested without making too large or inconvenient the size of particular constituencies. We recommend however that these figures should be followed in other than exceptional circumstances when, if a smaller number is admitted, it should not be less than 50,000.

This redistribution of constituencies will involve an increase in the number of members of the Legislative (now State) Council, which will thus consist of approximately 65 members elected territorially. If to this number nominated members and the Officers of State be added it will be seen that the maximum strength of the Council will be 80. This increase will be justified not only by the reasons given, but also, and particularly, by the increase proposed in the numbers of the electorate as a whole.

CHAPTER VI

THE KANDYAN CLAIM

We have referred, in the preceding Chapter, to the appeal made by an influential Kandyan party for self-government of the Kandyan provinces. This appeal was strongly and skilfully supported in evidence before us by the representatives of the Kandyan National Assembly, a recently constituted body which may be said to express the views and apprehensions mainly of the feudal chiefs and headmen. It was strongly opposed by various other organizations—not, however, all of them Kandyan—and by some individual Kandyans.

It is natural that to the representatives of the old-time military leaders and civil guardians of the people the movement for political reform should be a source of suspicion, that to their scandalised ears the language of its advocates should penetrate as strange and even treasonable jargon, and that in an era when everything is questioned they should be fearful for the customs so long cherished and the traditions so jealously handed down to them. Three factors account for much in the attitude of the Kandyan chiefs; first that by force of economic pressure the Low-Country Sinhalese, Tamils and Moors are spreading year by year from the thickly populated maritime districts into the Kandyan hinterland, secondly that arrived there

they have little difficulty in exploiting the unsophisticated Kandyan peasantry; and thirdly, that it is among the Low-Country Sinhalese, the largest individual community in Ceylon, that the movement for responsible government originates. The Kandyans are fearful that if the demands of the latter were to be accepted the time would soon come when they would have to play a subordinate part in their own country. The people would be powerless to resist the more resourceful invaders; and even if the representatives elected to the Legislative Council from the Kandyan Provinces were Kandyans they would be outnumbered by the members for the Low-Country districts. In their view there would be nothing to prevent, by agreement between these and the Ceylon Tamils, political influence in the Kandyan provinces passing entirely to the other two majority communities, the extinction of Kandyan interests and the submersion of the Kandyan identity. The movement for political reforms, if it means anything to the Kandyans, thus means that they will be swallowed up by the more progressive peoples of Ceylon and sacrificed to the increasing pressure of the maritime races.

In this situation the Kandyan chiefs have cast about for means to stem the tide which threatens to engulf them and they have once again turned for a possible solution of their difficulties to the Convention of 1815. We have already related the circumstances leading to the signature of this Convention which is printed in full in Appendix V. It will suffice to say here that owing to the excesses of the Malabar ruler of that time he ceased to enjoy the affection of his people or to command the support of the chiefs. Matters reached a climax when in retribution for outrages committed on native British subjects war was declared by Great Britain in January, 1815. No opposition was offered by the chiefs and within a few weeks the capital was taken and the king made prisoner. On the 2nd March, 1815, a solemn convention of the chiefs assembled in the audience hall of the palace of Kandy, at which a treaty was concluded formally deposing the king, vesting his dominions in the British Crown, guaranteeing the inviolability of the Buddhist religion and the maintenance and protection of its rites, ministers and places of worship, the privileges and powers of the chiefs and the safety of the persons and property of all classes of the people "with their civil rights and immunities, according to the laws, institutions, and customs established and in force among them." *

It is on this document that the Kandyan chiefs base their claims. They maintain, not without some show of reason, that the British Government thereby stood committed "to maintain the Kandyan kingdom in its integrity, to preserve inviolate for the Kandyan nation their liberty, their institutions, their laws and their religion, to rule the Kandyan kingdom according to Kandyan laws and usage, to devote Kandyan revenue to the improvement and administration of the Kandyan kingdom alone, and to uphold the dignity and power of the Kandyans as a nation." † They claim that these obligations have been neglected, that the Government has broken faith with the Kandyans and that the continuance of the present conditions will inflict on them injustice and oppression unworthy of the traditions of the British people. The arguments on which they rely in support of these contentions may be briefly summarized as follows:—

(1) The Kandyan kingdom has been included in a system of government which subjects it to a Legislative Council elected on a limited franchise and containing a majority of other than Kandyan representatives. Thus the right of legislation for the Kandyan people, and the control of their revenues, have passed to third parties, neither Kandyan nor British.

* Convention of 1815. Clause IV (Appendix V).

† Memorial of Kandyan National Assembly.

(2) Kandyan laws have been largely replaced by the laws obtaining in the former Dutch settlements; Kandyan institutions have been made to give way to foreign institutions; the management of religious shrines of the Kandyans have been laid open to the interference of Buddhists of any nationality.

(3) Instead of all Government posts being held by either Kandyans or British, the majority apart from those of the chiefs are held by outsiders.

(4) The present state of the Kandyan people compares in sundry matters poorly with their state in 1815; for instance, the facilities for education are meagre, the old system of Pansal schools having been swept away without adequate provision for their substitution.

As a solution of these difficulties the Kandyan chiefs put forward a scheme for dividing the Island into three self-governing areas, (1) the Northern and Eastern Provinces in which the Tamils predominate, (2) the Kandyan Provinces, (3) the Southern and Western Provinces peopled mainly by Low-Country Sinhalese. Each of these three communities would thus be granted a government of its own, the Kandyans would preserve their national identity and would no longer be in danger of being sacrificed to the pressure from the South and North. For purposes affecting the welfare of the entire Island these three Governments would be united in a Federal Government, thus ensuring that no one section would be in a position to dominate over the others.

While in connection with these claims it was generally admitted that the terms of the Convention of 1815 had not been observed, it was stated before us that the Kandyans had only themselves to thank for this, in that their subsequent rebellion in 1817-1818 served to render the Convention null and void. The Kandyan chiefs are not, however, prepared to accept this contention, and claim that the Proclamation issued by the Governor after the rebellion in 1818 confirmed the spirit, if it modified the letter, of the Convention. They have, moreover, no difficulty in producing evidence to show that the Government, in spite of its subsequent actions, regarded the Convention as binding in perpetuity.

The Government Proclamation of 1818 is printed in Appendix V.

It is also argued by the opponents of the Kandyan claim that the amalgamation of the Kandyan provinces with the rest of the Island has been of unquestionable benefit to the people, that the Report of the Royal Commission of 1831-1832 on whose recommendation the merger was effected shows that the separate government of the Kandyan Provinces which had up to that date been maintained was ill-advised and that so far from protecting the true interests of the Kandyans it served only to obstruct the natural trading intercourse of the people with their neighbours in the maritime districts, to check "that assimilation which it is on every account desirable to promote between the various classes of which the population is composed"* and to uphold the influence of the chiefs "to the prejudice, in some instances, of the people."* It is claimed that this Report also shows that the Kandyans themselves were not averse from the codification of their laws, that no objection was raised by the chiefs to the adoption of a code which would be applicable in common to the Kandyan and maritime provinces, and that it is a reasonable inference that they were not in general opposed to the policy of breaking down the barriers which then separated the Kandyan from the other provinces and of treating the Island as a composite whole. This reference has, however, been contested and evidence has been adduced to show that the position has never been fully accepted

* Report of Lieut-Colonel Colebrooke, one of His Majesty's Commissioners of Inquiry, on the Administration of the Government of Ceylon, dated 24th December, 1831, p. 22.



by the Kandyans, that the people as a whole have never ceased to regard the Low-Country Sinhalese as foreigners, and that their apparent acquiescence in the merger of the provinces has been due to lack of cohesion and an absence of political consciousness rather than to an acknowledgment of the benefits considered by the union.

We have taken note of all these contentions and have considered not without sympathy the representations of the Kandyan National Assembly. We do not propose, however, to set ourselves up as judges of events which have now passed into history. Whether the Convention of 1815 was or was not invalidated by the subsequent rebellion of 1817-1818, what interpretation should properly be assigned to the Proclamation of 1818 issued after the rebellion, whether the recommendations of the Royal Commission of 1831-32 were or were not justified by the circumstances prevailing at the time, and whether and how far the Report of this Commission was framed with the concurrence and good will of the Kandyans themselves, are all questions which we must leave to the historian and the student. Whatever may be the answers to these questions (and it may safely be predicted that they will be many and conflicting) the solid fact remains that for almost one hundred years, or three-quarters of the whole period of British rule in Ceylon, the Kandyan Provinces have been merged for all administrative purposes with the remainder of the Island. The time has long since passed when an experiment of granting to each of the three largest communities a separate government for the area principally occupied by them could have been attempted without the certainty of inflicting hardship on one or all of them. As we have shown in an earlier chapter the interests of all sections of the people are now so closely interwoven that it would be criminal folly to attempt to dissociate them. It is precisely for this reason that we have urged the abolition of the present system of communal representation which has exercised an influence on society wholly pernicious in that it has created an ever widening breach between communities and has tended to obscure the national interests in the clash of rival races or religions. It is our aim to do all that is in our power to encourage the healing of this breach, to promote the assimilation of the different races in Ceylon into a united and progressive people, and to stimulate the development of a national and not a sectional outlook. To turn our backs, in the case of the Kandyans, on the assimilating influences of the last hundred years would be wholly inconsistent with this aim; rather must we welcome and attempt to build upon them. With the extension of the franchise, which we have already recommended, with increased facilities for education, which we were assured were in course of adoption, and with the encouragement of measures of local self-government, to which we have attached importance, we cannot doubt that the Kandyan people will receive in the future greater opportunity for self-expression than has hitherto been extended to them, that their political development, hitherto retarded, will receive that stimulus which will enable them to take their full share in the government of the country, and that they will have small reason to fear the domination of other communities. It is our confident hope that their pride in their ancient Kingdom and historic institutions will form part of a larger national protagonism and that the Kandyan identity will best be preserved, and receive its noblest fulfilment, in the growth and final emergence of a strong and united Ceylonese nation.

Here we must observe that although the history of Ceylon shows that its inhabitants enjoyed a national stability for a longer period than can be claimed by most nations, the disasters which overtook them and the ultimate subjugation of the Island were primarily due to conflicts between the different sections of the people. Had the various races been blended together in a corporate unity the material decay of part of the country and the success of invasions which eventually covered the whole of it might have been avoided. The Ceylonese peoples are now rising to a new independence as a constituent of the British Commonwealth of Nations

and unity among them is essential not only for the fuller development of the nation but also for the safety of the Empire, the strength of which is dependent on that of its essential parts.

While we are confident that the Kandyans will rise to a sense of this position we equally believe that the Low-Country Sinhalese will realise that the true policy for the country is one of comprehension and not of domination, and that the maintenance of local patriotism will contribute to national contentment and progress. The unity of Great Britain is not due to any suppression of the characteristics and customs of its component races, but to these supplementing and fulfilling each other in the advancement of the national destiny. In Ceylon it is desirable that there should be a full knowledge on the part of those responsible for its government of both the physical and the mental conditions under which the various main sections of the people, Tamil, Kandyans and Low-Country Sinhalese, pass their lives. It has occurred to us that to help on this knowledge the State Council would do well to carry on its functions at places in close contact with the life of these different sections. In other words we would propose that there should be occasional meetings of the State Council at Kandy and Jaffna. We are aware that certain practical difficulties will arise in the carrying out of this proposal but we do not think that questions of the provision of accommodation and of the expense that this would involve should stand in the way of a real recognition of the equality of status of the High and Low Countries.

CHAPTER VII

LOCAL ADMINISTRATION

Existing Local Authorities

NUMBER AND NATURE

For purposes of general administration the Island is divided into nine provinces and nineteen Revenue (which are also electoral) Districts. The provinces are under Government Agents, most of whom are aided by Assistant Government Agents, the latter residing at the headquarters of districts which are not the headquarters of provinces. The districts are divided into chief headmen's divisions, of which there are 110; these contain some 613 subdivisions under superior headmen, and the subdivisions include about 4,000 villages and hamlets each under a village headman. The chief, superior and village headmen are known by different titles in the Kandyan, Low-Country Sinhalese and Tamil districts, but the English terms here used sufficiently indicate their relative authority. They are Government officers, the village headmen having various duties in connection with prevention and detection of crime, collection of minor items of revenue, registration, assembly of statistics, etc., and being supervised by the superior headmen and these by the chief headmen. The last are generally responsible for keeping Government informed of what is happening in the country and of the wants of its people and for ensuring that the people know the orders and the wishes of the Government.

The headmen, and especially the chief headmen, represent the royal officers who looked after the interests of the kings in ancient Ceylonese times. Side by side with this government administration there then existed village councils ruling over the small areas into which the land was divided by one of the early monarchs. The Village Council or Gansabhawa consisted of representatives of the groups of villagers in such an area who were chosen to look after the affairs of the group, to administer justice, to settle disputes and to facilitate the payment of dues to the Crown. The organisation lasted through centuries of native administration and through the subsequent Portuguese and Dutch periods, fell into desuetude in the middle years of the last century and was revived in the 'seventies, since



when attempts have been made to restore it to its former vigour, to enable it effectively to deal with questions of tillage and irrigation and with sanitation and to settle disputes arising from a complicated system of inheritance.

At the present day it is represented by Village Committees for 371 out of the 657 areas into which the whole country is divided, which committees are generally administrative only, and by Village Tribunals for minor judicial purposes. Of the latter there is one to each headman's division; a Government officer presides and is assisted by three persons chosen by lot. Village Tribunals have not been created in the Northern Provinces, and here Village Committees exercise minor judicial powers. The Village Committee is the one local government organisation that has its roots in the past. To meet modern needs, mainly in matters of sanitation, a new organisation for local administration was created in 1892 to administer small towns. Such towns are brought under Sanitary Boards, of which nineteen, including 110 towns, exist at the present time. The Boards, as their name indicates, deal largely with matters of sanitation but also with some others affecting the proper regulation of the small populated areas. The regulations of Sanitary Boards, like those of Village Committees, are enforceable by Village Tribunals. In 1898 a more complete administration of larger towns was attempted by placing them under Local Boards which generally exercise the same powers with regard to them individually as do Sanitary Boards for groups of small towns. Local Boards now exist for thirteen larger towns. A more complete scheme of local government was attempted in 1920, when it was proposed to establish District Councils for all parts of the Island other than the municipal areas, to which reference will presently be made. They were to be charged with the general administration, regulation and control of all matters relating to public thoroughfares, public health, public services, and generally to local wants and interests. They were to be of three kinds. Urban for the larger towns, Rural for the less advanced portions of the Island where jungle prevailed and the population was scattered, and General where an area was dotted over with local concentrations of population and the general conditions were more or less uniform. Eight Urban, but no General or Rural District Councils have been constituted under this scheme. The population within the several areas administered by the Urban District Councils varies from 7,360 to 43,529. While the Village Committees, as has been shown, have a foundation in ancient custom and the Sanitary Boards, Local Boards and Urban District Councils have resulted from an attempt gradually to make administration advance with development under modern conditions, the creation of municipalities as long ago as 1865 was the outcome of a desire, somewhat characteristic of the time, to implant British democratic institutions in those countries for the welfare of which Great Britain had assumed responsibility. Institutions of this nature have existed since that date at Colombo (population in 1926, 258,907), Kandy (population in 1921, 32,562) and Galle (population in 1921, 39,073). A still older Local Government organisation is represented by the Road Committees created for provinces and districts under an ordinance of 1861 to control and supervise work done on roads maintained partly by contributions from estates and partly by grants from Government. There must also be mentioned here the District Education Committees formed under an ordinance of 1920 for Municipal and District Council areas and for other areas proclaimed by the Governor in Executive Council for the purpose of assisting the Director of Education in all matters relating to elementary schools.

CONSTITUTION

As might be inferred from the different ways in which these local bodies have originated, their constitution widely differs. Village Committees, originating from the old Village Councils which consisted of an assembly of

the principal and experienced men of the village to settle questions in which all were interested, are elected by adult male suffrage. It is indeed open to the villagers to retain in their own hands the powers that can be conferred on these committees. As a matter of fact, these powers are always delegated, the committees consisting of not less than six literate male residents over twenty-five years of age with a small property qualification. The chairman of the Village Committee, formerly always the chief headman, can now be elected by the Committee, and in the case of the latest reformation of Village Committees the exercise of this right in 115 cases resulted in the election of seventy unofficial chairmen. In the case of the Sanitary Boards the members are all nominated by the Government and the Government Agent or Assistant Government Agent is chairman. The Local Boards have equal numbers of nominated and elected members, one of the former being the Government Agent, who is chairman. Election is by householders. In Urban District Councils, one-third of the members are nominated and two-thirds are chosen by an electorate with a small property qualification. The chairman, in the first years of the Councils always the Government Agent or Assistant Government Agent, is now elected. Municipal Councils were originally under the chairmanship of a Government Agent and consisted of Councillors elected by householders, one for every district of the city, and others not exceeding half the number of the districts, nominated by the Government. Subsequent legislation altered the constitution of the Councils by reducing the proportion of members that had to be elected from two-thirds to half the whole, and by substituting a new municipal magistrate for the bench of three or four councillors that had formed part of the original scheme. The present electorate consists of adult males with a property or income qualification or a high literacy one. Councillors have to possess considerable property; the chairman, who is vested with entire executive power and responsibility, has in the case of the Colombo municipality to be a member of the Civil Service; this is also now the case in Kandy; in Galle the chairman is still the Government Agent. Provincial Road Committees are presided over by the Government Agent and District Committees by the Assistant Government Agent, both committees having a member of the Public Works Department on them. The Provincial Road Committee has other nominated members, and the District Road Committee elected members representing European, Burgher and Ceylonese residents. Education Committees consist of not less than six nor more than nine members, all nominated; in municipalities and urban districts two of these are nominated by the local authority. Each Committee elects its own chairman.

POWERS AND DUTIES

The powers and duties of the various local bodies have already been briefly indicated. They have been most completely and logically set forth in the case of Urban District Councils in the Local Government Ordinance (No. 11 of 1920) and it will suffice here to indicate that these Councils control sanitary works and buildings and markets; carry out conservancy and scavenging; deal with ruinous, dangerous or insanitary buildings; abate nuisances; light streets and public places; maintain all public thoroughfares, except the important ones in charge of the Public Works Department; and sanction new buildings and alterations to existing buildings. They are empowered to purchase and sell lands and buildings; to enter into contracts, to make public improvements, to provide public services such as water supply, electric light, markets, &c.; and to appoint officers and servants; they have wide by-law making powers. The powers of the municipalities are somewhat more extensive and include maintenance of schools and relief of the poor; those of the Local and Sanitary Boards are naturally more restricted. Village Committees can make rules on many

of the same subjects in so far as they apply to village conditions; they can also provide for the construction or repair of schools, for the prevention of disorderly conduct and for the enforcement of ancient customs as regards cultivation and irrigation.

SOURCES OF REVENUE

The principal revenue of Village Committees is the tax paid in commutation of labour, which is leviable on each male adult up to the value of ten days' labour in the year. Other sources of revenue are fines for breaches of rules and fees in respect of services rendered. Grants are made by the Government from time to time for works of public utility such as the construction of bridges, &c., and the committees have power to raise loans. Sanitary and Local Boards can raise a General Rate and a Water Rate up to a limited percentage on the annual value of immovable property; they can tax vehicles and animals and levy fees on account of services rendered. They may borrow money under certain conditions. In the case of a District Council there is no limit on the rate that can be raised on the annual value of immovable property. Other sources of revenue are much the same as in the case of Sanitary and Local Boards and Government grants are received on account of Police tax and of licence duties levied in the district and in lieu of the labour tax which could formerly be imposed. A District Council can raise loans not exceeding ten times the annual income from rates and taxes. So can a Municipal Council, of which the sources of revenue are somewhat more numerous but generally of the same nature as those in the case of the other bodies referred to. The sources of revenue of Road Committees are resthouse fees and annual and special grants from Government. District Education Committees are entirely dependent on Government grants allotted by the Director of Education. The expenditure of these can be applied only to Government schools, or in special cases with the approval of the Director to the assistance of other schools.

CONTROL

In the matter of control the Village Committee and the Village Tribunal are under the Government Agent in that he exercises supervision over the expenditure of village funds, approves the appointment of officers and observes and if necessary intervenes in the proceedings of the Village Tribunal. Rules made by the Village Committee, tolls imposed and loans observes and is necessary intervenes in the proceedings of the Village Sanitary and Local Boards have no central authority for their guidance, assistance or control but their by-laws require the sanction of the Governor in Executive Council; the accounts of Sanitary Boards are not and those of Local Boards are required by law to be audited by Government. District Councils are the only bodies which are under the general supervision and control of the Local Government Board, which was created specifically for this purpose. The Board affords the Councils such information and advice as they may require, examines and co-ordinates their by-laws, and allocates among them grants voted by the Legislative Council for the expenses of local government; the accounts of the District Councils are audited by Government. The control over Municipal Councils is exercised by the Governor in Executive Council, who can supersede a Council in any of its functions in the event of their non-performance. Municipal by-laws require his approval and the raising of municipal loans his sanction. Provincial Road Committees have no relation to one another and the law does not require the audit of their accounts by Government. The work of the District Education Committees is carried out under regulations made by the Board of Education and entirely controlled by the Director of Education.

WORKING

As regards the working of the different institutions above described, the evidence given before the Commission showed a feeling of hostility to the headmen system, although no alternative was proposed. Though the existence of notable exceptions was admitted the general charge brought against all ranks was that they were addicted to the acceptance of presents and the taking of bribes and services from the villagers, the chief headmen being particularly attacked; the danger and difficulty of bringing home such charges were given as the reason for no definite instances being furnished in support of them. As regards Village Committees, Ceylonese witnesses stated that since they had been given the right to have elected chairmen they were popular throughout the country and worked satisfactorily. Proposals were made that the chief headman should not be eligible for election to the chairmanship of a committee, that election to membership should be by ballot, and that provisions should be made for the committees to have larger financial resources. Exception was taken by one or two witnesses to the fact that Europeans, Burghers and imported agricultural labourers were not subject to the jurisdiction of Village Committees or of Village Tribunals. Very little evidence was given on the working of Sanitary Boards, though it was clear that administration by these did not share the popularity claimed by some witnesses for that of Village Committees; the fact of there being no elected members accounts for this. No representations favourable or unfavourable on the administration of towns under the Local Boards Ordinance were made to the Commission except in connection with the opposition to the establishment of a certain Urban District Council. The Ceylon National Congress appeared to consider Local Boards unnecessary in a good scheme of local government, and there was some official support to this view. The opinion was fairly generally expressed that Rural District Councils and General District Councils as proposed by the Local Government Ordinance of 1920 would not work effectively. As regards Urban District Councils the delay in their creation was said by some to be due to action of the Legislature and to want of desire for them in the country and by others to have resulted from want of consistent action by the Government. It is notable in this connection as showing the growing desire for extension of local self-government, that at the meeting of the Ceylon National Congress held while the Commission was in Colombo it was recommended by the President that Ordinance No. 11 of 1920 should be amended "so as to compel every town over a certain population to establish Urban District Councils even without the consent of the people." As regards the working of these councils, where they have been created, the statistics for 1926 of the areas administered by them show general improvement over the figures for 1923, the first year when they were at work. In all except one case health has improved, infant mortality has been reduced and the annual value of assessed property has gone up, as has also revenue. It was obvious, however, that in the absence of any trained permanent official in the office of the Council its success depended unduly on the constant personal attention of the chairman. Turning to the municipalities, evidence was given to the Commission of the difficulty in the Councils—at any rate in the chief one at Colombo—getting the necessary powers that they require for their really effective working from the Legislative Council and from the Executive Government. Apart from this, certain evidence received with regard to the general working of that municipality was on the whole not unfavourable, though infantile mortality is still high and housing is admittedly very unsatisfactory. The facts and figures given in the chairman's Administration Report for 1926 are encouraging. Vital statistics, with the exception stated above, are on the whole fairly good, and the need for sanitation appears to be practically recognised. Roads are kept in good condition, revenue is steadily increasing, and there is no failure to collect rates. The Galle Municipal Council

would seem to be a less effective body than that of Colombo, and the attention of the Commission was drawn to the smallness of the electorate by which it was appointed; the Council itself had expressed the desire for an increase in the elected element and an extension of the franchise. Generally the sanitary conditions of Kandy appeared from statements made to the Commissioners and from their personal investigations to be unsatisfactory. Both here and at Galle the Municipal Council had thought it necessary to have recourse to the Medical Department of the Central Government to combat recent epidemics.

Regeneration and Extension

NEED FOR CONSIDERATION AND EXPERIMENT

From the facts summarised in the foregoing paragraphs and from the very brief epitome there given of evidence placed before us we came to the conclusion that the various forms of local government in the Island had on the whole been carried on with reasonable success. We share, however, the feeling expressed to us alike by official and unofficial witnesses that some regeneration and extension is urgently needed. We were glad to hear that the problem of local administration has been engaging the attention of a Select Committee of the Legislative Council, but we understand that their deliberations have now been interrupted, and we fear that they may not be able to make any considered recommendations for the extension of local government before the life of the present Council expires. We fully recognise that we are not ourselves in a position to indicate the precise direction which any such extension should take, but during our stay in Ceylon we made a careful study of the question so far as time permitted, and in view of the urgency of the problem we wish to make certain recommendations with a view to facilitating its consideration under the new constitution.

As an ultimate aim of policy, there is obviously much to be said in favour of a future decentralisation of government upon elected or partially elected local bodies created for the purpose. Any step towards further decentralisation will have to be taken, however, after striking a most careful balance between the admitted advantages of touching further administrative centres into life and the view of many experts in favour of the adoption in their organisation of the largest possible areas of administration. What does immediately stand out is that the nicest discrimination and adjustment between the duties and powers of the central and local authority is a necessity.

What is needed is "drive" at the centre and "a demand" at the circumference. So far as the centre is concerned we cannot resist the impression that had the projects of Sir John Frazer, one of the ablest of the Civil Servants of recent years, been pushed with vigour we should have heard much less of the failure of the Ceylonese to avail themselves of the opportunities afforded to them for the development of local self-government under the Ordinance of 1920. This Ordinance, as originally drafted, gave the Government certain compulsory powers in the establishment of local bodies; amendments, however, made after discussion in the Council deprived the Government of these powers, and by causing undue weight to be given to local criticism have been responsible for retarding the development of local institutions into the Urban District Councils contemplated by the Ordinance. Further, the Local Government Board has been placed under the chairmanship of the Government Agent of the busiest Province in Ceylon, who naturally has little time to spare for these duties. No effective attempt has been made to provide in Colombo a *cadre* of technical experts, the members of which would be available on loan at the demand of any Local

Board or Council which had need of them. No steps have been taken to find a solution of the admittedly complicated problem of financing both existing and future efforts in local administration. Finally, nothing has been done to provide the chairmen of local bodies with adequate clerical assistance, although it was generally admitted that upon his personality turned the whole question of the body's efficiency. There could have been no more certain way of securing either that good men would not come forward to assume the chairman's office or that, if they did, they would be overwhelmed with detail.

We formed an equally disappointing impression of the absence of "a demand" at the circumference. It was indeed maintained before us that the successful working of village councils and of village tribunals in the past and in the present indicates an especial aptitude for popular government on the part of the Ceylonese. The activity of these organs, however, has always been confined within a narrow compass. After giving full weight to the enthusiasm of certain witnesses it is not unfair to say that we found evidence of apathy towards, and ignorance of, the conditions which make good local government of a modern type feasible. Many Ceylonese in the smaller towns are frankly hostile to the extension of popular local government in view of the uncertainty as to how it would be financed. Unofficial Europeans have hardly taken the part which they might have done so well of lending a hand, though we are happy to admit that we saw signs of a stirring of interest among some of the European ladies who have naturally more time for these affairs. But the fundamental difficulty is financial. Taxation in Ceylon is almost entirely indirect, and the substitution of direct taxation which would enable local expenditure largely to be met from local receipts presents special and peculiar difficulties. If an alternative to any large increase of direct taxation could be devised (which would, of course, still have to give to the Central Government a general control over the expenditure of the money it raises through Customs, &c.), we have no doubt of the conversion of the popular to greater enthusiasm for local and popular administration.

One experiment in a branch of local administration we were able to study with great profit to ourselves. By the courtesy of all concerned we were allowed to inspect the conduct of the carefully planned campaign against malaria and hookworm initiated by representatives of the Rockefeller Foundation and recently taken over by the Government. This is hardly the place to describe at length one of our most interesting experiences. Suffice it to say that this undertaking has proceeded by fixed and definite stages. The first step was to establish a bureau which should house a headquarters staff and form a repository of information collected by field experiment. The second step was taken when that area had been chosen which seemed most suitable for experimental work, an area—it may be remarked—thickly populated by inhabitants at a comparatively advanced stage of education. Next followed the subjection of definite and limited districts to intensive operations; and with this was combined a vigorous propaganda among the people so designed that every result produced for the greater happiness and health of the population should be brought home by vivid representation in areas marked out for the next extension of effort. We think it not a little significant that a body, as experienced in the conditions which obtain in tropical countries as are the Rockefeller trustees, should apparently attach importance to a method of procedure so patient and elaborate.

NEW GOVERNMENT DEPARTMENT

We believe that success in the extension of local government will only be attained after experiments of a much more thoughtful and imaginative character than have taken place up to the present, and we believe that a

fortunate solution of this urgent problem is beyond the reach of any commission or committee, for these would clearly be unable to devote to it an effort extending over a period of years. We advocate, therefore, the concentration in a new Government department of all duties connected with the control and development of popular local government. Of this department we contemplate that the Controller of Revenue, to be styled in future the Controller of Local Administration, should be the permanent head. The department will be under an Executive Committee of the Council, and will work in close connection with already existing departments, notably those of Public Health and Public Works. This Executive Committee will also have charge of land administration, business relating to Local Option, and the Land Settlement and Survey Departments. The Committee will be responsible for the conduct of local government as this at present exists and for schemes of its extension. It will exercise the supervisory powers over local bodies, including approval of their by-laws, which are at present in the hands of the Governor in Executive Council. Similarly, the working of Municipal Councils should be permanently supervised by the Department with a view to the exercise by the Committee when necessary of those powers of intervention now possessed by the Governor in Executive Council in case of failure of the municipal body to perform any of its duties. But we imagine that at the outset the greater part of the duties of the Local Administration Department will be exploratory and preparatory. It will have to aim at providing stimulus and control; it must be an organ of propaganda and a *reservoir* of technical and administrative experience.

We recommend that the Executive Committee should borrow, at any rate for the first few years, the aid of an expert adviser in local government from Great Britain, who will bring to the assistance of local knowledge an acquaintance with the most modern developments of public administration at home. Further, we suggest that a senior medical officer of health, and one or two engineer specialists should be seconded by the Medical and Public Works Departments for attachment to the headquarters staff of the Department of Local Administration to serve as liaison officers with that Department: and that special arrangements should be made for the engagement of a town planner, one and possibly two expert assessors, and at least one accountant. The staff thus provided should be expanded as circumstances may dictate and will form the nucleus of an expert advisory personnel who will be available to assist both the administrative authorities at headquarters in the preparation and execution of schemes and the despatch of their daily business and the various local bodies in the development and modernisation of their administrative work in accordance with their varying needs and capacity.

SUGGESTION OF PROVINCIAL COUNCILS

We recognise that progress in the spread of popular local government may not be immediate, but we should not expect it to be long delayed if the opportunity is now taken to establish such an office as has been described with instructions to prepare schemes in consultation with other Departments for submission to the Executive Committee. One of the schemes which it is clearly necessary that they should explore and which to some students of the problem promises the best results is that for the creation of co-ordinating bodies to which certain administrative functions of the Central Government could be delegated. The argument in favour of the establishment of a Provincial Council in each Province is that such a scheme might result in a large part of the administrative work now carried out in the Legislative Council coming into the hands of persons permanently resident in the country districts and thus more directly in contact with their needs; in the relief of the departments of the Central

Government of much detail work and in their being thereby set free to consider and advise on the larger affairs of the country: in the special views of the different races predominant in the different parts of the Island having effect in the administration of these parts; in members of the growing body of politically-minded persons in the country being placed in an honourable position to render real assistance in the administration; and in an increase in knowledge and capacity of the representatives of lesser local bodies who might be summoned to sit on the councils. With regard to the constitution, powers and duties and financial arrangements of Provincial Councils such matters as the following will require to be considered; whether members of the Legislative Council in each province should be members of the Provincial Council and so form the connecting link between the central and provincial administrations; whether with a view to further co-ordination other members should represent the Municipal Councils, the Urban District Councils, groups of smaller towns and the Village Committees of each chief headman's division; whether the Government Agent should in the first instance be chairman and executive officer of the Council and the provincial officers of the technical departments its technical advisers, attending meeting of the Council but not voting; whether there should be delegated by the Central Government large powers with regard to public works and communications, irrigation and agriculture, medical and sanitary services, education and finance, and general administration; and whether these powers and those of existing Road Committees and District Education Committees (outside Municipalities, District Council areas and other towns) should be exercised by Committees of the Provincial Council, and be subject to those possessed by any other local authorities at the time of the councils coming into existence, and, of course, also to the Ordinances of the Island and the rules and regulations that might be made by the Central Government under the authority of those Ordinances, as well as to inspection and to some extent technical control by the officers of that government. (Here we would observe that the Ordinances might well be supplemented by the passage of a Public Health Ordinance designed for the whole Island on modern lines.) Reference has already been made to the difficulty of providing for local government from local taxation. If Provincial Councils were established in existing circumstances it would be necessary for their expenditure to be provided from the general revenue raised by the Central Government, the necessary amount being allotted to each Provincial Council by the Legislative Council when passing the estimates for the year. Should the Government of Ceylon under the new Constitution decide on any general alteration in the basis of taxation so as to increase the proportion of it directly levied, the opportunity could be taken to impose on local authorities responsibility for raising a substantial part of their revenues by direct taxation instead of drawing the whole of their resources from the Central Government. We realize that the varying conditions of the provinces would make such Councils of varying applicability to the different parts of the country. We feel, however, that it is clearly desirable that the full possibilities of the scheme should be explored by the new Department without delay, in order that, if it commends itself to the Executive Committee, an experiment with a council of this nature may be made in a more highly developed province within the next few years, and, if that should prove successful, the system rapidly extended throughout the Island.

RECOMMENDATIONS AND SUGGESTIONS WITH REGARD TO EXISTING LOCAL AUTHORITIES

The new Department will doubtless also consider whether effect should be given to what appeared to us to be the general view that General or Rural District Councils as provided for in the Local Government Ordinance of 1920 should no longer find a place in the system of local administration:

and whether Local Board towns above a certain population should become *inso facto* Urban District Councils. It might also be considered whether for the present Sanitary Boards which administer the small towns of a Revenue district, brought under the Sanitary Boards Ordinance by proclamation, there should be substituted Town Committees administering the individual towns that have been so proclaimed, and whether, when in future any village attains the size or importance which in existing circumstances would have justified it being put under a Sanitary Board, it should be given its own Town Committee.

As regards the constitution of local bodies, we recommend that they should—following the principle adopted for the Central Government—consist entirely of elected members, the official element coming in as advisers. It is suggested that the election for Town Committees should be as for Village Committees, by adult male suffrage; for the Urban District Councils and Municipal Councils it should be as for the Legislative Council. The qualification for membership of these later bodies should be residence within their areas, and otherwise the same as the qualification for members of the Legislative Council. No change should be made in the existing qualifications for membership of Village Committees, and these qualifications should apply also to Town Committees if and when established. The chairmen of committees and councils should in all cases be elected by those bodies unless in the opinion of the Local Administration Executive Committee no suitable candidate has presented himself or it has become necessary for any reason for the Government to take over the functions of the Committee or Council. Except in such cases no full-time servant of the Government, this including chief headmen, should be eligible for membership or chairmanship of any Municipal or Urban District Council or of any Town or Village Committee.

There is a further question, already referred to which demands immediate consideration, namely, the disabilities which lack of adequate clerical assistance imposes on the Urban District Councils. Evidence was placed before us which indicated that there was a shortage of candidates suitable for election to the Chairmanship of these bodies. It is obvious that if the Chairman is to be denied the assistance of a competent staff and is to be required to devote his whole time to the performance of these honorary duties the field of suitable candidates will be restricted to its narrowest limits. Such a system must make for inefficiency and discontent. For not only does it tend to exclude from the Chairmanship men who might otherwise fill the post with success but it places the actual holder at a serious disadvantage in dealing with the complicated issues of public business. It fails, moreover, to provide for that continuity in administration which is rendered more and not less desirable by changes in the elected personnel. We attach great importance therefore to the provision of a staff of clerical assistants for these local authorities which will relieve the Chairman of much of the routine work which he is at present called upon to perform. Thus, in our view, each Urban District Council should be provided with a chief clerk who would occupy in relation to the Chairman much the same position as that occupied by a British Town Clerk in relation to the Chairman of a Borough Council, and who would in turn be assisted by such subordinate clerical staff as the volume and complexity of business might demand. These chief clerks must be men of education and capacity and should preferably have had a legal training, but the precise qualifications for appointment and method of recruitment we would propose to leave to the Local Administration Executive Committee, in consultation with Urban District Councils, to determine. We consider, however, that these posts should be made sufficiently attractive to secure a supply of candidates from the best material available, and to this end we feel that the Executive Committee would do well to encourage the Urban District Councils to link up the clerical posts under the different Councils, to pay to the holders of these posts salaries which will compare

favourably with those drawn by men of similar standing in the public services and to give them a pensionable status. Thus we contemplate a condition of affairs in which men will be able to make a career in the service of the District Councils, passing from one to another as vacancies in higher posts occur. We would hope also that it would be possible, either at the outset or in course of time, for the clerical staff of the District Councils to be linked up with that of the Municipalities on the same conditions, a development which besides encouraging the interchange of experience and promoting the homogeneity of the local administration would provide an additional outlet for the activities of the special grade of officers whom we recommend should be selected for this new branch of public service and would promise them a scope sufficiently wide to attract candidates of the best stamp.

We feel sure that the adoption of these proposals will do much to popularize and to stimulate the development of a more advanced form of local government in the comparatively few areas which have now grown sufficiently populous to support Urban District Councils but which have not yet taken advantage of the facilities offered by the Local Government Ordinance. We further consider it important that these Councils should be able to avail themselves of European experience and should become fully acquainted not only with the developments in other parts of the Island but with modern experiments and practice in Great Britain and elsewhere. The question how this knowledge could best be ensured will require careful consideration by the Department and Executive Committee of Local Administration.

We wish to repeat here what we have said in an earlier Chapter, that while conditions in the townships and urban centres present problems which are important, obvious, and insistent, the needs of the agricultural population which forms the great mass of the Ceylonese people are even more clamant. It will be necessary therefore that the Department and Executive Committee of Local Administration should strike a most careful balance between the requirements of town and country. We have no doubt that any schemes which may be undertaken for the development of the local government will have as their object the improvement of rural no less than urban conditions, but we would here wish to recommend that special consideration should be paid to the needs of villages in the dry zones of the Island. Measures are urgently needed to break the vicious circle in which the villagers of these parts live. Exposure to malaria and ankylostomiasis has sapped much of their vitality and has left them without the energy and even the will to perform the hard work essential to successful cultivation; their failure to undertake this work results in poor crops and therefore in shortage of food; and shortage of food undermines their physique and renders them ready victims to the ravages of disease. Even if, in a good season, their crops be plentiful, they are forced to make over the greater portion either absolutely or at nominal prices to shopkeepers and others to whom their extreme poverty has forced them in bad seasons to look for assistance. Moreover, the hold of the local traders and boutique-keepers over the villagers is such that even when the latter are free of debt they are unable to secure reasonable returns, in cash or in kind, for their produce. This last consideration suggests a possible line of approach to the village problem. It may certainly be argued that, if some machinery could be provided which could secure to the villager the proper economic return for his produce, he would at least be better able to provide for himself and his family the necessities of life; that this improvement in his conditions would react on his physical well-being; and that he would thus be given fresh heart and fresh inducement to tackle the hard work of cultivation, which would in turn reduce his liability to malaria. We are not unmindful of the good work which is being done in this connection by the medical authorities, but we are satisfied that the problem is as much economic as medical, and it is on this account that we suggest that close

consideration should be given to the possibility of introducing a scheme for better marketing facilities and for the promotion and encouragement of co-operative credit societies which would assist villagers to tide over periods of difficulty.

It remains for us to express our opinion on one point connected with the general administration of the country outside the towns the evidence with regard to which has already been mentioned. On the basis of that evidence, to condemn the headman system out of hand would be as unjust as it would be ungrateful to a body of men who have done splendid service to the Crown. It is true none the less that it is a mechanism suited to the more primitive stages of Colonial government and it is more than possible that Ceylon is outgrowing that stage. We think that the time has come when it should be considered whether, beginning with the chief headmen, steps should not be taken to render less likely certain abuses to which present methods have been stated to be liable, owing, at any rate to some extent, to ancient customs of giving presents and rendering services in return for the protection of feudal superiors. There would be a tendency for these abuses to decrease if administrative heads of divisions had no longer behind them the tradition of feudal claims. We consider that there should be a fuller recognition of the responsibilities of headmen in their capacity as public servants and administrators rather than as leaders of local opinion or as feudal chiefs of their respective districts, and that they should be given salaries commensurate with such responsibilities. We feel therefore that the time has now arrived when for chief headmen in charge of divisions there should be substituted, on the occurrence of vacancies that cannot be filled by the amalgamation of a division with that under some other competent chief headman, travelling officers in charge of two or even three divisions. They should be recruited as cadets and should, together or individually, undergo not less than two years' training before taking up their appointments. We contemplate that their training would include courses of instructions in languages, Court work and general administration, and in certain technical subjects, viz., agriculture, irrigation, survey, co-operation, sanitation and school management, the value of which was impressed upon us by our investigations in the country districts of Ceylon. They should work under Government Agents and Assistant Government Agents, and should superintend the work of and advise the headmen of subdivisions and through them the village headmen.

Two methods for the recruitment of these officers are suggested for the consideration of the Local Administration Executive Committee; the first is that they might come from the Civil Service Examination under the ordinary conditions of that service; this would have the advantages of their belonging to a service that has long had a high tradition for competency and integrity and of their having access to the most important appointments in the State. The other alternative is suggested by the fact that Ceylon is fortunate in possessing a remarkable number of admirable secondary schools. The pupils of Ananda, St. Joseph's, Royal, Trinity, and St. Thomas' Colleges, not to mention others, are young men, as we can testify, of which any country in the world might be proud. At present many of these boys find their way into the services of their country. It was represented, however, that there was a lack of system about the present method and that many of the admirable qualities engendered in the school were apt to "cool off while the lads were apt to kick their heels about or to perform the work of office boys in the various Katcheries." It should be possible, in conjunction with the authorities and headmasters of the secondary schools, to devise machinery by which, after a certain date, vacancies in the roll of chief headmen would be filled only from a body of Headmen Cadets selected from these schools after a searching test to form a special branch of the public service. The great advantage of such a system would be the easier access it would furnish to Ceylon youths to a service requiring intimate knowledge of the language and customs of the country.

CHAPTER VIII

THE CIVIL AND PUBLIC SERVICES

Introductory

One of the most important aspects of constitutional reform in Ceylon is the effect which a transfer of responsibility is likely to exercise on the public services of the Island. We have therefore investigated with great care the conditions under which public officers now serve, the difficulties which at present confront them, and the measures which have been suggested for their protection. Before proceeding to give the impressions which we have formed after a close study of these issues in their local environment we think it well to explain the nomenclature assigned to the various services. In Ceylon, the term "Public Service" embraces every class and grade of public officer and every branch of the Administration. The Civil Service forms part of the Public Service, but the term applies only to a particular class of officer, the higher administrative grade. The members of the Civil Service, whether Ceylonese or European, are recruited by means of the open competitive examination held annually in Great Britain for the Home and Indian Civil Services and Eastern Cadetships, the latter being the channel of supply not only for the Civil Service of Ceylon, but also for those of Hong Kong and Malaya. The Civil Service is thus technically known as a "Cadet Service"; and its members have in general similar status and functions to those of the higher administrative division of the Home Civil Service. It has, however, a somewhat wider scope since its senior officers, with the Heads of the technical Departments, are directly responsible to the Governor, and not to the Legislature, for the administration of the country. It is a closed service and entry to it can only be gained by means of the examination to which reference has been made. The senior post in the Civil Service is that of Colonial Secretary, but this post has come to be regarded as a stepping-stone to a Governorship and is usually filled from outside the Island. It will be for consideration whether it will be desirable to continue this practice after the introduction of the new constitution which will make the possession of local knowledge and experience of increased value to the holder.

In local parlance then the Civil Service means the higher administrative service, and the term Public Service (though technically including the Civil Service) is used to indicate all those branches of the Administration outside the Civil Service. Thus technical officers, such as those of the Agriculture, Forestry, Irrigation, Medical, Railway, and Public Works Departments, are all Public (but not Civil) Servants. On the other hand administrative officers, such as the Heads of the non-technical Departments and the Government Agents in the Provinces, are referred to as Civil (and not Public) Servants. There are in addition to the Civil Service certain other branches of the Public Service which possess a distinctive title, such as the Clerical and Subordinate Services, the members of which are recruited locally by competitive examination. For the purpose of this review, however, we propose to make no distinctions of title, since our remarks are of general application. When therefore we refer to "public officers" or "public services" these words should be interpreted not in any restricted sense but as embracing all classes of officers in the service of the Ceylon Government.

Existing Position

As we have observed in an earlier chapter, a striking feature of the political history of Ceylon is the rapidity with which in recent years changes in the constitution have followed each other. From 1833 to 1910 the constitution remained virtually unaltered; in the thirteen years that followed

Ceylon passed through a series of changes from what used to be known as "Crown Colony Government" to a stage in which the elected members of the Legislative Council, though vested with no executive responsibility, became the real masters of the situation. These changes, though radical and intensive, wore no aspect of permanency: by their very nature they have necessitated the early introduction of further reforms which it is now our object to recommend.

It was inevitable that this rapid succession of reforms should throw a great strain on the public services of the Island. Accustomed by long experience to the old and well-trying forms of Colonial Government and bred in the political traditions, which while admitting the right of criticism, relied on the Government to protect its officers from Parliamentary interference, the public services required time to adjust themselves to the new conditions. But no time was given to them. Hardly had they grasped the full implications of one series of reforms when a fresh series confronted them. From sheer frequency of change the difficulties of administration, formidable at best, were increased out of all proportion to those inherent in the changes themselves. The glamour of political reform obscured the prosaic but not less important claims of administrative efficiency and essential adjustments failed to be made. It says much for the administrative machine that in spite of this neglect it has successfully withstood the shocks and trials of a period of constitutional experiment and that, though sorely in need of overhaul, it remains today an instrument potentially as efficient as it was ten years ago.

This result, however, has been achieved largely at the expense of the personal well-being of individual officers. We have shown how, as the power of the unofficial members increased, so did it find outlet in the delivery of continual attacks on officers of the Government. The fact that the unofficial members were given no executive responsibility prevented them from realising that they formed part of the Government and drove them into the artificial position of a permanent Opposition. It was natural, if not inevitable, that from this vantage-point they should make full use of every opportunity which presented itself to embarrass the Government and therefore its officers. An impartial appraisal of the services rendered to the country by its public servants would, in their view, have only served to weaken their case for self-government, and to relax the pressure on which they counted for its ultimate realisation. They could not be expected to renounce the use of the sharpest weapons in their armoury in deference to the susceptibilities of those who, however disinterested, were placed by the working of the constitution in the position of opponents.

The abuse of the Government official thus became a familiar phenomenon. In the Council, in the sessions of the Finance Committee, on the public platform and in the Press attack followed attack and criticism was heaped on criticism. Policy was too frequently discussed in terms of personalities and the discussion carried at times beyond the bounds of what was courteous or decent. The imputation of doubtful motives accompanied disagreement with particular action; and allegations of all sorts were made against those who had little opportunity for reply. Though the Heads of Departments were naturally the worst sufferers, no class or grade of public officer was exempt from these painful experiences. Instead therefore of receiving that co-operation from elected members for which they might reasonably have looked, public officers found that under the new regime they must expect their endeavours to be met by ill-informed obstruction, their decisions to be greeted by personal disparagement. Never had they stood in greater need of support by a strong Executive.

The manner in which the Government has found itself impelled to work the constitution has, however, left them without support. While we do not think it necessary further to discuss here the policy it adopted of going to the utmost limits of conciliation in dealing with the unofficial members or

the alternative policy it might have followed of adhering to its considered proposals and of resisting interference with the administrative work of its officers, even at the risk of provoking a crisis, we feel bound to point out that the line of action pursued, which had to these officers the appearance of surrender to every opponent and was perhaps insufficiently explained to them, left them bewildered and disheartened.

Not even a feeling of security in their own positions is now vouchsafed to them. The cost of living in Ceylon is very high, and most European officers have wives to consider and children to educate, while many have homes to maintain in Great Britain as well as in Ceylon. Their salaries and allowances though by no means niggardly, are barely adequate to their needs. And yet they cannot help but recall that these very salaries were but a few years ago the subject of acute political controversy and were only passed by the Council after the Governor had made it clear that he would use his powers of certification in the event of continued opposition. There is now a fresh tendency to question salaries and allowances, but owing to changes in the constitution made in the interval, the whole trend of Government policy has been altered, and public officers are uncertain of the extent to which they will be supported. A resolution for the reduction of the Civil Service vote by Rs. 5 was carried in Council last year, and though this was doubtless intended as a vote of censure on the Government rather than as an attack on the Services, the latter have the uneasy feeling that what may be Rs. 5 one year may be Rs. 50,000 next year and Rs. 500,000 at any time in the future. Moreover a Select Committee of the Legislative Council, to which reference will be made later, has recently been appointed to review the salaries of Government officials and even the *cadres* of Government Departments; unwieldy and ill-equipped for a task of such magnitude and complexity, which could be satisfactorily handled only by experts, its appointment has been sufficient to arouse serious anxiety throughout the Ceylon Services. Finally, the precarious nature of the passage concession deprives many officers of the certainty of being able to proceed on leave of absence in their turn and the consideration recently shown to the criticisms of the Finance Committee on proposals dealing with pensions and death gratuities already approved by the Secretary of State and in force in other quarters of the Empire, has, rightly or wrongly, induced the fear that even their pension rights may become subject to the caprice of the Council.

Future Safeguards

The result of this combination of circumstances has been to dishearten the Ceylon Services, to hamper their initiative and undermine their *moral*. We regard this legacy of discontent as one of the most serious consequences that have followed in the train of the existing constitution. It is obvious that political progress cannot be in the best interests of the country if achieved at the expense of administrative efficiency: indeed, with every fresh transference of responsibility the need of an experienced and efficient public service becomes more pronounced. But efficiency implies confidence and contentment, and unless public officers can be secured from political interference and from the anxieties which they have experienced under the existing constitution it is impossible to expect that Ministers will receive from them that active co-operation so essential to the successful operation of the new system. Although their outlook has not unnaturally been affected by the continuous attacks made on them, public officers generally have preserved some measure of their traditional sympathy with Ceylonese aspirations and it cannot be doubted that if their present anxieties were removed they would do all that lay in their power to make the new reforms a success. If, therefore, these reforms are to be introduced and worked in a favourable atmosphere it will be necessary to guarantee to public officers just and equitable treatment.

It is obvious that the constitutional changes of recent years have materially worsened the conditions of the service of public officers. While continuing in theory to be responsible only to the Governor, they have been placed by the growth of the power of the elected representatives in Legislative Council in the anomalous position of serving two masters; fresh duties have been imposed on them, their work made more difficult and complicated, their powers undermined, their positions rendered insecure and their prospects precarious. The further reforms which we have recommended will deprive them of the opportunity of rising to the control of their Departments and by placing them under Ministers will constitute so fundamental an alteration in their conditions of service that there will, in our view, be no alternative but to give them the right to retire on proportionate pension with compensation for loss of career. This right we consider should be secured by the new constitution and we recommend that for its application three principles should be laid down, (1) that the right should be unqualified, (2) that it should extend to all officers, whether European or Ceylonese, who are now in the service of the Ceylon Government or who may have been recruited for such service before the publication of the Commission's Report, and whose appointments are subject to the approval of the Secretary of State, (3) that it should be a continuous option, lasting not for a specific period but throughout the period of each officer's service under the Ceylon Government. It would be a short-sighted policy to confine the operation of the right to retire to a limited period of, say, five or ten years, as has been suggested in some quarters, since it would severely hamper the administration of the Island if any substantial number of officers were to retire simultaneously, or in rapid succession. It would, moreover, be fairer to the officers concerned that they should be given an ample opportunity of adapting themselves to the exigencies of the constitution and should be safeguarded from the weakening of their position which might be expected to result from the expiry of the period of option.

We do not suggest the precise basis on which such proportionate pensions might be calculated since this is somewhat outside our scope. We would recommend, however, that the Article of the new Order in Council in which the foregoing principles will be embodied should provide for the determination of these pensions on such basis as the Secretary of State may decide. And we further suggest that in the framing of rules governing the award of proportionate pensions special consideration should be given to the cases of those officers who, after serving in the War, entered the service of the Ceylon Government at a later age than they would otherwise have done.

Not only would it be undesirable that many officers should retire simultaneously on proportionate pension: it would be unfortunate if any large number were to avail themselves of this concession either immediately or in the future. Whilst providing this means of escape for those who might be temperamentally unsuited to their changed environment it must be the aim of the Government to preserve the largest possible nucleus of serving officers in order to maintain continuity in the administration. The public interest demands that all those who are prepared to shoulder the burdens and responsibilities of the new constitution should elect to remain in the Ceylon Service. But such officers could not reasonably be expected to trust themselves entirely to the sympathy of elected members who have no intimate knowledge of the complexities of administration, whose judgment may be swayed by political considerations, and whose conduct hitherto may not have served to inspire confidence in those who will now be their subordinates. It will be necessary, therefore, in the new constitution to provide further safeguards as will give public officers a sense of security, and these safeguards must necessarily be of such a nature as to leave the ultimate control of their salaries and allowances, prospects and conditions of service in the hands of the Secretary of State.

APPLICATION OF SAFEGUARDS

Before we discuss the precise methods by which the safeguards proposed in the preceding paragraph might be provided, it will be desirable to consider how far, if at all, they should be made applicable to future entrants to the Ceylon Services, i.e., to those officers who may be recruited for these services subsequent to the publication of the Commission's report. The argument commonly used in this connection is that future entrants will have their eyes open; the publication of the Commission's report, and the subsequent introduction of the new constitution, will give them ample opportunity of judging the situation for themselves; and if they then choose to enter the service they must be expected to take the risks. The application of this principle, though not unfair, would in practice lead to serious results. For it would be too much to expect that good candidates with a choice of other employment would deliberately select a corner of the tropical field which could only offer them a position of extreme uncertainty. The inevitable consequence of leaving future entrants to look after themselves would be either a loss of candidates of the required calibre or, if they presented themselves without full appreciation of the conditions, their speedy disillusionment. In either event the services would suffer; indeed, the future of the Administration might well be imperilled. For unless the public officers now in the Ceylon Service could count on a steady flow of efficient, well-equipped and contented recruits for their Departments, the difficulties of their position might well become so pronounced as to drive them to retire on proportionate pension. It is obvious that any general exodus of public servants, and their substitution by inexperienced men of inferior quality, would be fraught with grave consequences to the country.

We consider, therefore, that it is of great importance to ensure that the conditions of service for future entrants shall be such as to attract candidates at least as capable and as highly trained as the officers recruited in the past. It follows that it will be as necessary to protect future entrants from uncertainty of tenure as it is to provide security for the existing personnel. Our aim must therefore be to devise a form of safeguard which will apply to existing members and to future entrants alike, the only distinction being that whereas the former, in view of their changed conditions of service, will be free at any time to retire on proportionate pension, this concession will necessarily be denied to the latter.

ALTERNATIVE SAFEGUARDS

The following alternative forms of safeguards have been suggested:—

(1) *Reserved Subject*.—It was represented to us, as the considered opinion of those entitled to speak for the Ceylon Services, that the salaries, allowances and pensions of public officers should not be subject to the annual vote of the Legislative Council but should be permanently safeguarded, and that the same safeguard should be made to apply to the pensions payable to the widows and orphans of public servants.

The acceptance of this suggestion would involve the creation of a "reserved subject" on the lines adopted in the Government of India Act and would introduce into the constitution an aspect of diarchy, which in other respects has been condemned. This would be an extreme step in Ceylon where, unlike the Indian Legislatures, the Council has been accustomed to exercise complete control over expenditure. From the constitutional point of view a division of the Budget would therefore be a retrograde measure and one to be avoided if a suitable alternative can be found. Moreover, while we consider it essential that the public services should be safeguarded from a recurrence of their present difficulties, we doubt whether it would be in the best interests of the Services themselves to place them thus obtrusively in a position in which they could afford to remain permanently indifferent to unofficial criticism.

(2) *Consolidated Fund.*—That the salaries, allowances and pensions of public servants should be charged on the Consolidated Fund and should not be subject to question by the Legislative Council.

This suggestion, though by no means impracticable, has found little support. It is, in our opinion, open to the following objections:—

(a) While it would be unfortunate if Members of Council were to devote a large amount of time to discussion of the salaries of public officers, we see no reason why they should be altogether debarred from such discussion, always provided that the ultimate control is not in their hands alone.

(b) Such a restriction would be in marked contrast with the freedom and responsibility to be granted to Executive Committees and might even interfere with their work when establishment matters were under consideration. It might thus become a source of friction.

(c) It would not in any case provide an adequate safeguard unless it was specifically laid down that all scales of salary, &c., should be left in the hands of the Secretary of State. But, if this were done, it would not appear to be necessary to adopt the procedure here suggested.

(3) *Public Services Ordinance.*—The suggestion has been made to us that the grant of the new constitution should be made dependent on the passage of an Ordinance, guaranteeing a definite scale of salaries, allowances and pensions to public servants.

We regard this suggestion as unacceptable if only for the following reasons:—

(a) An Ordinance of this nature would be a clumsy and unwieldy instrument. Frequent amendments would necessarily be desired, yet there would be no guarantee that the Council would consent to pass such amending Bills. On the other hand it would be possible for the Council to amend the Ordinance on their own initiative unless debarred by constitutional mechanism which, whatever its merits, would be inconsistent with the ideas underlying this proposal. Otherwise, the only safeguard would be the Governor's powers of veto and certification which it might not always be found expedient to employ.

(b) The framing of a comprehensive schedule of salaries, allowances, pension rights and other privileges which could be regarded without undue controversy as the desideratum would be a heavy and complicated task. However approached, the fact that salaries are now under review would involve considerable delay before the Ordinance could be passed.

(c) The suggestion would be of the nature of a threat to the Council and could not fail to arouse strong resentment. It would be difficult indeed to imagine circumstances more unfavourable for the introduction of a new constitution.

(d) The suggestion would once again make the public services the centre of political controversy, a contingency which we would wish particularly to avoid. We have no doubt that the Services themselves would strongly deprecate any measure of this nature.

(4) *Reserve of control to the Secretary of State.*—The provision in the new Order in Council of an Article providing that the final decision in all matters affecting the pay and allowances, pensions, prospects and conditions of service of public officers shall be vested in the Secretary of State, leaving it to be understood that the Council would be free to offer comment and criticism, as hitherto.

This suggestion presents many attractions. It would not involve the division of the budget and yet would provide a reasonable degree of security.

Under any scheme that could be devised for their protection the hopes of the public servants must inevitably rest on the Secretary of State to whom they look for protection and whom they are content to accept as the arbiter of equitable treatment. This being so, there appears to be no sufficient reason for depriving the elected members of the liberty of comment. If such deprivation were based on the assumption that the Secretary of State would be apt to give way unjustifiably in the face of unofficial criticism, the answer is that there would surely be less danger in this possibility than in fettering the Secretary of State's discretion by placing him in a position to hear only one side of the case and compelling him to form a judgment on *ex parte* representations. But we doubt whether there is any such assumption. It has at least not been voiced.

It may be said that an Article such as that suggested, while possibly adequate to the purpose in view, would not be spectacular enough to restore confidence among public servants. This might be the case if the suggestion were to stand alone. If combined, however, with a proposal for the stabilization of salaries to which reference will be made later, we are confident that it will suffice to meet the reasonable requirements of the Services. We regard this suggestion therefore as the most suitable of the alternatives which have come before us.

(5) *Periodical Salaries Commissions*.—The establishment of a system whereby salaries, &c., would be fixed by independent Commissions which would be sent out from the United Kingdom every ten years or at such intervals as the Secretary of State might determine. Under this scheme the payment of salaries would be in accordance with the scale recommended by such a Commission, subject to the approval of the Secretary of State who would also be vested with powers to make minor modifications from time to time.

The scheme has the following advantages:—

(a) It would provide a reasonable safeguard, would be less arbitrary in appearance and would lighten the onus on the Secretary of State.

(b) The present scale of salaries was fixed by such a Commission. The system could therefore be regarded as following an existing precedent.

Against these advantages must be set the disadvantage of creating in Ceylon an impression of uncertainty. While in practice no scales of salaries now fixed could be expected to remain permanent for all time it would be unfortunate if stress were laid on this aspect, thus possibly providing further ground for the discouragement of future recruits. It must be the aim of the Ceylon Government to secure stability in salaries and pensions scales, so far as may be, and we consider that for this reason any suggestion providing for the periodical establishment of salaries Commission should be abandoned.

Salaries Commission

On the other hand we consider that there is a strong case for the immediate appointment of an independent Commission charged with the duty of reviewing the salaries of public officers and composed of members specially qualified to undertake so onerous and complicated a task.

We make this recommendation only after much anxious thought, since we are aware that its adoption would result in the suppression of the Select Committee of the Legislative Council appointed in 1926 for this purpose. We wish to disclaim at once any desire either to belittle the endeavours of this Committee or to circumvent its activities. We have indeed nothing but admiration for the hard and patient work so readily performed by Members of Council and it would cause us deep regret if any remarks of our were to be interpreted as reflecting in any way on those of them who

are serving on this Committee, or as derogatory to the status and dignity of that body. We must, however, record our emphatic opinion that a Committee composed of members of the Legislature is not a suitable body for this purpose. Its members must inevitably be busy men with many conflicting interests, who cannot be expected to have either the time or the experience to undertake a prolonged and detailed enquiry of this kind. Not only are members of the Council required to serve on a number of select committees in simultaneous operation but they must take their place in Council and in Finance Committee, fulfil their obligations to their constituencies and respond to all the numerous claims of public life. But an exhaustive enquiry into the salaries and establishment of the public services demand, if it is to be fully and adequately carried out, the whole time of the investigators. To ask Members of Council to undertake such a duty is we consider unfair both to them and to the Services with whose interests they are thereby charged. Holding these views, we were not surprised to learn in Ceylon that though this Committee had been in session for over a year, little progress with its main task had in fact been made.

As however the Committee is in being, we should have been reluctant to propose any interference with its discretion were it not for the fact that other considerations make it essential, in our view, that the enquiry should be conducted on a basis different from that hitherto contemplated. No one who examines the detailed financial statements of the Ceylon Government can fail to be impressed by the high proportion of expenditure which is devoted to the payment of personal emoluments of public officers. Our enquiries revealed that the cost of the personnel in the Ceylon Services had of late years risen to such a degree as to constitute a serious embarrassment. We have already observed that Ceylon has now reached a critical state in its history, and is faced with vast social and economic problems which call for prompt and energetic handling. It is of the utmost importance therefore that no obstacle should be placed in the way of the Government in devoting to the solution of these problems the maximum of the funds it can make available. Yet we found that owing to the high cost of personal emoluments the Government was reluctant to propose additions of staff, however urgently needed for the development of their policy, and that improvements and extensions of important public services which were characterized as urgently required were liable to be curtailed and even deferred.

This unhealthy situation is primarily due to the absence of any distinction between the salaries payable to Europeans and those payable to Ceylonese. There was doubtless much to be said against any such distinction in the past, when the great majority of superior posts in the public services were held by Europeans, for in such circumstances the introduction of a distinctive rate for Ceylonese might have been regarded as destructive of the homogeneity of the services. But the pendulum is now swinging in the opposite direction and we must look forward to a time, in the not distant future, when the Ceylonese will be found organizing, directing, and staffing their own public services with the assistance of a comparatively small number of European officers. The services of technical experts may still be in demand, and a nucleus of European officers will doubtless be retained in the Administration, but in general the Ceylon Services will become Ceylonese. It would be contrary to the public interest, and might indeed be fatal to the attainment of this ideal, if the Ceylonese public servants were to continue during this process of development to be paid at rates which are not only wholly disproportionate to local requirements but which constitute a severe strain on their country's resources and give a false emphasis to the national budget.

On the merits of the case it is clear that there is no logical justification for remunerating both classes of public servants on the same basis. In one class are a body of men exiled from the temperate climate which is their birthright and posted in a tropical country thousands of miles from their

homes; a country in which it is impossible for them to bring up their children and from which it is essential for the sake of their own health that they should proceed on leave of absence at regular intervals; a country in whose service they are compelled not only to face all the difficulties involved in the maintenance of dual establishments, the risks to their health and the personal sacrifice of family ties but also to preserve at considerable cost a standard of living and hospitality in keeping with their own traditions and those of a Service which for over 125 years has represented a great Imperial Power. Side by side with them are men living and working in their native country, with their homes at hand, subjected to none of the climatic difficulties and to only a part of the financial burden imposed on their European colleagues. It is obvious that the former class of public servants must be paid a salary sufficient to compensate them, over and above the actual value of the work performed for the personal risks and sacrifices involved in its performance. There can be no logical justification for extending to the latter the compensation necessarily paid to the former. Reviewing in this light the present practice under which both classes of public servants are paid at the same rates we are presented with a choice of two alternative conclusions, from which there is no escape. If the present scales of salary are adequate for European officers, then Ceylonese officers are overpaid. If, however, Ceylonese officers are not overpaid, then European officers are underpaid. In either case the position is unsatisfactory.

These difficulties were only lightly referred to in the evidence placed before us, and no solution of them was suggested. We had the opportunity, however, in the course of conversation with distinguished men in a position to represent both official and unofficial views, of forming an impression of the current of public opinion on the subject. In India, as we were aware, opinion has been sharply divided, the politicians generally pressing for a differentiation in basic rates of salary, on the "market price" principle, and the Services almost unanimously opposing it. In Ceylon, however, there is no such clearly marked cleavage of opinion and among public officers and politicians alike there seems to be a growing belief that a distinction in rates of pay must be drawn sooner or later and cannot be deferred much longer. It is fully recognized that such a distinction would be in no sense derogatory to the Ceylonese but would merely give practical expression to the reality that Ceylonese officers live and work in their native country while their European colleagues do not.

It was doubtless in pursuance of this belief that in October, 1926, a series of motions was introduced into the Legislative Council, at the instance of an unofficial member, two of which were to the effect that the salaries of public officers should be revised generally to conform with the needs of a Ceylonese officer, and that in the case of officers recruited from abroad an overseas allowance should be paid in addition to the revised salary. The first motion was lost by 31 votes to 13, all the official members voting against it, and the second was thereupon withdrawn. Had the official members voted for the motion, instead of against it, the motion would presumably have been carried by 25 votes to 19; had they abstained from voting the motion would have been lost by 19 votes to 13. During the debate an amendment providing that the Salaries Committee, to which reference has been made, should consider and report upon the question, was lost by 30 votes to 14. It was at that time the view of the Government that attempts to differentiate in scales of salary were to be deprecated, and the official vote doubtless reflected that view. But with every year that passes the necessity for some such differentiation becomes more pronounced and in the interval official opinion has had cause to recede from the attitude previously adopted. We are confident therefore that a reassessment of salaries with this object would now commend itself to the majority of those who previously opposed it.

We recommend therefore that an independent Commission should be appointed to reassess the salaries of public officers, and that the basis of such reassessment should be the needs of a Ceylonese officer. The principle should be established that officers recruited from outside Ceylon should receive a pensionable overseas allowance in addition to the revised salary of their posts, and the Commission should be instructed to submit detailed recommendations as to the scale of overseas allowance which they recommend should be awarded to each class of appointment. The Commission should in addition be required to investigate and report on all Government orders and regulations providing for payments to public officers, or in any way affecting their emoluments, such as those governing the grant of travelling and subsistence allowances, leave and passage privileges, housing allowances, and facilities for study or research. A minor matter which we suggest that they should be called upon to consider is whether some arrangement could not be made by Government for the storing of the furniture of officers proceeding on leave of absence from the Island. We were impressed by the hardship which the absence of such facilities inflicts on officers, who in most cases are compelled to auction their furniture at a heavy loss and to incur considerable expense in refurnishing their bungalows on returning to duty.

An important task which we consider could advantageously be entrusted to this Commission is the duty of determining the ratio of recruitment as between Ceylonese and Europeans for each branch of the public service. We understand that there is in operation an arrangement, in which general concurrence has been expressed, whereby recruitment for the Civil Service is 50 per cent. Ceylonese and 50 per cent. European. It may, however, be considered desirable to modify this arrangement. Moreover, no such settlement has been reached as regards recruitment for other branches of the public service and if friction is to be avoided (and the filling of appointments affords a most fruitful ground for friction) it is essential that a definite ratio should be laid down for each Department. This question we consider of such importance in its bearing on the new constitution that it will, in our view, be necessary that the new Order in Council should invest the Secretary of State with power to fix the rates of recruitment for the various branches of the service at his discretion. The reference of the question to an independent Commission in the first instance would facilitate its speedy solution, would enable full weight to be given to the special circumstances obtaining in each branch of the service and would place before the Secretary of State the material to enable him to give a considered decision. The principles which we suggest should underlie the Commission's recommendations are these: first, that the ideal to be aimed at is the ultimate staffing of the Ceylon Services by Ceylonese: secondly, that with this object in view there should be a progressive increase in the number of posts assigned to Ceylonese candidates, and a corresponding decrease in the number of posts filled by the appointment of candidates from outside Ceylon: but that these principles, while of general application, may require modification when applied to particular Departments, and that in no circumstances should adherence to them be recommended unless it is established that the qualifications of such Ceylonese candidates as may be expected to be available will not be such as to involve a lowering of the standard hitherto maintained.

Such are the considerations which have led us to recommend the immediate appointment of an independent Salaries Commission. We recognise, however, that this alone would not be sufficient to secure the purpose we have in view, namely, the stabilization of salaries and the protection of public officers from conditions of uncertainty. It will be necessary that the terms of the new Order in Council should be such as to ensure the acceptance by the Ceylon Government of those recommendations of the Commission as commend themselves to the Secretary of State, and secondly to provide safeguards for the future. We have discussed the relative merits

of the proposals put before us for this purpose, and have indicated the procedure which we propose should be adopted, namely, the insertion in the Order in Council of an Article preserving to the Secretary of State the final decision in all matters affecting the salary and emoluments, pensions and gratuities, prospects and conditions of service of all public officers who now hold or who may in future be recruited for posts under the Ceylon Government the filling of which is subject to his approval. He should similarly have the final decision in matters affecting the gratuities and pensions payable to widows and orphans or legal representatives.

Public Services Commission

Of the vast array of public business which daily confronts the Government of Ceylon, that portion which causes perhaps the greatest anxiety and gives rise to the most persistent controversy is the field of appointments and promotions to offices in the public service. It is on this subject, perhaps more than any other, that communal feeling is most readily aroused. We were glad to be assured that, after the experience gained under the existing constitution of the working of Government Departments, Members of Council were now inclined to deprecate the appeals for assistance made to them by candidates of their particular communities and were showing themselves less interested in following the careers of individual public servants than in discussing the projects and policy of the various Departments. We earnestly hope that the responsibility which each Member of Council will be called upon to discharge under our proposals will lead to the growth of a wise tradition which will not admit of the exercise of political or communal pressure in support of particular candidates for appointment to, or promotion in, the public service. We recognise, however, that the very fact that Members will each bear some measure of responsibility may arouse increased expectations in their constituents and afford additional impetus to such claims. We consider it important, therefore, that some machinery for dealing with appointments and promotions should be provided, which will protect Members of Council from the pressure of their constituents and will inspire in the public services a confidence that appointments and promotions will be decided on the strict merits of the case without regard to the vicissitudes of political life or the fluctuations of communal sentiment.

For this purpose we propose that a Public Services Commission should be established. This Commission should be a permanent body and should be advisory to the Governor. The Chief Secretary should be its chairman and with him should be two other senior Government officers who will be appointed by the Governor and hold office during his pleasure. It should report to the Governor and should be responsible for advising him with regard to:—

- (1) Appointments of individuals to posts in the Ceylon Services carrying salaries greater than those to which Heads of Departments may be empowered to appoint on their own authority.
- (2) Promotions of individual officers to all posts above this salary limit.
- (3) Grant of facilities to individual candidates with a view to their subsequent employment or promotion in any branch of the Ceylon Services.
- (4) Regulations governing conditions of entry, promotion (including language or other examinations), reward, punishment and dismissal whether applicable only to particular branches of the Ceylon Services or to the Services as a whole.

We have examined the constitution, powers and duties of corresponding Commissions which have been established in the self-governing Dominions

and in India. We do not, however, consider it necessary or desirable that the Public Services Commission in Ceylon should be entrusted with such wide functions as are possessed by these bodies. In the case of Ceylon, the Commission which we contemplate will be in no sense executive and will enjoy no right of interference with Government Departments, which will be subject to the full control of their respective Ministers. It has been designed, not with a view to hampering the discretion of Ministers or their Executive Committees and Heads of Departments, but with the object of assisting them, in submitting their recommendations to the Governor, to preserve a continuity of policy in all matters of personnel irrespective of changes in the composition of the Committees or of the Council.

We have already indicated in an earlier chapter the procedure which we propose should be adopted in cases of individual appointments and promotions, but we desire here to amplify our previous remarks. Under the current General Orders of the Ceylon Government, Heads of Departments are empowered on their own authority to make appointments falling within the following categories, and at their discretion to suspend, dismiss, reinstate or accept resignations of persons holding such appointments:—

- (1) All non-pensionable officers in receipt of a salary not exceeding Rs. 1,200 (£80) per annum, excluding allowances of any kind whatever.
- (2) All officers in receipt of no fixed salary whether remunerated by fees or not.
- (3) All officers in receipt of daily rates of pay.

This right, we propose, should continue to be vested in the permanent Heads of Departments. Appointments of this nature would not, therefore, be referred either to Ministers or their Executive Committees, or to the Public Services Commission.

All appointments or promotions to offices not falling within the foregoing categories are at present made by the Governor personally. We propose that they should continue to be so made, and in order to remove any ground for misapprehension we recommend that the new Letters Patent should contain an Article preserving to the Governor the right to make all appointments to the public services. It would of course be understood that, as at present, the Governor would delegate to the permanent Heads of Departments authority to make appointments of the nature described above, and that all such appointments would be made by the Heads of Departments on the Governor's behalf.

Under the existing system, certain classes of appointments carrying salaries exceeding £300 or Rs. 4,500 per annum, and all appointments of which the salary exceeds £450 or Rs. 6,750 per annum, are subject to the approval of the Secretary of State.

We contemplate no alteration in this procedure but we consider that the Secretary of State should be free to modify it at his discretion. It might therefore be inconvenient to specify this requirement in detail in the new Letters Patent, and we consider that it will be sufficient if to the Article vesting in the Governor the right to make appointments is added a proviso requiring the approval of the Secretary of State to be obtained for all such classes of appointment as he may direct.

The appointments (which may be taken to cover promotions) which will thus continue to be made by the Governor personally, subject where required to the approval of the Secretary of State, may for the purposes of this review be subdivided into three classes:—

- (a) Appointments of a class which is common to every branch of the Administration, the holders being interchangeable.

(b) Appointments of a class which is not common to the whole Administration but which is common to two or more Government Departments not controlled by the same Minister and Executive Committee.

(c) Appointments of a class which is confined to one Department only, or to two or more Departments controlled by the same Minister and Executive Committee.

In the case of appointments of class (c) the responsibility for submitting a recommendation to the Governor will rest with the Minister and the Executive Committee concerned. Similarly, in the case of those Departments which are under the control of the Officers of State, the responsibility will rest with the Officer of State concerned. In both cases the procedure will be the same. The recommendation of the Minister and his Executive Committee, or of the Officer of State, as the case may be, will be addressed to the Governor with a covering minute explaining the nature of the appointment or promotion, giving particulars of the candidates considered and stating the reasons for the proposals made. The documents should then be forwarded to the Chairman of the Public Services Commission, who would examine the proposals with his colleagues and would have the right to call for any papers or information which the Commission might require for the purpose. On the completion of their examination the Commission would report to the Governor. In the event of the Commission disagreeing with the recommendation of the Minister and Executive Committee, or Officer of State, concerned, it would so inform the Minister or Officer of State and would thus give them an opportunity either of amending their recommendations or of adducing additional reasons in support of them. On receipt of the reply from the Minister or Officer of State the papers would be submitted to the Governor who would decide the matter according to his discretion or submit it, with his recommendation, for the decision of the Secretary of State.

In the case of appointments of classes (a) and (b) the Commission should be notified of the vacancy by the Head of the Department in which the vacancy occurs and would be responsible for submitting to the Governor a recommendation for filling it. It would, however, be open to the Chairman of the Executive Committee, or to the Officer of State, concerned, to make such representations as he might think fit to the Commission, and before submitting its recommendation to the Governor the Commission should ascertain from the Minister or Officer of State whether they desire to make any such representations. Having received and considered their reply the Commission would examine the proposals made and call for such further information or papers as they might desire, and report to the Governor who would then decide the matter according to his discretion or would submit it, with his recommendation, to the Secretary of State. This procedure will also apply to appointments in class (c) in the event of the Chief Secretary himself being the Officer of State in whose Department the vacancy occurs.

We contemplate then that permanent Heads of Departments will continue to enjoy the right which they at present possess to make appointments to offices of a subordinate and non-pensionable nature; that all other appointments will continue to be made by the Governor, subject where required, to the approval of the Secretary of State; that in the case of appointments which are of a class common to the Administration as a whole, or to two or more Departments not controlled by the same Minister and Executive Committee, or by one Officer of State, the responsibility for advice will rest on the Public Services Commission, to which it will be open to the Chairman of the Executive Committee or to the Officer of State concerned to make such representations as they may think fit; that in case of appointments which are of a class confined to one

Department, or to two or more Departments controlled by the same Minister and Executive Committee, or by one Officer of State, the responsibility for advising the Governor will rest with the Minister and the Executive Committee or with the Officer of State concerned, the recommendations of the responsible authority being submitted to the Governor with the advice of the Public Services Commission.

This procedure, as we have explained, has been designed not only to inspire confidence in the public services but also to assist Ministers and Executive Committees, and Officers of State, in maintaining that independence of judgment and continuity of policy so essential to the preservation of the public services as a compact, harmonious and efficient whole. But we must expressly state that it is in no way intended to fetter the discretion of the Governor, in whom full responsibility for matters of personnel will continue to be vested and who will be free to decide each case in accordance with his own judgment or to submit it, with his considered recommendation, to the Secretary of State. It is, indeed, clearly necessary that the Governor should retain full discretion, since the advice submitted to him may be conflicting, and in cases where there is no conflict of opinion he must none the less, in the discharge of his responsibility, subject the recommendation to impartial review. The procedure which we contemplate is calculated to assist him by ensuring that no recommendation will be submitted to him without the fullest material on which to base an independent and impartial decision.

Such then, are the purposes, and such the procedure which we consider should be associated with the Public Services Commission in cases of individual appointments and promotions. A similar procedure would apply, *mutatis mutandis*, to cases of the grant to candidates of facilities to enable them to qualify for appointment or promotion in the public services. The Commission will, however, serve other purposes also, and we have recommended that it should be entrusted with the duty of advising the Governor with regard to regulations governing conditions of entry, promotion (including language or other examinations), rewards punishment and dismissal, whether applicable only to particular branches of the Ceylon Services or to the Service as a whole. We attach importance to the inclusion among the Commission's duties of the review of the regulations governing the language examinations which public officers generally are required to take during the first few years of their service. We were greatly surprised in the course of our travels to find that a large proportion of officers, in spite of having successfully passed these examinations, were unable effectively to speak or even to understand either Sinhalese or Tamil, while there were very few who were proficient in both languages. We consider it of great importance that all officers should have a thorough knowledge of at least one of these languages in order that they should be able to converse fluently with the people of the district in which they are stationed and to dispense in normal circumstances with the services of interpreters. To this end we suggest that the language examinations should be placed as a stricter basis and that officers should be encouraged by means of bonuses to press the standard test for interpreters.

CHAPTER IX

MISCELLANEOUS

The constitution which we propose will, of course, necessitate the issue of a new Order in Council and the revision of the Letters Patent and Royal Instructions. We have not regarded it as part of our duty to suggest the precise terms in which these instruments should be drafted since the preparation of them can only be undertaken with expert legal



advice. We have, therefore, confined ourselves to a general statement of the principles on which we recommend the new constitution should be based and of the provisions which we consider necessary for the translation of those principles into constitutional practice. Since, however, we have had occasion to study the existing Instruments in detail, it will not perhaps be out of place for us to comment here on certain of their provisions, the amendment of which was urged upon us by various witnesses in Ceylon.

DEFINITION OF THE TERM "INDIAN"

The first of these concerns the definition of the term "Indian," which is interpreted by Article III (1) of the Order in Council to mean "any person who is a native of British India or of the territories of any Native Prince or Chief under the suzerainty of His Majesty exercised through the Governor-General of India, or through any Governor or other officer subordinate to the Governor-General of India, and is a resident of Ceylon, but is not domiciled therein." It was strongly represented to us by all those qualified to speak on behalf of the Indian Tamils that this definition operated unfairly in that it excluded Indians born in Ceylon while allowing too great a latitude to those whose permanent home was in India.

We understand that the Government has recognized the force of this Contention and has proposed that in the new Order in Council the term "Indian" should be defined in the following terms:—

"The term 'Indian' means a person speaking an Indian vernacular language as his mother tongue who or whose father or paternal grandfather was born in India. For the purposes of this definition, 'India' means British India or the Territories of any Native Prince or Chief under the suzerainty of His Majesty exercised through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India .

This definition appears to us to be unobjectionable, and in any case the point is no longer of any importance in view of the proposals which we have made for the abolition of communal representation and for the application of a residence qualification for voters.

LITERACY QUALIFICATIONS FOR INDIANS

A further point urged by those who represented the Ceylon Indians concerned the literacy qualification for Indian voters, who, in common with other voters, are required under Article XXVI (1) (d) of the Order in Council to be able to read and write English, Sinhalese or Tamil. It was contended that in view of the number and variety of the vernacular languages in use in Southern India it was unfair to disfranchise the Indians in Ceylon on the ground of inability to read and write English, Sinhalese or Tamil, if they were able to read and write any one of the Indian vernacular languages. We sympathize with this view, though we attach importance to the acquisition by Indians of familiarity with one of the current languages of the country to which they have emigrated. If, however, our recommendations in Chapter V are adopted, no question of disfranchisement for such reasons will arise.

SEAT OF AN ELECTED MEMBER : HOW VACANT

Representations were also made to us from several quarters with regard to Article XVII (1) which provides that "if any Elected Member of the Council shall . . . have any direct or indirect pecuniary interest in any contract with the Government of the Island for or on account of the public Service otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five

persons or shall accept any public office under the Crown in the Island, his seat in the council shall thereupon become vacant." The effect of this provision is to prevent the Directors of incorporated companies having relations with the Government from becoming Members of the Council or alternatively to debar those companies which include a Member of Council among their Directors from being granted a government contract during the period of such membership. It was claimed that this rule operated harshly in a small community like Ceylon and was, moreover, more severe than that in force in the United Kingdom. The practice in this country is governed by 22 George 3 cap. 45, Sections 2 and 3 of which run as follows:—

"§ 2. And . . . if any person, being a member of the House of Commons, shall, directly or indirectly himself or by any other person whatsoever in trust for him or for his use or benefit or on his account enter into, accept of, agree for, undertake or execute, in the whole, or in part, any such contract, agreement or commission as aforesaid . . . the seat of every such person in the House of Commons shall be and is declared to be void.

"3. Provided always . . . that nothing herein contained shall extend or be construed to extend to any contract, agreement or commission made, entered into or accepted by any incorporated trading company in its corporate capacity nor to any company now existing or established and consisting of more than ten persons, when such contract, agreement or commission shall be made, entered into or accepted for the general benefit of such incorporation or company."

We understand that the restrictions which appear in the Article under reference have recently been removed from the constitution of one or two of the smaller Colonies, where the difficulties which they engendered were found to affect the composition of the Legislative Council much more seriously than is the case in Ceylon. We would not be prepared to recommend their removal from the Ceylon Order in Council, but we consider that the Article should be redrafted to correspond with the practice obtaining in the United Kingdom, as quoted above, with the addition of a proviso to the effect that Ministers should not hold directorships of companies during their period of office. It will also be necessary to provide that a Ministerial office shall not be held to be "a public office under the Crown in the Island" within the meaning of the Article.

PENALTY FOR UNQUALIFIED PERSON VOTING OR SITTING

Article XVI of the Order in Council reads as follows:—

"Every person who, having been returned as an Elected Member of the Council, but not having been at the time of his election qualified to be an Elected Member, shall sit or vote in the Council, shall for every day on which he sits or votes, and every person who shall sit or vote in the Council after his seat has become vacant shall, for every day on which he sits or votes after his seat has become vacant, be liable to a penalty of 500 Rupees, to be recovered by action in the District Court having jurisdiction where such person who has been returned as an Elected Member as aforesaid resides by any person who shall sue for the same."

It was represented to us that the wording of this Article should be so modified as to avoid the possibility of Members of the Council being sued by "any" person, without any restraint. It was suggested that the risk of vexatious prosecutions could best be overcome by a provision requiring the consent of the Governor to be obtained before action could be taken.

We should not have thought this point important or have expected that the right of prosecution given by the Article would have been used otherwise than with reluctance. We could not in any event agree to a provision making action conditional on the Governor's assent, which in our view would be inappropriate to the form of the new constitution. We suggest that it will be sufficient, and constitutionally proper, if provision is made for an intending plaintiff first to obtain leave from the District Judge of the Court in which he desires to bring his action. The District Judge, who would have full discretion to grant or refuse leave, would naturally rule out all actions for which no *prima facie* case had been established.

RESIDENCE QUALIFICATION OF VOTERS

Article XXVI. (i) (e) provides that "no person shall be qualified to have his name entered on any register of voters in any year if such person has not, during the whole of a period of six months immediately prior to the commencement of the preparations of the register, resided in the electoral district to which the register relates." This provision was shown to operate to the disadvantage of planters and others who were liable to be transferred from one district to another, whether on return from furlough or otherwise. We consider that the Article might be redrafted to run as follows: "If such person has not resided in Ceylon for a period of five years and has not, during the whole of a period of six months in the eighteen months immediately prior to the commencement of the preparation of the register, resided in the electoral district to which the register relates." This will meet the proposal which we have already made for the imposition of a five years' residence qualification for voters and will also satisfy the requirements of voters compelled to proceed periodically on leave of absence from the Island.

REGISTER OF VOTERS AS AFFECTING QUALIFICATIONS OF ELECTED MEMBERS OF COUNCIL

Attention was also drawn to Article XXIII. (2) which provides that "if any register is not prepared in due time the register in operation immediately before the time at which the new register ought to have been prepared shall continue in operation until the new register is prepared." When read in conjunction with Article XV. (1) (5), which provides that "no person shall be capable of being elected a Member of Council, or having been elected, shall sit or vote in the Council, who is not qualified to be registered, and is not actually registered as a voter for some constituency," the combined effect of these provisions might be to disqualify a candidate from election to or membership of the Council solely because the preparation of a new register had been delayed. We consider that some amendment of Article XV. (1) (5) should be made to prevent a candidate otherwise qualified from being disqualified on the ground of delay in the preparation of the register, but we do not recommend any similar amendment of Article XXV. which provides that the register of voters for the time being in operation shall be conclusive evidence of the right to vote.

INTERPRETATION OF "PERSONS HOLDING PUBLIC OFFICE"

Under Article III. of the Order in Council the term "persons holding public office under the Crown in the Island," is stated not to include—

"(i) Persons who are not in the permanent employment of the Crown in the Island, but shall include persons serving the Crown in the Island for a term of years;

* * * * *

(iii) Crown Proctors.

(iv) Crown Advocates not being Crown Counsel."

It was contended by some witnesses that these provisions should be deleted. In support of this contention it was stated that Crown Proctors and Crown Advocates had been allowed to sit as unofficial members of the Legislative Council on the ground that in districts distant from Colombo it was difficult to find persons of sufficient education and social standing to qualify them for membership of the Council, except among the leading members of the local Bar in provincial towns; and that these gentlemen could not generally afford to sacrifice their practice in order to serve the country in the Legislative Council. It was held that this reasoning was valid so long as members of the Legislative Council were not remunerated for their Council work. Since, however, the payment of members on a reasonable scale of remuneration had been introduced, Crown lawyers who desire to serve in the Council could now give up their Crown work without serious loss. It was further alleged that the experience of recent years had shown that when Crown lawyers take up legislative duties both their Crown work and their Council work suffer considerably, with the result that Crown cases have frequently to be postponed, while the representative functions of Crown lawyers are liable to be prejudiced. It was also claimed that the removal of the residential qualification for members representing territorial constituencies had widened the choice available to constituencies and that the anticipated dearth of candidates for seats in the Council had by no means been general.

The evidence we received on this point was not sufficient to enable us to make any considered recommendation. We may state, however, that, in general, we are not in sympathy with the view that the remuneration of members of Council provides in itself sufficient inducement to Crown lawyers to give up their Crown work. On the other hand, we consider that there is much force in the contention that now that the residential qualification for members of Council has been removed there is no likelihood of any dearth of candidates. If, therefore, the number and size of the constituencies were to remain unaltered, we would have been disposed to agree that these provisions might now be deleted. In view, however, of the enlargement of the Council, which forms one of our recommendations, it is clear that the subject must be approached with extreme caution and we consider that no steps of this nature should be taken except after a close review of the material likely to be available for supplying the representative requirements of the new constituencies.

DISQUALIFICATION FOR MEMBERSHIP OF MANAGERS AND PRINCIPALS OF STATE-AIDED SCHOOLS

It was also urged upon us that Article XV. of the Order in Council should be widened so as to disqualify Managers and Principals of State-aided schools from election to the Legislative Council.

We are not prepared to recommend the acceptance of this suggestion. Nearly every Member of Council is interested, in an entirely honorary capacity, in the promotion and welfare of schools which are liable to receive grants-in-aid from the Government. If the assumption is that such Members might exercise an undue influence in obtaining such grants for schools in which they were interested, the remedy lies not in disqualifying them from membership of the Council but in a strict adherence to the rules governing the award of Government grants and if necessary their elaboration into a more rigid and detailed code.

QUESTIONS OF INTERPRETATION

By Article LXVI. of the Order in Council it is provided that "The decision of the Governor in Executive Council on any question which may arise as to the intention, construction or application of this Order and of the rules thereunder shall be final." It was submitted that in questions relating to

the qualification of Members of Council, after their election, the proper tribunal to adjudicate on the competence of members to sit and vote in the the Supreme Court of the Island, which is the tribunal appointed for the consideration of election petitions. We concur in this criticism of the Article, the terms of which will in any case be rendered inappropriate by reason of our proposal that the Executive Council should be abolished. We consider that the new Order in Council should be silent on the subject of interpretation when, as in the interpretation of all laws, the matter would be one for the Courts of the Island.

RULES REGARDING ELECTION PETITIONS

It was brought to our knowledge that, after the last elections, one election petition was submitted which contained no less than 247 charges, thus necessitating a prolonged trial and the assembling of hundreds of witnesses. It was suggested that in order to prevent the needless annoyance of successful candidates the security required from petitioners should be increased in proportion to the number of charges made. Under the present rules a security of Rs. 5,000 is demanded from each petitioner irrespective of the number of charges in his petition. It was submitted that this security should be deemed to cover not more than three charges, and that additional security of Rs. 2,000 should be demanded for each charge in excess of three.

We consider this suggestion reasonable and we recommend the revision of the rules governing Election Petitions in this sense.

FEES PAID TO MEMBERS OF COUNCIL WHO ARE LAWYERS

A further matter raised by various witnesses was the practice which was alleged to exist whereby Members of Council who are lawyers by profession are regarded as entitled, as part of their legal practice, to charge fees for advice given, in their capacity as Members of Council, to their friends and constituents and for services rendered in this capacity in the prosecution of the latter's claims either in the Council itself or in communication with Heads of Departments and the Government. We feel sure that while fees may have been charged in a few such cases this has probably been due to the inexperience of the Members concerned, and that no general practice of this sort obtains, or would be tolerated by the Council. We need hardly say that any such procedure, if commonly recognized, would strike at the basis of representative government, and would give rise to a tendency, which cannot be too strongly deprecated, to attach to each seat in the Council a mercenary valuation. We are convinced, however, that the good faith and good sense of Members may safely be relied on to ensure that no such practice is allowed to spring up and we refrain therefore from recommending that any provision directed against its development should be inserted in the new Order in Council.

CHAPTER X

SUMMARY OF RECOMMENDATIONS

The Central Government (Chapter IV.)

1. The existing Order in Council should be replaced by an Order in Council embodying the scheme for a new constitution summarised on pages 35-45, the object of which is to transfer to the elected representatives of the people complete control over the internal affairs of the Island, subject only to provisions which will ensure that they are helped by the advice of experience officials and to the exercise by the Governor of certain safeguarding powers.

2. The chief features of the new constitution would be the substitution for the existing Legislative Council of a State Council which would deal with administrative as well as legislative matters and would sit therefore in executive as well as legislative session; the decentralisation of control from the existing Colonial Secretariat and the arrangement of the Departments of Government into ten groups in charge of Ministers, of whom seven would be elected members of the Council, chosen as hereinafter indicated, the remaining three, to be called Officers of State, being the Chief (formerly Colonial) Secretary, the Treasurer, and the Attorney-General; and the association with each of the seven elected Ministers in the administration of his Department of a Standing Executive Committee of the State Council.

3. On the assembly of a new Council the members would proceed to divide themselves into these seven Executive Committees, each of which would select its Chairman for appointment by the Governor, the Chairman so appointed being the Ministers referred to above and individually responsible, with their Executive Committees, to the Council for the direction and control of the Departments. Executive Committees would not be associated with the three Officers of State in respect of the Departments left in their charge, since the functions of these Officers will be largely advisory and the activities of their Departments complementary of the decisions of the Council.

4. The Executive Council should be abolished and the ten Ministers should be constituted as a Board with ultimate collective responsibility for the Annual Budget and Estimates, Supplementary Estimates, and consequential financial measures. The Board of Ministers would also settle the order of business for the Council and would determine the procedure by which matters which concerned more than one Executive Committee could most conveniently be arranged. The Chief Secretary should be the Chairman of the Board but since he and the other Officers of State would be respectively the political, financial and legal advisers to the Government rather than executive officers they would not vote either at the Board of Ministers or in the Council.

5. The Board of Ministers should elect its Vice-Chairman, who would be *ex-officio* leader of the State Council, from among the seven Chairmen of the Executive Committees; and the Council should elect its Speaker and Chairman and Deputy Chairman of Committees.

6. The proceedings of the Executive Committees would be reported to the Council in Executive Session and, as approved by the Council, would be submitted to the Governor for ratification. Similarly the legislative measures passed by the Council would continue to be submitted to the Governor for his assent. The Governor would have the unqualified right to refuse or reserve his assent, both in executive and in legislative matters, but he would not normally exercise this right unless the proposals were such as in his opinion to conflict with the provisions of the Royal Instructions issued to him. The powers of the Governor would be supervisory rather than executive but his executive powers being diminished his reserve powers would be proportionately strengthened.

7. Power of the deciding authority to refer back measures and proposals to the originating body for further consideration is a feature of the new constitution to which we attach the highest importance. Our proposals contemplate three types of "reference back." The Governor would be free to refer back legislative or executive measures to the Council; the Council would be free to refer back executive business to the originating Executive Committee; and, in the case of the Annual Budget Estimates and Supplementary Estimates, the Council would be able to refer back to the Board of Ministers. In the last case, however, the Council would be debarred from referring back more than once.

8. A Committee should be appointed by the Governor to revise the Standing Orders of the Council in order that such alterations as may be necessitated by the adoption of our recommendations may be approved in advance of the introduction of the new constitution. This Committee should seek to preserve and elaborate in the Standing Orders such ceremonial forms and practices as may be considered appropriate to the increased power and dignity of the Council.

9. Working rules for the division of responsibility between Ministers and Heads of Departments should be prepared and approved before the introduction of the new constitution and the Ceylon Government should be invited to take immediate steps to that end (pages 45-46).

10. Other preparations for a change of system should be made without delay. Plans for the decentralisation of control from the Secretariat should be prepared, the organisation completed for the grouping of the Government Departments, and arrangements made for the provision of office accommodation and secretariat staff for the Chairman of each Executive Committee and for the determination of the many minor questions to which so comprehensive a transfer of work and responsibility would give rise (page 46).

Franchise and Representation (Chapter V.)

11. The present property, income and literacy qualifications for the franchise should be abolished and the franchise should be extended, subject to minor reservations, to all men over 21 years of age and to all women over 30 years of age who (a) apply to be registered as electors, (b) have resided in the Island for a minimum period of five years (page 66).

12. The qualification for membership of the State Council should be the same as that of the electors, except that no person should be eligible who has not a literacy qualification in English (page 67).

13. The strength of the State Council should be increased from 49 to a maximum of 80 (page 76).

14. Communal representation should be abolished and the Council should be composed as follows:—65 members elected for territorial constituencies, 3 *ex-officio* members (the Officers of State), and certain members nominated by the Governor, up to a maximum of 12, if the Governor should consider the nomination of such members necessary to make the Council more representative (pages 74-76).

15. A local Commission should be appointed without delay to rearrange and redistribute the territorial electorates so that each electoral area may contain a population of between 70,000 and 90,000 (page 76).

The Kandyan Claim (Chapter VI.)

16. There should be occasional meetings of the State Council in Kandy and Jaffna (pages 79-80).

Local Administration (Chapter VII.)

17. The existing Local Government Board should be abolished and a special Government Department should be established to take charge of local administration. This Department would be placed under the control of an Executive Committee of the State Council which would also be responsible for land administration and for the Land Settlement and Survey Departments (pages 86-87).

18. The activities of this new Department would be two-fold; it would be responsible for supervising the administration of existing local bodies,

including municipalities, and it would be specially charged with the duty of investigating, preparing, and promoting schemes for the extension of local government in the Island (page 87).

19. The Local Administration Department should be assisted in its duties by an official experienced in modern local administration who should be specially recruited from Great Britain for this purpose (page 87).

20. A senior Medical Officer of Health and one or two engineer specialists should be seconded by the Medical and Public Works Department to serve as liaison officers with the new Department. Special arrangements should also be made for the engagement of a town planner, one and, possibly two, assessors and at least one accountant. The staff thus provided should be expanded as circumstances may dictate and would form a nucleus of an expert advisory personnel who would be available not only for consultation by the Department, but also for advising such local authorities as might apply for their assistance (page 87).

21. One of the first duties of the new Department would be to examine, in consultation with representatives of other Departments, the full possibilities of a scheme for the establishment of co-ordinating bodies, such as Provincial Councils, and for the delegation to such bodies of certain administrative functions now exercised by the Central Government (pages 87-88).

22. The Department of Local Administration should also consider whether effect should be given to the view that General or Rural District Councils should no longer find a place in the system of local administration; whether Local Board towns above a certain population should become, *ipso facto*, Urban District Councils; whether for the present Sanitary Boards there should be substituted Town Committees administering individual towns; and whether when any village attains in future a size or importance which would have justified it being put under a Sanitary Board it should be given its own Town Committee (page 88).

23. Following the principle adopted for the Central Government local bodies should consist entirely of elected members, the official element coming in as advisers. The election of such bodies as Town Committees might be as for Village Committees, by adult male suffrage; in the election of Urban District Councils and Municipal Councils the qualifications for voters should be the same as for voters in elections for the Legislative Council (pages 88-89).

24. The qualification for membership of Municipal Councils, Urban District Councils, and Local Boards so long as they continue, should be the same as for membership of the State Council. No change should be made in the existing qualifications for membership of Village Committees, and these qualifications should apply also to membership of Town Committees if and when established (page 89).

25. The Chairman of Committees and Councils should in all cases be elected by those bodies unless in the opinion of the Local Administration Executive Committee no suitable candidate had presented himself or it had become necessary for any reason for the Government to take over the functions of the Committee or Council. Except in such cases no full-time servant of the Government, this including Chief Headmen, should be eligible for membership or chairmanship of any Municipal or Urban District Council or of any Town or Village Committee (page 89).

26. Each Urban District Council should be provided with a chief clerk who would in turn be assisted by subordinate clerical staff; and the clerical posts under the various Councils should be linked up, awarded salaries comparable to those allotted to posts of similar standing in the Public Service, and given a pensionable status (pages 90-91).

Civil and Public Services (Chapter VIII.)

27. Consideration should be given to the desirability of a change in the methods of recruiting and appointing Chief Headmen (page 91).

28. The new Letters Patent should contain an Article preserving to the Governor the right to make all appointments to the public services, with the proviso that the approval of the Secretary of State should be obtained for all such classes of appointment as the latter may direct (page 103).

29. An Article in the new Order in Council should give all public servants now holding posts under the Ceylon Government the filling of which is subject to the approval of the Secretary of State, or who may have been recruited for such posts prior to the publication of the Commission's Report, the unqualified right to retire on proportionate pension, with compensation for loss of career, either immediately or at any time in the future; the rates of pension and the scale of compensation to be calculated on such basis as the Secretary of State may determine (page 95).

30. In the determination of this basis it is recommended that special consideration should be given to the case of those officers who after serving in the War entered the service of the Ceylon Government at a higher age than they would otherwise have done (page 95).

31. The Order in Council should also include an Article reserving to the Secretary of State the final decision in all matters affecting the salary and emoluments, pensions and gratuities, prospects and conditions of service of all public officers who now hold or who may in future be recruited for posts under the Ceylon Government the filling of which is subject to his approval, or the gratuities and pensions payable to their widows and orphans or legal representatives (pages 97, 98 and 101).

32. The Order in Council should also include an Article giving the Secretary of State power to fix the ratio of recruitment of Europeans and Ceylonese in all branches of the public service and to make such regulations for the purpose as he may deem proper (pages 101-102).

33. An independent Salaries Commission should be sent out from Great Britain with instructions to:—

(1) determine afresh on the basis of the needs of a Ceylonese officer the salary emoluments and allowances to be attached to each class of post in the Ceylon Services.

(2) determine the amount of the overseas allowances to be granted to the holders of these posts, if Europeans.

(3) make recommendations as to passage privileges.

(4) make recommendations as to the ratio of recruitment as between Ceylonese and European in the various branches of the Ceylon Services.

(5) consider and report on such other matters as may be referred to it by the Secretary of State or by the Ceylon Government with the Secretary of State's consent (pages 98-102).

34. A Public Services Commission should be established, composed of the Chief Secretary and two other senior Government officers, who would be appointed by the Governor and hold office during his pleasure (page 102).

35. This Commission should report to the Governor, and would be responsible for advising him:—

(1) with regard to the appointment of individuals to posts in the Ceylon Services carrying salaries greater than those to which Heads of Departments may be empowered to appoint on their own authority.

(2) with regard to the promotions of individual officers to all posts above this salary limit.

(3) with regard to the grant of facilities to individual candidates with a view to their subsequent employment or promotion in any branch of the Ceylon Services.

(4) with regard to regulations governing conditions of entry, promotion (including language and other examinations), reward punishment and dismissal, whether applicable only to particular branches of the Ceylon Services or to the Services as a whole (pages 102-105).

Miscellaneous Recommendations

These will be found in Chapter IX. and in view of their detailed character have not been summarised here.

CHAPTER XI

ACKNOWLEDGMENTS AND THANKS

It is now our pleasant duty to express our lively sense of gratitude for all that was done to lighten our labours in Ceylon and to facilitate our investigations. We were of course familiar, before our appointment, with the traditions of Ceylonese hospitality but these more than fulfilled our expectations. As soon as our appointment became known it seems to have been the universal desire of the people, as of their representatives in the Legislative Council, not only that no difficulties should be placed in the way of the fulfilment of our task but that no pains should be spared to enable that task to be accomplished with a maximum of ease and comfort. Thus on arrival in Ceylon we found that the fullest arrangements had been planned for our convenience. Unasked, and under no obligation to do so, the Legislative Council had insisted that the best accommodation should be provided for us at public expense, that motor cars should be specially assigned to us for our sole use, and that all possible assistance should be given to us in the form of clerical staff, peons, messengers, stationery and books and papers. We continued to be the guests of the Ceylon Government throughout our stay in the Island. The Municipal Council, in the same spirit, had placed at our disposal the magnificent building in Cinnamon Gardens which is to be the new Town Hall and which was then on the eve of completion. The most spacious and comfortable offices were thus provided for us.

We thus commenced our investigation under the happiest auspices. On all sides we found a common desire to place the fullest possible information at our disposal, to co-operate with us in the frank and free discussion of the problems confronting us, and to enable us to gain that first-hand knowledge essential to their satisfactory solution. We had already received, before our arrival in the Island, some seventy memoranda from individuals and associations; in the course of our stay this figure increased to nearly three hundred and fifty. In addition to these written communications, which were of high value to us, the fullest evidence was given to us orally by witnesses drawn from all over the Island and from all sections of the community. This evidence, which was mostly heard in public, was of the greatest interest and amounted when transcribed to nearly 3,000 pages of foolscap. The trouble taken by the authors of both written and oral communications, and the clarity, candour and courtesy with which they expressed their views, were beyond all praise and we are deeply grateful to them for providing us with so solid a basis for the formulation of our recommendations.

As will be seen from our itinerary, which is printed in Appendix I, we were able to visit and hear evidence at Jaffna, Batticaloa, Kandy and Galle. We were also able to journey through many other parts of the Island and

by seeing conditions on the spot to gain a valuable background for our deliberations. As in Colombo, so outside it, the most admirable arrangements were made for our comfort and convenience and we would take this opportunity of expressing our thanks to the General Manager and officials of the Ceylon Government Railway for the consideration shown to us, and to the Government Agents in the Provinces through which we passed for the arrangements made for our reception and accommodation.

The Legislative Council added further to our indebtedness by entertaining us at dinner on the eve of our departure from the Island. We venture to think that no Commission could have been more fortunate than we were in the generosity of our reception, the happy atmosphere surrounding our investigations, and the close and cordial relations maintained throughout our stay with all sections of the community. We wish to record our deep appreciation of the hospitality extended to us by the Ceylon Government and of the never-failing kindness and consideration shown to us by Members of Council, individually and collectively. We would also wish to thank all those in charge alike of private undertakings as of official institutions who threw open their premises for our inspection, and all those numerous residents at whose hands we received much private hospitality and who did so much to make our stay in the Island pleasant and memorable.

From His Excellency the Governor, the Colonial Secretary and the Civil and Public Services we received unflinching kindness and assistance. We are particularly indebted to His Excellency for placing at our disposal as Assistant Secretary, Mr. S. Phillipson of the Ceylon Civil Service. To Mr. Phillipson fell the task of organising our tour, of acting as liaison officer between the Commission and the Government, of supplying us with that local knowledge and experience so valuable in the settlement of the numerous questions which arose daily in connection with our programme, and of assisting us with much private information and advice. These duties he fulfilled with the ability that is associated with the Service of which he is a member, but he also contributed to their performance a personal sympathy and an understanding of current problems which made his association with us specially valuable. We would wish to record our gratitude both to him personally for his work on our behalf and to His Excellency for releasing him for these duties. We also desire to express our appreciation of the services rendered to us by Mr. B. M. Christoffelsz, our Chief Clerk, and the staff which the Ceylon Government placed at our disposal. On Mr. Christoffelsz' shoulders fell the main burden of the establishment and organisation of the office, the registration and despatch of correspondence, and the custody and circulation of the vast quantity of documents submitted to the Commission. These duties he discharged with unremitting zeal and efficiency and it was largely due to his untiring work and to the devoted efforts of his assistants that the heavy correspondence of the Commission was satisfactorily dealt with. The typing and clerical staff assigned to us acquitted themselves, under difficult and sometimes trying conditions, with great credit and we owe much to their wholehearted assistance and determination to give of their best.

In Appendix VII. will be found a Press *communiqué* in which on leaving the Island we gave expression to the feelings of gratitude and regret which were uppermost in the mind of each one of us, and certain valedictory letters exchanged with the Colonial Secretary and the Chairman of the Municipal Council of Colombo, which we are glad to place on permanent record.

We desire to express our deep sense of obligation to our Official Reporter Mr. W. G. Bartle, to whom in the taking down and subsequent transcription of the oral evidence tendered to us fell perhaps the most formidable task of all. When it is said that almost throughout our stay we were accustomed to hear evidence every day and for long hours at a stretch, it will be

apparent that the strain thrown on Mr. Bartle was immense. The successful accomplishment of his task, in a tropical climate and unfamiliar surroundings, is itself a tribute to his ability and represents a feat of endurance of which a younger man would be proud; while his unfailing cheerfulness and courtesy earned him the confidence of the public and set a special value on his contribution to our work.

Finally we would lay particular stress on the services rendered to our Commission and ourselves by our Secretary, Mr. P. A. Clutterbuck. It will be realised from the statement of our journeyings, of our meetings, of the number of witnesses that appeared before us, and of the mass of documentary evidence that was submitted to us, how great was the Secretary's task in securing the maximum advantage to us from our visit to Ceylon. This task was carried out with great tact and complete success. Since our return we have been indebted to Mr. Clutterbuck for a knowledge of Ceylon conditions and Colonial practice in some respects more complete than we have been able to acquire ourselves, for many fruitful suggestions and for great industry and promptness in co-ordinating our views and ably embodying them in successive drafts. As a result we have been able to avoid undue delay in the presentation of this Report which we now have the honour to submit for your consideration.

DONOUGHMORE.

MATTHEW NATHAN.

GEOFFREY BUTLER.

T. DRUMMOND SHIELS.

P. A. CLUTTERBUCK.

26th June, 1928.

Donoughmore
Matthew Nathan
Geoffrey Butler
T. Drummond Shiels

APPENDIX I.

ITINERARY.

1927.	
October 27	.. Left London.
October 28	.. Embarked at Marseilles on P. and O. ss. Maloja.
November 13	.. Arrived Colombo.
November 14–December 9	.. At Colombo.
December 9	.. By train to Anuradhapura.
December 10–12	.. At Anuradhapura, and by motor to Jaffna.
December 12–14	.. At Jaffna.
December 14–15	.. By train to Batticaloa.
December 15–17	.. At Batticaloa.
December 17	.. By motor to Badulla.
December 18	.. By motor to Kandy.
December 18–21	.. At Kandy and by motor to Nuwara Eliya.
December 21–27	.. At Nuwara Eliya.
December 27	.. By motor to Kandy ; visited Poradeniya.
December 28–31	.. Commission separated and reassembled at Colombo.

1928.	
January 1–6	.. At Colombo.
January 6 By motor to Galle.
January 6–8	.. At Galle and by motor to Colombo.
January 8–18	.. At Colombo.
January 18 Embarked on P. and O. ss. Moldavia for Marseilles.
February 3 Arrived Marseilles.
February 4 Arrived London.

APPENDIX II.

Evidence taken in Ceylon.

<i>Witness No.</i>	<i>No. of Sittings</i>	<i>Date</i>	

PUBLIC SITTINGS

		November	
—	1	10	Opening Session.
1	2	21	Hon. Mr. A. G. M. Fletcher, C.M.G., C.B.E., Colonial Secretary.
2	3	22	Ceylon National Congress (Hon. Mr. E. W. Perera, Hon. Dr. W. A. de Silva, and others).
3	4	23	Hon. Mr. G. A. Wille and Burghor representatives.

Witness, No.	No. of Sitting	Date	
PUBLIC SITTINGS— <i>contd.</i>			
November			
4	—	—	Malay Political Association (Mr. J. A. Kuttillan and others).
5	5	24	European Association (Colonel T. Y. Wright and others).
6	—	—	Ceylon Indian Association (Hon. Mr. I. X. Pereira and others)
7	6	25	Hon. Mr. R. N. Thaine, C.M.G., Government Agent, Western Province and President, Local Government Board.
8	7	28	The Swarajist Party (C. E. C. Bulatsinghala).
9	—	—	The All Ceylon Village Committee Conference (Hon. Dr. W. A. de Silva, Mr. G. K. W. Perera, and others).
10	8	29	Kalutara Mahajana Sabha (Mr. S. R. Wijemanne).
11	—	—	Muslim Political Committee (Hon. Mr. N. H. M. Abdul Cador and others).
12	—	—	Mr. H. F. Ruposingho.
13	—	—	Dodanduwa Mahajana Sabha (Mr. Ginige and others).
14	9	30	The Ceylon Tamil League (Hon. Sir P. Ramanathan, K.C., C.M.G., and others).
15	—	—	The Young Lanka League and the Chilaw Association (Mr. C. E. Corea, Hon. Mr. C. E. Victor Corea, and others).
December			
16	10	1	Lanka Mahajana Sabha (Hon. Mr. D. B. Jayatilaka and others).
17	—	—	Dr. W. P. Rodrigo.
18	—	—	Mr. Samson Abeysooriya.
19	—	—	Mr. V. L. W. Abhataratno.
20	—	—	Mr. R. H. S. de Silva.
21	—	—	Mr. U. A. J. Jayawardeno.
22	11	2	Mr. D. A. Wittahatchy.
23	—	—	Tolwatte Mahajana Sabha (Mr. A. A. do Silva).
24	—	—	Gramarakshaka Mahajana Sabha (Mr. M. E. Moonesingho and others).
25	—	—	Mr. B. W. Ranasingha.
26	—	—	Mr. B. L. S. Silva, Kawatilaka.
27	—	—	The Cosmopolitan Crew (Mr. C. Ponnambalam and others).
28	—	—	Colonel T. G. Jayawardeno.
29	12	5	Hon. Mr. A. C. G. Wijekoon.
30	—	—	Planters Association of Ceylon (Mr. George Brown and others).
31	—	—	Ceylon Chamber of Commerce (Mr. J. J. Wall and others).
32	13	6	Unionist Association (Sir Solomon Dias Bandaranayake, K.C.M.G., Sir Marcus Fernando, and others).
33	—	—	All Ceylon Tamil Conference (Mr. Sri Pathmanathan and Dr. M. M. Kumarasamy).
34	14	7	Mr. H. A. P. Sandrasagara, K.C.
35	—	—	Mr. A. Ramanathan.
36	—	—	Hon. Mr. Natesa Aiyar.
37	—	—	Mr. D. G. Money.
38	—	—	Mr. Peri Sundaram.
39	—	—	Dr. I. David.
40	—	—	Hon. Mr. L. H. Elphinstone, K.C., Attorney-General.
41	15	8	Low Country Products Association (Mr. G. R. de Zoysa, Mr. H. L. de Mol, C.B.E., and others).
42	—	—	Mr. G. R. de Zoysa.
43	—	—	Ceylon Labour Union (Mr. A. E. Goonesinha and others).
44	—	—	Catholic Union of Ceylon (Sir Marcus Fernando and others).
45	—	—	Negombo Baratha Association (Mr. N. E. de Croos and others).
46	16	9	Moors Political Association (Mr. M. L. M. Reyal and Mr. S. M. Ismail).
47	—	—	Colombo Christian Chetties Association (L. M. Muttukrishna and others).
48	—	—	Mr. J. E. Ludowyk.
49	—	—	Mr. A. L. J. Croos de Brera.

Witness No.	No. of Sitting	Date	
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PUBLIC SITTINGS—contd.

Jaffna

		December	
50	17	13	Jaffna Association (Hon. Mr. W. Duraiswamy and others).
51	—	—	Hon. Mr. A. Canagaratnam.
52	—	—	Jaffna Ratepayers' Association (Mr. A. P. Thambyah and others).
53	—	—	Editor, Hindu Organ (Mr. Rajaratnam).
54	18	13 & 14	League of Christian Citizenship (Dr. Isaac Tambyah and others).
55	—	14	Jaffna Catholic Diocesan Union (Mr. Joseph and others).
56	—	—	Editor, Catholic Guardian (Rev. Father Francis).
57	—	—	North Ceylon Workmen's Union (Mr. A. P. Thambyah and others).
58	—	—	Jaffna Depressed Tamils Service League (Mr. N. Selvadurai and others).
59	—	—	Mr. J. K. Chanmugam.
60	—	—	Mr. A. M. Brodie.
61	—	—	Mr. D. C. Anketell.
62	—	—	Prof. S. N. Duraisamy
63	—	—	Mr. S. Ananthan.
64	—	—	Mr. J. F. Phillips.
65	—	—	Mr. R. C. Canagasingham.

Batticaloa

66	19	16	Batticaloa North League (Mr. N. M. Vannasingho, Mr. W. N. Amerasingho, and others).
67	—	—	Batticaloa Peoples Association (Mr. E. T. Kadramor and Mr. Olegasagaram).
68	—	—	Batticaloa Muslim Association (Mr. A. K. Kariapper and others).
69	—	—	Rev. T. S. Vethanayakam.
70	—	—	Mr. J. T. Tarabyrajah.
71	—	—	Mr. C. Muttyah.
72	—	—	Mr. S. B. C. T. Bandarawaniya.
73	—	—	Mr. S. O. Canagaratnam.
74	—	—	Hon. Mr. E. R. Tambirattu.

Kandy

75	20	19	Kandyan National Assembly and Kandyan Union, Colombo (Hon. Mr. H. H. Meedeniya Adigar, Mr. P. B. Nugawela, and others).
76	—	—	Hon. Mr. A. F. Molamure.
77	—	—	Swajathy Abiwardhana Mahajana Sabha (Mr. S. W. Fernando and others).
78	—	—	Tumpane Mahajana Sabha (Mr. D. H. D. Amaratunga and others).
79	—	—	Mahajana Sabha of Pata Hewaheta (Mr. E. W. Abeyagoonasokera and others).
80	—	—	Sri Lanka Sinhala Jatika Sangamaya (Mr. S. Sundrasekera and others).
81	—	—	Dandagamuwa Mahajana Sabha (Mr. Roland Tennekoon and others).
82	—	—	Udarata Jatika Sangamaya (Mr. N. H. Koerthiratna and others).
83	—	—	Uda Dumbara Mahajana Sangamaya. Pata and Dumbara Mahajana Sabha. (Mr. R. V. Saveriapper, Mr. A. W. Seneviratna, and others).
84	21	20	Kandy Mahajana Sabha (Mr. George de Silva).
85	—	—	Dr. J. W. S. Attygalle.
86	—	—	Mr. J. C. Ratwatte Dissawa.
87	—	—	Kandy Malay Club.

Witness No.	No. of Sitting	Date	
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PUBLIC SITTINGS—contd.

		December	
88	—	—	Kandy Malay Association. (Mr. T. Hasan, Mr. M. J. Majeed, and others).
89	—	—	Mr. P. Dolapihilla.
90	—	—	High Priests of Asgiriya and Malwatto Dewales.
91	—	—	Head Kanganies Association.
92	—	—	Indian Association, Kandy, Talathoya, Dumbara and Gampola. (Hon. Mr. K. Natesa Aiyar and others).

PRIVATE SITTING

93	22	21	Mr. W. L. Kindersley, Government Agent, Central Province.
94	—	—	Dr. P. E. Peiris, District Judge, Kandy.
95	—	—	Hon. Mr. F. A. Stockdale, C.B.E., Director of Agriculture.
96	—	—	Hon. Mr. H. H. Meedeniya, Adigar.
97	—	—	Mr. L. Nugawela, Dissawa.

Colombe, January, 1928

PUBLIC SITTING

98	23	2	Hon. Mr. H. R. Freeman.
99	—	—	Hon. Mr. T. Reid, Controller of Indian Immigrant Labour.
100	—	—	Hon. Mr. H. M. Macan Markar.

PRIVATE SITTING

101	—	—	Hon. Sir P. Ramnathan, K.C., C.M.G.
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PRIVATE SITTING

102	24	3	Hon. Mr. D. S. Senanayako.
103	—	—	Mr. S. P. de Silva and others.
104	—	—	Muhandiran S. Somanader.

PRIVATE SITTING

105	25	4	Hon. Mr. F. G. Tyrrell, C.M.G., Controller of Revenue.
106	—	—	Ceylon Civil Service Association (Hon. Mr. F. G. Tyrrell, C.M.G., and others).
107	—	—	Ceylon Public Service Association (Mr. T. E. Dutton and others).

Witness No.	No. of Sitting	Date	
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PRIVATE SITTING

Witness No.	No. of Sitting	Date	
108	26	December 5	Hon. Mr. F. J. Smith, Acting Colonial Treasurer.
109	—	—	Mr. M. A. Young, Principal Assistant Colonial Secretary.

PRIVATE SITTING

Witness No.	No. of Sitting	Date	
110	27	6	Hon. Mr. M. T. Akbar, Acting Attorney-General.
111	—	—	Mr. H. L. Dowbiggin, C.M.G., Inspector-General of Police.
112	—	—	Hon. Mr. R. N. Thaine, C.M.G., Government Agent, Western Province.

Galle

PUBLIC SITTING

Witness No.	No. of Sitting	Date	
113	28	7	Galle Vernacular Teachers Association (Mr. J. P. Amarasinghe and others).
114	—	—	Galle Muslim Association (Mr. F. M. Ismail and others).
115	—	—	Young Muslim League, Galle, and Young Muslim League, Colombo (Mr. S. A. Marikar, Mr. M. F. Ghany and others).
116	—	—	Galle Ayurvedic Association (Mr. N. K. H. Waidyasokera and others).
117	—	—	Matara Mahajana Sabha (Mr. E. Y. D. Abeyagunawardene and others).
118	—	—	Kosgoda Mahajana Sabha (Mr. C. M. Wickremesinghe).
119	—	—	Kotagoda Mahajana Sabha (Mr. S. Abeyewickramo and others).
120	—	—	Chief Headmen, Southern Province (Mr. G. E. Gunetilleke, Atapattu Mudaliyar, and others).

Colombo

PRIVATE SITTING

Witness No.	No. of Sitting	Date	
121	29	9	Mr. M. M. Wedderburn, Government Agent, North-Central Province.
122	—	—	Hon. Dr. J. F. E. Bridger, Director of Medical and Sanitary Services.

PRIVATE SITTING

Witness No.	No. of Sitting	Date	
123	30	10	Hon. Mr. T. Reid, Controller of Indian Immigrant Labour.
124	—	—	Mr. T. A. Hodson, Government Agent, North-Western Province.
125	—	—	Hon. Mr. A. F. Molamure.

<i>Witness No.</i>	<i>No. of Sitting</i>	<i>Date</i>	
		December	
126	31	11	Hon. Mr. H. B. Lees, Director of Public Works.
127	—	—	Mr. L. W. C. Schrader, Government Agent, Southern Province.
128	—	—	Mr. G. K. W. Perera.

PRIVATE SITTING

<i>Witness No.</i>	<i>No. of Sitting</i>	<i>Date</i>	
		December	
126	31	11	Hon. Mr. H. B. Lees, Director of Public Works.
127	—	—	Mr. L. W. C. Schrader, Government Agent, Southern Province.
128	—	—	Mr. G. K. W. Perera.

PUBLIC SITTING

<i>Witness No.</i>	<i>No. of Sitting</i>	<i>Date</i>	
129	32	12	Hon. Sir James Peiris.

PRIVATE SITTING

<i>Witness No.</i>	<i>No. of Sitting</i>	<i>Date</i>	
180	—	—	Mr. H. W. Codrington, Government Agent, Province of Uva.
181	—	—	Mr. R. F. Morris, Director of Irrigation.
192	—	—	Hon. Mr. W. W. Woods, C.M.G., Colonial Treasurer.
133	—	—	Hon. Mr. W. E. Wait, Principal Collector of Customs.

PRIVATE SITTING

<i>Witness No.</i>	<i>No. of Sitting</i>	<i>Date</i>	
134	33	13	Hon. Mr. L. Macrae, Director of Education.
195	—	—	Mr. T. B. Russell, Government Agent, Northern Province.
196	—	—	Mr. C. Harrison Jones, Government Agent, Eastern Province.
137	—	—	Mr. E. T. Millington, Government Agent, Province of Sabaragamuwa.
138	—	—	Hon. A. G. M. Fletcher, C.M.G., C.B.E., Colonial Secretary.

PUBLIC SITTING

<i>Witness No.</i>	<i>No. of Sitting</i>	<i>Date</i>	
139	34	14	Hon. Mr. K. Balasingham.
140	—	—	Hon. Mr. T. L. Villiers.
141	—	—	Women's Franchise Union (Mrs. E. R. Tambimuttu, Mrs. G. E. de Silva, and others).

APPENDIX III.

List of Government Departments.

Archaeological Department.
 Attorney-General's Department.
 Audit Office.
 Ceylon Defence Force.
 Colombo Museum.
 Colombo Port Commission.
 Controller of Revenue's Department.

Customs Department.
 District Courts.
 Department of Agriculture.
 Department of Indian Immigrant Labour.
 Department of Medical and Sanitary Services.
 Department of Mineralogy.
 Department of Statistics and Office Systems.
 Education Department.
 Electrical Department.
 Excise Department.
 Fisheries Department.
 Forest Department.
 Government Analyst's Department.
 Government Printing Office.
 Government Stores Department.
 Irrigation Department.
 Local Government Board.
 Mines Department.
 Police Department.
 Post and Telegraph Department.
 Prisons Department.
 Provincial Administration.
 Public Works Department.
 Railway Department.
 Registrar-General's Department.
 Rubber Research Scheme.
 Salt Establishment.
 Solicitor-General's Department.
 Supreme Court.
 Survey Department.
 Treasury.
 University College.
 Veterinary Department.

APPENDIX IV.

A.—POPULATION STATISTICS.

I.—Population of Ceylon by Race and Religion (1921 Census).

<i>Race</i>	<i>Population</i>	<i>Buddhists</i>	<i>Hindus</i>	<i>Muham- madans</i>	<i>Chris- tians</i>	<i>Others</i>
Low Country Sinhalese ..	1,927,057	1,662,717	411	71	203,798	65
Kandyan Sinhalese ..	1,089,097	1,081,082	235	25	7,745	10
Ceylon Tamils ..	517,324	5,957	429,446	89	81,679	143
Indian Tamils ..	602,785	16,161	536,515	348	49,497	214
Ceylon Moors ..	251,938	83	14	251,877	14	—
Indian Moors ..	33,026	9	14	33,001	8	—
Europeans ..	8,118	18	—	—	8,036	64
Burghers and Eurasians ..	29,439	311	16	4	29,073	85
Malays ..	13,402	17	2	13,375	6	2
Veddas ..	4,510	1,192	3,297	1	20	—
Others ..	21,959	2,314	12,123	3,741	6,519	262
Total ..	4,498,605	2,789,805	982,073	302,532	443,390	795

II.—Population by Race and Province (1921 Census).

Race.	Total Ceylon.	Western Province.	Central Province.	Southern Province.	Northern Province.	Eastern Province.	North-Western Province.	North-Central Province.	Uva.	Sabara-gamuwa.
Low Country Sinhalese	1,927,057	1,005,288	55,070	630,851	1,089	2,182	164,685	5,974	12,018	48,275
Kandyan Sinhalese	1,089,097	12,735	310,142	1,754	2,106	6,562	254,984	66,912	124,983	302,900
Ceylon Tamils	517,324	25,072	9,742	1,767	362,322	101,880	13,043	6,182	3,261	3,020
Indian Tamils	662,735	91,293	283,771	12,056	4,476	1,371	23,730	4,555	82,562	98,093
Ceylon Moors	251,938	51,896	33,032	30,597	12,608	75,475	28,112	10,933	6,090	12,576
Indian Moors	33,020	10,472	7,281	305	487	517	3,629	605	1,415	2,212
Europeans	8,118	3,465	2,792	294	123	110	183	58	564	510
Burghers and Eurasians	29,439	10,122	4,150	1,562	660	1,371	800	172	608	898
Malays	13,402	6,873	2,846	1,141	100	59	1,106	101	670	499
Veddus	4,510	1	—	—	50	3,188	—	823	448	—
Others	21,959	14,630	1,413	307	205	106	1,049	210	1,179	2,831
Total	4,498,605	1,246,847	717,739	671,234	374,829	192,821	492,181	96,525	233,804	471,814

III.—Population by Race 1921 and 1926.

<i>Race</i>	<i>Census 1921</i>	<i>Estimated December 31, 1926</i>
Low Country Sinhalese	1,927,057	2,107,553
Kandyan Sinhalese	1,089,097	1,191,104
Ceylon Tamils	517,322	537,818
Indian Tamils	602,735	626,613
Ceylon Moors	251,988	262,621
Indian Moors	33,026	34,427
Europeans	8,118	10,834
Burghers and Eurasians	29,439	32,029
Malays	13,402	14,723
Veddas	4,510	4,501
Others	21,959	21,918
		4,844,141
Excess of Immigrants over Emigrants (exclusive of Europeans) since March, 1921	—	280,851
Total ..	4,498,605	5,124,992

B.—REVENUE AND EXPENDITURE.

I.—Revenue.

	<i>Rs.</i>	<i>c.</i>
1921-22	79,270,116	72
1922-23	93,720,169	33
1923-24	102,363,115	67½
1924-25	115,539,669	56
1925-26	124,516,155	4

These figures are exclusive of proceeds of loans appropriated by law for special works, proceeds of sales of investments, repayments of advances, deposits, and remittances between chests.

II.—Expenditure.

	<i>Rs.</i>	<i>c.</i>
1921-22	77,359,068	48
1922-23	85,583,909	72
1923-24	100,695,713	5
1924-25	105,004,348	17
1925-26	112,943,821	68

These figures are exclusive of expenditure met out of loans or trust funds controlled by Government.

III.—Customs Revenue.

The growth of the revenue collected by the Customs Department since 1921 is shown in the following table :—

<i>Year</i>	<i>Rs.</i>	<i>c.</i>
1921	26,152,640	62
1922	32,515,263	30
1923	37,326,845	87
1924	41,296,160	12
1925	46,907,450	17
1926	56,337,612	15

It will be seen that the revenue collected at the ports in 1926 amounted to 45 per cent. of the total.

The following statement shows the net Customs revenue :—



REVENUE COLLECTED DURING THE YEARS 1925 AND 1926 CLASSIFIED
ACCORDING TO MAIN HEADS

	1925		1926		Percentage of Increase or Decrease
	Rs.	c.	Rs.	c.	
<i>Import Duties</i>					
Cotton, manufactures ..	1,511,818	31	1,510,755	71	— 07
Grain ..	8,950,782	63	9,422,076	82	+ 4.93
Kerosene oil ..	3,076,663	77	3,540,921	8	+13.11
Spirits and cordials ..	3,455,977	49	4,573,897	39	+24.44
Sugar ..	2,767,194	78	3,220,656	85	+14.07
Other goods ..	11,637,389	80	15,085,249	02	+22.85
(a) Total Import Duties ..	31,405,826	78	37,353,557	47	+15.92
<i>Export Duties</i>					
Cacao ..	103,835	93	84,504	80	—20.50
Coconut, desiccated ..	666,059	65	579,902	6	—14.85
Coconut, fresh ..	70,205	97	42,185	16	—66.42
Coconut oil ..	457,845	78	428,014	96	— 6.96
Copra ..	1,367,794	74	1,327,896	88	— 3.00
Plumbago ..	62,548	48	—	—	Duty removed
Poonac ..	61,927	96	45,143	77	—37.17
Rubber ..	1,820,284	2	3,185,044	29	+42.84
Tea ..	5,943,387	93	6,195,391	20	+ 4.06
Other ..	9,308	51	12,083	22	+22.96
(b) Total Export Duties ..	10,563,198	97	11,900,166	40	+11.23
Sundries ..	52,370	77	71,491	73	+26.74
Grand Total ..	42,021,390	52	49,325,215	00	+14.81

	1925		1926		Percentage of Increase or Decrease
	Rs.	c.	Rs.	c.	
<i>Revenue of Colombo Harbour</i>					
Harbour Dues ..	2,941,950	64	3,149,280	74	+ 6.58
Lake to Harbour Dues ..	13,497	86	14,286	10	+ 5.51
Warehouse Rent ..	724,915	27	847,088	10	+14.42
Other Rents ..	928,068	12	948,822	21	+ 4.41
Pilotage ..	221,150	4	239,068	76	+ 7.49
Railway Traffic ..	56,176	71	57,786	8	+ 2.78
Other Harbour Collections ..	188,505	7	195,610	36	—39.00
Revenue of Oil Installations ..	869,604	21	758,006	15	—14.72
<i>Dues leviable at Outports</i>					
Port Dues ..	31,132	10	32,733	93	+ 4.92
Warehouse Rent ..	75,214	29	84,897	35	+11.40
Others ..	14,586	50	14,420	0	— 1.15
Grand Total ..	5,465,400	61	5,676,999	83	+ 3.72
Medical Aid (Export Duties) ..	1,092,011	92	1,325,771	80	+17.62
Sundries ..	7,331	77	9,625	42	+23.82
Grand Total ..	1,099,343	69	1,335,396	72	+17.60

C.—SHIPPING.

4,053 vessels with a total tonnage of 11,875,547 tons entered the ports of the Island in 1926, as against 4,112 vessels with a tonnage of 11,517,519 in 1925.

The following table shows the classification under the four general heads :—

	1925		1926	
	Number	Tons	Number	Tons
Merchant vessels (with cargo and in ballast)	2,677	9,671,318	2,765	10,149,934
Merchant vessels (called to coal and oil)	460	1,549,560	369	1,294,281
Native sailing vessels	918	78,623	843	83,093
Warships and transports *	57	218,018	76	348,319
Total	4,112	11,517,519	4,053	11,875,547

* Warships displacement tonnage.

The following table shows the distribution of merchant vessels, including vessels which called only for bunkers :—

Nationality	1925		1926	
	Number	Tons	Number	Tons
British	2,412	7,101,023	2,093	7,072,449
British Colonial	918	78,623	843	83,093
Total British vessels	3,330	7,179,646	2,936	7,155,542
American	40	253,492	45	241,470
Belgian	—	—	3	9,539
Danish	22	57,288	35	111,731
Dutch	217	984,402	199	919,561
Finnish	—	—	6	15,187
French	146	716,886	152	774,582
German	165	664,221	187	740,122
Greek	8	22,440	2	4,407
Italian	109	398,168	105	389,296
Japanese	186	835,278	214	943,239
Jugo-Slavian	3	7,093	—	—
Norwegian	63	112,465	60	128,213
Panamanian	—	—	—	—
Russian	1	2,604	—	—
Spanish	14	33,099	12	28,449
Swedish	21	68,539	21	65,945
Total Foreign vessels	995	4,119,855	1,041	4,371,686

D.—IMPORTS AND EXPORTS

I.—The following table shows the annual value of imports and exports from 1921 onwards, excluding the value of postal articles, ships' stores and specie:—

Year	Imports	Exports	Total
	Rs.	Rs.	Rs.
1921	260,897,161	256,600,419	517,497,574
1922	280,414,704	297,753,215	578,167,919
1923	287,947,472	351,035,248	638,982,720
1924	302,734,490	385,354,418	688,088,908
1925	351,328,702	492,489,296	843,817,998
1926	395,244,241	503,262,489	898,506,730

II.—The total values of Ceylon trade for the last six years, excluding specie, postal articles, and ships' stores, but including coal and liquid fuel supplied to steamships are as follows:—

Year	Lakhs of Rupees
1921	5,481½
1922	5,982
1923	6,601
1924	7,119½
1925	8,670
1926	9,216½

III.—Comparative percentages for the last three years of the value of imports, exports, and total trade are as follows. The figures are exclusive of imported rubber, and of coal, liquid fuel, and other ships' stores:—

	1924	1925	1926
	Per cent.	Per cent.	Per cent.
<i>Imports</i>			
United Kingdom	23.06	23.23	22.77
British Possessions	53.76	55.23	51.39
Foreign Countries	23.18	21.54	25.84
<i>Exports</i>			
United Kingdom	44.72	38.29	41.40
British Possessions	18.20	15.08	14.03
Foreign Countries	37.08	46.63	44.57
<i>Total Trade</i>			
United Kingdom	35.29	32.18	33.30
British Possessions	33.69	31.37	30.14
Foreign Countries	31.02	36.45	36.50

IV.—The values of the staple products exported from Ceylon during the last five years are as follows :—

Lakhs of Rupees

	1922	1923	1924	1925	1926
Tea	1,460	1,857	2,150	1,997	2,132
Rubber	570	736	637	1,700	1,701
Copra	288	181	310	383	398
Coconut, desiccated	202	227	220	188	173
Coconut oil	149	139	158	168	155
Arecanuts	33	35	33	40	42
Cinnamon	20	21	29	32	42
Plumbago	16	15	13	30	26
Coir fibre	18	24	29	19	21
Cacao	31	22	25	23	20
Coir yarn	13	20	21	21	18
Citronella oil	16	21	29	23	18
Coconuts, fresh	18	13	25	19	14
Skins (dressed or undressed)	6	7	6	7	13
Poonac (coconut)	8	6	9	11	9
Cardamoms	5	6	7	11	8

V.—The quantities exported during the same years are :—

	1922	1923	1924	1925	1926
Tea (lb.)	171,807,581	181,939,731	204,930,307	209,791,384	217,183,666
Rubber (cwt.)	933,886	748,359	740,722	912,370	1,177,147
Copra (cwt.)	1,686,589	1,015,465	1,769,189	2,273,717	2,419,398
Coconut, desiccated (cwt.)	768,215	818,793	871,341	794,161	754,367
Coconut oil (cwt.)	554,626	480,543	552,633	616,917	570,463
Arecanuts (cwt.)	133,531	160,578	130,904	154,291	165,475
Cinnamon (cwt.)	42,974	44,984	47,484	42,360	43,115
Plumbago (cwt.)	216,999	213,383	193,017	308,523	232,453
Coir fibre (cwt.)	319,125	359,082	480,492	460,245	457,234
Cacao (cwt.)	83,211	60,904	69,351	68,788	64,751
Coir yarn	102,688	105,088	117,199	131,387	107,885
Citronella oil (lb.)	1,299,889	1,121,271	1,433,381	1,415,639	1,431,351
Coconuts, fresh (No.)	22,317,747	15,693,670	29,121,041	23,288,786	16,951,368
Skins (dressed or undressed) (cwt.)	9,061	8,605	10,685	11,443	13,637
Poonac (coconut) (cwt.)	115,479	110,549	156,251	168,839	160,277
Cardamoms (cwt.)	4,096	2,788	2,667	3,302	2,848

Including ships' stores

E.—EDUCATION.

Type of Schools <i>1</i>	No. of Schools <i>2</i>	No. of Pupils or Students on Roll	
		Male <i>3</i>	Female <i>4</i>
Total	4,523	322,636	171,368
1. ENGLISH			
Total	243	37,101	11,453
(a) Secondary—			
Government	1	585	—
Assisted	44	14,882	5,012
(b) Higher Grade—			
Government	—	—	—
Assisted	25	3,517	1,995
(c) Elementary—			
Government	15	1,776	47
Assisted	144 (a)	15,239	4,399
(d) Night Schools—			
Government	1	94	—
Assisted	13	1,008	—
2. ANGLO-VERNACULAR			
Total	96	18,116	4,697
(a) Day Schools—			
Government	60	14,676	1,686
Assisted	34 (b)	3,343	3,011
(b) Night Schools—			
Government	—	—	—
Assisted	2	97	—
3. VERNACULAR			
Total	2,924	243,238	143,080
(a) Day Schools—			
Government	1,101 (c)	113,137	54,778 (d)
Assisted	1,821 (e)	129,990	88,302
(b) Night Schools—			
Government	—	—	—
Assisted	2	111	—
4. TRAINING SCHOOLS			
Total	15	353	402
Government	3	155	84
Assisted	12	198	318
5. INDUSTRIAL SCHOOLS			
Total	88	2,618	4,061
Government	47	616	45
Assisted	41	2,002 (f)	4,016 (g)
6. TECHNICAL SCHOOLS			
Total	1	467	22
Government	1	467	22
Assisted	—	—	—

Type of Schools 1	Number of Schools 2	No. of Pupils or Students on Roll	
		Male 3	Female 4
7. PIRIVENAS	24	2,156	—
8. SPECIAL SCHOOLS	2	94	81
9. UNAIDED			
Total	1,130	18,493	7,572
(a) English	29	1,310	250
(b) Anglo-Vernacular	16	698	298
(c) Vernacular	276	9,187	5,099
(d) Classical (Vernacular)	36	1,083	18
(e) Pansala Schools	571	2,024	—
(f) Koran Schools	202	4,191	1,907

- (a) Excluding 3 Industrial Schools and 1 Special School.
 (b) Excluding 5 Industrial Schools.
 (c) Basket weaving is taught in 49 of these schools.
 (d) 1,245 of these learn basket weaving as a secondary subject.
 (e) Excluding 33 Industrial Schools.
 (f) Of these only 410 take industrial subjects.
 (g) Of these only 1,360 take industrial subjects.

The total number of pupils attending Ceylon schools is approximately 55 per cent. of the number of children of school-going age as recorded at the Census of 1921.

F.—CULTIVATION STATISTICS.

Approximate Acreages under various crops

Arecanuts	68,476
Cacao	34,566
Cardamoms	6,282
Chena products	77,316
Cinnamon	25,080
Citronella	36,386
Coconuts	883,460
Cotton	1,817
Grains (other than Paddy or Chena Products)	26,981
Paddy	834,325
Palmyra	49,480
Rubber	475,051
Sugar-cane	901
Tea	442,034
Tobacco	13,072
Vegetables	30,843
	<hr/>
	3,006,070
	<hr/>
Total acreage of Ceylon	16,212,480
Percentage under crops	18.6

These figures are taken from the Ceylon Blue Book for 1926, which contains the following reservation:—

“The figures given in this table are estimates based on the results of the Censuses of Production, 1921 and 1924. The acreages are subject to considerable error and cannot in any way be guaranteed accurate owing to the difficulty in obtaining exact information of the variable areas under village plantation. The coconut area seems to be under-estimated and is generally thought to be over 1,000,000 acres.”

Generally, however, it may be said that in spite of the fertility of the Island only one-quarter is cultivated, and that apart from rice, which is the staple food of the people, the three main crops are tea, rubber, and coconuts. The coconut palm is extensively grown in the coastal belt of the south and west while the “up-country” districts are the home of tea and rubber. Whereas the coconut plantations are almost entirely in Ceylonese hands, 80 per cent. of the tea estates and 60 per cent. of the rubber estates are British-owned.

APPENDIX V.

The Kandyan Convention of March 2, 1815.

At a Convention held on the second day of March in the year of Christ 1815 and the Cingalese year 1736, at the Palace in the City of Kandy, between His Excellency Lieutenant-General ROBERT BROWNRIGG, Governor and Commander in Chief in and over the British Settlements and Territories in the Island of Ceylon, acting in the name and on behalf of His Majesty George the Third King, and His Royal Highness George Prince of Wales Regent, of the United Kingdom of Great Britain and Ireland, on the one part, and the Adigars, Dessaves, and other principal Chiefs of the Kandyan Provinces on behalf of the inhabitants, and in presence of the Mohattales, Corals, Vidahms, and other subordinate Headmen from the several Provinces and of the people then and there assembled on the other part, it is agreed and established as follows.

1st. That the cruelties and oppressions of the Malabar Ruler in the arbitrary and unjust infliction of bodily tortures and the pains of Death without Trial and sometimes without an accusation or the possibility of a crime, and in the general contempt and contravention of all Civil Rights have become flagrant, enormous, and intolerable, the acts and maxims of His Government being equally and entirely devoid of that Justice which should secure the safety of his subjects, and of that good faith which might obtain a beneficial intercourse with the neighbouring Settlements.

2nd. That the Rajah Sri Wickreme Rajah Sinha by the habitual violation of the chief and most sacred duties of a Sovereign, has forfeited all claims to that title or the powers annexed to the same, and is declared fallen and deposed from the Office of King—His family and relatives whether in the ascending, descending, or collateral line, and whether by affinity or blood, are also for ever excluded from the Throne—and all claim and title of the Malabar race to the dominion of the Kandyan Provinces is abolished and extinguished.

3rd. That all male persons being or pretending to be relations of the late Rajah Sri Wikreme Rajah Sinha either by affinity or blood, and whether in the ascending, descending, or collateral line, are hereby declared enemies to the Government of the Kandyan Provinces and excluded and prohibited from entering those Provinces on any pretence whatever, without a written permission for that purpose by the authority of the British Government, under the pains and penalties of Martial Law, which is hereby declared to be in force for that purpose—and all male persons of the Malabar cast now expelled from the said Provinces are under the same penalties prohibited from returning except with the permission before mentioned.

4th. The Dominion of the Kandyan Provinces is vested in the Sovereign of the British Empire, and to be exercised through the Governors or Lieut.-Governors of Ceylon for the time being and their accredited Agents, saving to the Adigars, Dessaves, Mohattales, Corals, Vidhaans and all other chief and subordinate Native Headmen, lawfully appointed by authority of the British Government, the Rights, Privileges, and Powers of their respective Offices, and to all classes of the people the safety of their persons and property, with their Civil rights and immunities according to the laws, institutions, and customs established and in force amongst them.

5th. The Religion of Boodhoo professed by the Chiefs and inhabitants of those Provinces is declared inviolable, and its Rites, Ministers, and Places of worship are to be maintained and protected.

6th. Every species of bodily torture, and all mutilation of limb, member or organ, are prohibited and abolished.

7th. No sentence of Death can be carried into execution against any inhabitant except by the written Warrant of the British Governor or Lieut.-Governor for the

time being, founded on a Report of the case made to him through the accredited Agent or Agents of the Government resident in the Interior, in whose presence all trials for Capital offences are to take place.

8th. Subject to these Conditions, the administration of Civil and Criminal Justice and Police over the Kandyan inhabitants of the said Provinces is to be exercised according to established Forms and by the ordinary authorities, saving always the inherent Right of Government to redress grievances and reform abuses in all instances whatever, whether particular or general, where such interposition shall become necessary.

9th. Over all other persons Civil or Military residing in or resorting to these Provinces not being Kandyans, Civil and Criminal Justice together with Policy, shall until the pleasure of His Majesty's Government in England may be otherwise declared, be administered in manner following.

1st. All persons not being Commissioned or Non-Commissioned Military Officers, Soldiers or followers of the Army usually held liable to Military Discipline, shall be subject to the Magistracy of the accredited Agent or Agents of the British Government in all cases except charges of Murder which shall be tried by special Commissions to be issued from time to time by the Governor for that purpose. Provided always as to such Charges of Murder wherein any British subject may be defendant, who might be tried for the same by the Laws of the United Kingdom of Great Britain and Ireland in force for the Trial of offences committed by British Subjects in Foreign Parts, no such British Subject shall be tried on any Charge of Murder alleged to have been perpetrated in the Kandyan Provinces, otherwise than by virtue of such Laws of the United Kingdom.

2nd. Commissioned or Non-Commissioned Military Officers, Soldiers, or followers of the Army usually held amenable to Military Discipline, shall in all Civil and Criminal Cases wherein they may be Defendants be liable to the Laws, Regulations, and Customs of war, reserving to the Governor and Commander-in-Chief in all cases falling under this ninth Article, an unlimited right of review over every proceeding, Civil or Military, had by virtue thereof, and reserving also full power to make such particular provisions conformably to the general spirit of the said Article as may be found necessary to carry its principle into full effect.

10th. Provided always that the operation of the several preceding clauses shall not be contravened by the provisions of any temporary or partial proclamation published during the advance of the Army, which provisions, in so far as incompatible with the said preceding articles, are hereby repealed.

11th. The Royal Dues and Revenues of the Kandyan Provinces are to be managed and collected for His Majesty's use and the support of the Provincial Establishment according to lawful Custom and under the direction and superintendence of the accredited Agent or Agents of the British Government.

12th. His Excellency the Governor will adopt provisionally and recommend to the confirmation of His Royal Highness the Prince Regent in the name and on behalf of His Majesty such dispositions in favour of the trade of these Provinces, as may facilitate the Exports of their products, and improve the Returns, whether in Money, or in Salt, Cloths, or other Commodities, useful and desirable to the Inhabitants of the Kandyan Country.

GOD SAVE THE KING

(Signed) ROBERT BROWNRIGG,
Governor.

(Signed) Eyhelepola
Molligoda, 1st Adikar
and Dissave of the 7
Korales
" Pelime Talawe, 2nd Adihar
& Dissave of Saffregam
" Pelime Talawe, Dissave of
the 4 Korles
" Monarawila, Dissave of
Ouwa
" Ratwatte, Dissave of
Matele
" Molligoda, Dissave of the
3 Korles
" Dulleywe, Dissave of
Walapane
" Millawa, Dissave of Wel-
asse and Bintenno
" Galagama, Dissave of
Tamankada
" Galagoda, Dissave of
Nuwara Kalawiya

In presence of

J. D'OYLY,
Chief Translator to Govt.
JAMES SUTHERLAND,
Dep. Sec. to Govt.

GOVERNMENT PROCLAMATION OF NOVEMBER 21, 1818

By His Excellency Lieutenant-General Sir ROBERT BROWNRIGG, Baronet and Knight Grand Cross of the Most Honourable Military Order of the Bath, Governor and Commander in Chief in and over the British Settlements and Territories in the Island of Ceylon, with the Dependencies thereof.

ROBT. BROWNRIGG.

The Chiefs and People of the Kandyan Nation no longer able to endure the Cruelties and Oppressions which the late King Sri Wikreme Raja Singha tyrannically practised towards them prayed the assistance of the British Government for their relief and by a solemn Act declared the late King deposed, and Himself and all Persons descending from or in any manner related to His Family incapable of claiming or exercising Royal Authority within the Kandyan Provinces; which were by the same solemn act ceded to the Dominion of the British Sovereign.

2. The exercise of Power by the Representative of His Britannic Majesty from the date of that Convention, March 2, 1815, till the hour that Insurrection broke out in the Month of October, 1817, was marked with the greatest mildness and forbearance towards all Classes; the strictest attention to the protection and maintenance of the Rights, Ministers and Places of Worship of the Religion of Boodhoo; and a general deference to the Opinions of the Chiefs, who were considered as the Persons best able from their Rank and Knowledge to aid the Government in ensuring the Happiness of the Mass of its New Subjects. In exacting either Taxes or Services for the State an extraordinary and unprecedented laxity was allowed to take place in order that the Country might with more ease recover from any evil effects sustained by the contrary practice of the late King; in assessing Punishments for Offences even where a Plot to subvert the Government was proved, spirit which always characterizes the British Rule was strongly to be contrasted with the Ancient and frequent recurrence of Capital Executions, preceded by the most cruel and barbarous Tortures.

3. Under this mild Administration on the part of the British Government the Country appeared to rest in Peace; Cultivation was increased and Divine Providence blessed the exertions of the Labourers and rewarded them by plenteous Crops; yet all this time there were factious and intriguing spirits at Work seeking for an opportunity to subvert the Government, for no purpose but to assume to themselves absolute Power over the Lives and Properties of the general Mass of Subjects, which by the equal Justice of British Authority were protected from their Avarice or malicious Cruelty.

4. These Plotters against the State were found among the very Persons who had been restored to Honours and Security by the sole intervention of British Power, and the opportunity of raising Disturbance was chosen, when relying on the merited gratitude of all Orders of the Kandyan Nation. The Government had diminished the number of Troops; and the insurgent Leaders unconscious or forgetful of the extensive Resources of the British Empire thought in setting up the standard of Rebellion, as easily to effect their purpose of expelling the English from the Country as the People had been deluded to prostrate before the Phantom whose pretensions they espoused merely to cover their own ambitious views of subjecting the Nation to their arbitrary Will.

5. After more than a Year of conflict which has created Misery and brought destruction on many, the efforts of the British Government and the bravery of His Majesty's Troops have made manifest in the Kandyans the folly of resistance and that in the Government alone resides the Power of protecting them in the enjoyment of Happiness: the flimsy veil which the Rebel Chiefs threw over their ambitious designs was torn aside by themselves, and the Pageant whom the People were called to recognize as the descendant of the Gods exposed as the Off-spring of a poor Cingalese Empiric.

6. After such a display to the Public of depraved Artifice and injurious and unfeeling deception, the Government might reasonably hope that a sense of the Misery brought on them by delusion should prevent the great body of the People from listening to any one who should attempt in future to seduce them into Rebellion against its beneficent rule. But it is also incumbent on it from a consideration of the circumstances which have passed and the evil consequences which have ensued on the blind obedience which the People have thought due to their Chiefs instead of to the Sovereign of the Country, to perform, by its inherent right, such parts of the practice of Administration, as by occasioning the subject to lose sight of the Majesty of the Royal Government, made him feel wholly dependent on the Power of the various Chiefs, which to be legal could only be derived to them by delegation from the Sovereign Authority of the Country.

7. His Excellency the Governor therefore now calls to the mind of every person and of every class within these Settlements, that the Sovereign Majesty of the King of Great Britain and Ireland exercised by His Representative the Governor of Ceylon and his Agents in the Kandyan Provinces is the source

alone from which all Power emanates, and to which obedience is due: that no Chief who is not vested with Authority or Rank from this Sovereign source is entitled to obedience or Respect; and that without Powers derived from Government, no one can exercise Jurisdiction of any kind or inflict the slightest Punishment. And finally that every Kandyan be he of the highest or lowest Class, is secured in his Life, Liberty, and Property from encroachment of any kind or by any Person, and is only subject to the Laws which will be administered according to the Ancient and established usages of the country, and in such manner and by such Authorities and Persons as in the Name and on behalf of His Majesty is herein declared.

8. The general Executive and Judicial Authority in the Kandyan Provinces is delegated by His Excellency to the Board of Commissioners, and under their general Superintendance to Resident Agents of Government in such Dessavonies of the said Provinces in which it may please His Excellency to place such Agents, with more or less Authority or Jurisdiction as by their several Instructions may be vested in them and of which the present disposition and arrangement is hereinafter contained.

9. The Adigars, Dessaves and all other Chiefs and Inferior Headmen shall perform duty to Government under the Orders of the said Board of Commissioners and British Agents and not otherwise.

10. No Person shall be considered entitled to execute Office either of the Higher or Lower Class of Headmen unless thereto appointed by a Written Instrument signed in respect to Superior Chiefs by His Excellency the Governor and for Inferior Headmen by the Honourable the Resident or provisionally by any Agent of Government thereto duly authorized, excepting in certain Villages or Departments which will be allotted for personal Services to the Dessaves, in which the Dessave shall as before have the sole privilege of making Appointments.

11. Honours shall be paid to all Classes of Chiefs entitled to the same under the former Government in so far as the same is consistent with the Abolition which the British Government is resolved to effect of all degrading forms whereto both Chiefs and People were subjected under the Ancient Tyranny and which a liberal Administration abhors. All prostrations therefore from or to any Person, including the Governor, are henceforth positively as they were before virtually and in fact abolished, and the necessity which existed that Chiefs or others coming into the presence of the Sovereign Authority should remain on their Knees is also abrogated. But all Chiefs and other persons coming before, meeting or passing any British Officer, Civil or Military, of Rank and Authority in the Island of Ceylon shall give up the middle of the Road, and if sitting rise and make a suitable Obeisance, which will be always duly acknowledged and returned.

12. It is also in this respect directed, that on entering the Hall of Audience, every Person shall make Obeisance to the Portrait of His Majesty there suspended; and as well there as in any other Court of Justice to the presiding Authority. And it is further directed that when His Excellency the Governor as His Britannic Majesty's Representative travels, He shall be attended by all the Persons in Office belonging to each Province in manner as they attended the former Kings of Kandy, except that the Dessaves may always use Palanqueens beyond the River Mahavilla-ganga, within which limit the Adigars only have this Privilege, and that when any of the Members of His Majesty's Council or the Commissioners for the Kandyan Provinces, or the Commanding Officer of the Troops in the Kandyan Provinces travel into any Province on duty they be met and attended in such Province in the same manner as the Great Dessaves were and are to be attended in their Provinces likewise the Resident Agents and the Officers Commanding the Troops in each Province are in their Provinces to be similarly attended and receive like Honours.

13. The Chiefs holding the high Offices of 1st and 2nd Adigar will be received by all Sentries whom they may pass in the Day with carried Arms, and by all Soldiers off duty or other Europeans or persons of European extraction, by touching their caps or taking off their Hats, and by all Natives whether Kandyans or not, by rising from their Seats, leaving the middle of the street clear and bowing to the Adigars as they pass. And to all other Dessaves and other Chiefs, all Natives coming into their presence meeting or passing them are to make a proper inclination of the Body, in acknowledgment of their Rank.

14. The Adigars, Dessaves, and other Chiefs shall further be entitled to proper attendance of Persons of the different Departments in such numbers as shall be determined by His Excellency on the Report of the Board of Commissioners, provided that where such Persons are not belonging to the Villages or Departments allotted to the Adigar or Dessaves the application for their attendance when required must be made to the Resident in Kandy or to the Agents of Government in the Provinces in which such Agents may be stationed.

15. The Persons entitled to sit in the Hall of Audience or in the presence of the Agents of Government are those Chiefs only who bear Commissions signed by the Governor, or to whom special License may by the same Authority be given to that effect. Of these only the Two Adigars or Persons having the Governor's Letter of License can sit on Chairs, the others on Benches covered with Mats of different

heights according to their relative Ranks. In the Courts hereinafter mentioned of the Agents of Government when the Assessors are Mohottales or Corales they may sit on Mats on the Ground.

16. As well the Priests as all the Ceremonies and Processions of the Budhoo Religion shall receive the Respect which in former times was shewn them; at the same time it is in no wise to be understood that the protection of Government is to be denied to the Peaceable exercise by all other Persons of the Religion which they respectively profess or to the erection under due License from His Excellency of Places of Worship in proper Situations.

17. The Governor abolishes all Fees payable for Appointments either to Government or to any Chief excepting for Appointments in the Temple Villages, which will be made by the Resident on the recommendation of the Dewe Nileme or Basnaik Nilemes appointed by the Governor; the Dewe Nileme or the Basanaik Nileme receiving the usual Fee; also all Duties payable heretofore to the Gabbedewas Aramudale Awudege and all other Duties or Taxes whatsoever are abolished save and except that now declared and enacted, being a Tax on all Paddy Lands of a portion of the Annual Produce under the following modifications and exceptions and according to the following Rates.

18. The general assessment of Tax on the entire Paddy Lands of the Kandyan Provinces is fixed at One-Tenth of the Annual Produce, to be delivered by the Proprietor or Cultivator at such convenient Store House in every Province or Subdivision of a Province as shall be with due regard to the interests of the subject appointed by or under the Instructions of the Revenue Agent.

19. To mark the just sense which His Excellency has of the Loyalty and good conduct of the Chiefs and people of Oodanoora, the Four Korles, the Three Korles, and the following Korles of Safragam, to wit: Kooroowitti Korle, Nawadoon Korle, Colonna Korle, Kukula Korle, Atakalan Korle, the Uduwak Gampaha of Kadewatte Korle, the Medde Korle, except the villages Udagamme, Gonilande, Kolutotte, Golettetotte, Mollemore, Piengiria, and Mulgamma, and the following Korles of the Seven Korles, viz., Tirigandahaye excepting the Villages Hewapolla, Katoopitiye and Torewatere, Oodapola Korle, Kattugampaha Korle, Oodookaha, Kattugampola Korle, Medapattoo, Petigal Korle, Yagame Korle, Rakawah Pattoo Korle, Angamme Korle, Yatekuha Korle, and of the Villages Pubilia, Kongahawelle and Nikawelle lying in the Oodogodde Korle of Matele. The Governor declares that the rate of Taxation in these Provinces or Korles shall only be One fourteenth part of the Annual Produce.

20. But, on the contrary, that it may be known that Persons who are Leaders in Revolt or disobedience shall meet Punishment, all Lands which may have been declared forfeited by the misconduct of the Proprietors shall, if by the Mercy of Government restored to the former Owners, pay a Tax of One fifth of the Annual Produce.

21. The Governor, desirous of shewing the adherence of Government to its stipulations in favour of the Religion of the people, exempts all lands which now are the Property of Temples from all Taxation whatever—but as certain Inhabitants of those Villages are liable to perform fixed gratuitous services also to the Crown, this obligation is to continue unaffected.

22. All Lands also now belonging to the following Chiefs whose loyalty and adherence to the lawful Government merits favour, viz., Mollegodde Maha Nileme, Mollegodde Nileme, Ratwatta Nileme, Kadoogamoone Nileme, Dehigamme Nileme, Mulligamme Nileme lately Dessava of Welasse, Eknellegodde Nileme, Mahawallatene Nileme, Doloswalle Nileme, Eheyleyagodde Nileme, Katugaha the Elder, Katugaha the Younger, Damboolane Nileme, Godeagedere Nileme, Gonegodde Nileme formerly Adikaram of Bintenne shall be free of Duty during their Lives and that their Heirs shall enjoy the same free of duty; excepting with regard to such as paid Pingo Duty which shall now and hereafter pay One tenth to the Government of the Annual Produce unless when exempted under the next Clause.

23. All Lands belonging to Chiefs holding Offices either of the Superior or Inferior Class and of Inferior Headmen shall during the time they are in Office be free of duty.

24. All Lands belonging to Persons of the Casts or Departments allotted to the Cutting of Cinnamon shall be free of duty, also Lands held by persons for which they are bound to cultivate or aid in the culture of the Royal Lands: and also the Lands of such Persons who may be allotted to the performance of personal Service to the Dessaves by the Board of Commissioners and of those who perform Katepurala or Atepatto Service gratuitously, it being well understood that the Persons last mentioned have no right or authority whatever to exact or receive Fees or Fines of any kind when sent on Public duty, which they are required to perform expeditiously and impartially.

25. The Veddas who possess no Paddy Lands shall continue to deliver to Government the usual Tribute in Wax.

26. All Presents to the Governor or the British Authorities are strictly prohibited. In travelling every Officer, Civil or Military, Chiefs, Detachments of Troops or other Servants of Government on notice being given of their intended march or movement are to be supplied with the Provisions of the Country in reasonable quantity and on payment being made for the same at the Current price.

27. All Fees on hearing of Cases to Dessaves or others except as hereafter mentioned which are for the benefits of Government shall be and are abolished.

28. The Services of the Adigars, Dessaves and other Superior Chiefs to Government shall be compensated by fixed Monthly Salaries in addition to the exemption of their Lands from Taxation.

29. The Services of the Inferior Chiefs shall be compensated as above by exemption from Taxation and that they also receive One Twentieth part of the Revenue Paddy which they shall collect from the People under them, to be allotted in such portion as the Board of Commissioners shall under the authority of Government regulate.

30. All Persons shall be liable to Service for Government on the requisition of the Board of Commissioners and Agents of Government according to their former Customs and Families or Tenure of their Lands, on payment being made for their labour; it being well understood that the Board of Commissioners under His Excellency's Authority may commute such description of Service as under present circumstances is not usefully applicable to the Public good, to such other as may be beneficial. And Provided further that the holding of Lands Duty free shall be considered the payment for the Service of the Katepurale and Atepattoo Departments and Persons allotted to the Dessaves Service, and also for the Service to Government of certain persons of the Temple Villages, and in part for those which cut Cinnamon; and also that the duty of clearing and making Roads and putting up and repairing Bridges, be considered a general gratuitous service falling on the Districts through which the Roads pass or wherein the Bridges lie, and that the Attendance on the Great Feast which certain Persons were bound to give be continued to be given punctually and gratuitously. The Washermen also shall continue to put up white Cloths in the Temples and for the Chiefs gratuitously.

31. All Kadewettes and ancient Barriers throughout the Country shall be from henceforward discontinued and removed and the Establishments belonging to them for their maintenance and defence abolished, the services of the Persons usually employed therein being applied to such other more beneficial purpose as the Board of Commissioners shall determine.

32. And it being necessary to provide Rules for the Service of certain Persons who were to perform duty to the Persons of the King of Kandy, viz., the Kunamaduwe or Palenquin Bearers, the Talepatawedunakaria or Talpat Bearers, and Pandankareas or Torch Bearers. It is Ordered by the Governor that such Persons, being paid for the same, shall be bound to serve in their respective Capacities the Governor, the Members of His Majesty's Council, any General Officer on the Staff of this Army, the Commissioners for Kandyan Affairs, the Secretary for the Kandyan Provinces, and the Officer Commanding the Troops in the Interior.

33. And for ensuring the due execution of all the above Ordinances relative to the collection of the Revenue and performance of Public duty by all Chiefs and others, His Excellency empowers and directs that the Board of Commissioners in Kandy collectively or in their several Departments and the Agents of Government in the Provinces shall punish all disobedience and neglect by suspension or dismissal from Office, Fine or Imprisonment as particular Cases may require and deserve. Provided that no Person holding the Governor's Commission may be absolutely dismissed but by the same Authority; and no other Chief but by the Authority of the Honourable the Resident, but as well the Commissioners as other Agents duly authorized by Instructions from the Governor may suspend Chiefs of the Superior or Inferior order on their responsibility, for disobedience or neglect of the Orders or Interest of Government, reporting immediately as the Case may require, to the Governor or the Resident their Proceedings for approval or reversal.

34. And in order that justice may be duly, promptly, and impartially administered throughout the Kandyan Provinces to all classes, His Excellency the Governor is pleased to declare his Pleasure to be touching the same and to delegate and assign the following Jurisdiction to the Public Officers of Government for Hearing and Determining Cases wherein Kandyans are concerned as Defendants, either Civil or Criminal.

35. Every Agent of Government shall have power and Jurisdiction to hear and determine alone Civil Cases wherein the object of dispute shall not be Land, and shall not exceed in value Fifty Rix Dollars, and also Criminal Cases of inferior description such as common Assaults, Petty Thefts, and Breaches of the Peace, with power of Awarding Punishment not exceeding a Fine of Rix Dollars Twenty-five, Corporal Punishment with a Cat and Nine Tails or Rattan not exceeding

Thirty Lashes, and imprisonment with or without labour not exceeding Two Months, to which terms of Imprisonment and Fine such Agents are also limited in punishing Neglects or Disobedience of Orders according to the Provisions above detailed.

36. The 2nd or Judicial Commissioner shall sitting alone have power to hear and determine Civil Cases wherein the object in dispute shall not be Land and shall not exceed Rix Dollars One Hundred in value, and also Criminal Cases of Inferior description, with power of Punishment as in the last Clause conferred on Agents of Government.

37. The 2nd or Judicial Commissioner and such Agents of Government in the Provinces to whom the Governor shall delegate the same by his Instructions, shall hold at Kandy and in the Provinces a Court for the Trial of all other Civil Cases and of Criminal Cases excepting Treason, Murder or Homicide, with powers in Criminal matters to assess any Punishment short of Death, or mutilation of Limb or Member, which Court shall consist in Kandy of the 2nd Commissioner and two or more Chiefs; and in the Provinces, of the Agent of Government, and One or more Dessaves of the Province and One or more Mohottales or Principal Korales so as there shall be at least Two Kandyan Assessors, or of Two Mohottales or Korales where no Dessave can attend.

38. The decisions of the Courts in the Provinces shall be by the Agent of Government, the Kandyan Assessors giving their advice, and where the Opinion of the majority of such Assessors differs from the opinion of the Agent of Government, there shall be no immediate decision but the Proceedings shall be transferred to the Court of the 2nd Commissioner, who may either decide on the Proceedings had in the Original Court or send for the parties and witnesses and rehear the Case, or take or Order the Agent to take further Evidence and shall decide the same.

39. Appeals also shall lie from the Decisions of such Agents to the Court aforesaid of the 2nd Commissioner in Civil Cases if the Appeal is entered before the Agent in Ten Days from his Decree and the object in dispute be either Land or personal Property exceeding Rix Dollars One hundred and fifty in value; in which case Execution shall stay and the Proceedings be transmitted to the said Commissioner's Court, which shall and may proceed in the same as in the Cases mentioned in the former Article. That Appeals also may be allowed upon Order of the Governor or the Board of Commissioners although not entered in Ten days if Application is made in a Year.

40. The Decisions in the Court of the 2nd Commissioner shall be by the said Commissioner, the Kandyan Assessors giving their Advice and if the Opinion of the majority of such Assessors shall be different from that of the 2nd Commissioner the Case, whether originally instituted or in Appeal or reference from the Agent of Government, shall be transferred to the Collective Board and by them reported on to His Excellency the Governor, whose decision thereon shall be conclusive and without Appeal, but that in Civil Cases decided by the 2nd Commissioner either in Original or brought before him by Appeal or reference, Appeal shall lie to the Governor if entered before the 2nd Commissioner in Ten days from his Decree and if the object in dispute be either Land or personal Property exceeding in value One hundred and fifty Rix Dollars, in which Case Execution of the Decree shall be stayed and the Proceedings be transmitted to the Governor. But Appeal may be allowed by Order of the Governor on application within One Year from the date of the Decree.

41. Appeals to the Governor will be disposed of by His Excellency in correspondence with the Board of Commissioners according to Justice.

42. In Criminal Cases no Sentence either by the 2nd Commissioner or the Agents of Government shall be carried into effect if it awards Corporal punishment exceeding One hundred Lashes, Imprisonment with or without Chains or Labour exceeding Four Months, or Fine exceeding Fifty Rix Dollars, unless after reference to the Governor through the Board of Commissioners, which will report on the Case and Sentence, and after His Excellency's confirmation of such Sentence.

43. The Hon'ble the Resident may when he thinks needful assist and preside in the Court of the Judicial Commissioner, and that the Resident may also hold a Court for hearing Cases to consist of himself and two Kandyan Chiefs or Assessors under the Provisions respecting References and Appeals and limitation of execution of sentences in Criminal Cases prescribed to the Judicial Commissioner, and to preserve regularity the Records of such the Resident's Judicial Proceedings in each Case shall be deposited with the Judicial Commissioner on the conclusion of the same.

44. In all Cases of Treason, Murder or Homicide the trial shall be before the Courts of the Resident or of the 2nd Commissioner and his Kandyan Assessors, whose opinion as to the Guilt of the Defendant and the Sentence to be passed on any one convicted is to be reported through the Board of Commissioners with their Opinion; also to His Excellency the Governor for his determination.

45. All Cases Criminal or Civil in which a Superior Chief is Defendant shall be originally instituted and heard before the Resident or the 2nd Commissioner. That all other Cases shall be instituted before the Jurisdiction in which the Defendant resides. Provided that in Civil Cases the Plaintiff may appoint an Attorney to prosecute in his behalf, as may the Defendant to defend his Case.

46. In Civil Cases the losing Party may be by the 2nd Commissioner or Agent of Government discretionarily ordered to pay a sum to, Government of One twentieth part of the value of the object in dispute not exceeding in any case Rix Dollars Fifty.

47. The 1st and 2nd Adigar shall and may execute Civil Jurisdiction over all Katepurales and their property, subject to Appeal to the 2nd Commissioner, and also over such other Persons and Property as the Governor may by Special Warrant assign to the Jurisdiction of either of these two great Officers subject to Appeal as aforementioned. And that the 2nd Commissioner or any Agent of Government may refer Cases for hearing and report to him in his Court to the Adigars, Dessaves or Mohottales.

48. The Adigars shall have Jurisdiction to punish disobedience of their Orders and Petty Offences by inflicting Corporal Punishment not exceeding Fifty Strokes with the open Hand or Twenty Five with a Rattan on the Back, or by awarding Imprisonment for a term not exceeding Fourteen Days.

49. The Dessaves or Chiefs holding the Governor's Commission may also punish Offences by Corporal Punishment not exceeding Twenty five Strokes with the open Hand and of Imprisonment for a Term not exceeding Seven days, and similarly the principal Mohottales, Liennerales and Korales being in Office, may inflict Corporal Punishment for Offences on persons over whom they might have exercised such Jurisdiction under the former Government not exceeding Ten Strokes with the open Hand, and may Imprison such Persons for a term not exceeding Three days. Provided that the several Persons on whom the above Power is exercised shall be duly and lawfully subject to the Orders of such Adigar. Dessave, Chief Mohottale, Liennerale or Korale, and that no such Power shall be exercised on Persons holding Office or on Persons of the Low-Country, Foreigners or on Moormen of the Kandyan Provinces. And provided that in all cases where Imprisonment is awarded for a term exceeding Three Days the Prisoner be sent with a Note of the Sentence to the 2nd Commissioner or the nearest Agent of Government to be confined.

50. To ensure a due and uniform administration of Justice, it is declared and enacted by His Excellency that all Evidence before the Resident, the 2nd Commissioner or other Agent of Government in a Civil or Criminal Case shall be taken on Oath; which Oath in the case of Kandyan or Hindoo Witnesses shall be administered after the Evidence is taken (the Witness being previously warned that such will be the Case) at the nearest Dewale before a Commissioner or Commissioners ordered by the Court to see that the Witness declare solemnly that the Evidence he has given is the Truth the whole Truth and nothing but the Truth. That no exemption can lie to this mode of giving Evidence except where Buddhist Priests are examined, and that every person except a Priest giving evidence must stand while He delivers it.

51. The People of the Low Country and Foreigners coming into the Kandyan Provinces shall continue subject to the Civil and Criminal Jurisdiction of the Agents of Government alone, with such extension as His Excellency may by special Additional Instructions vest in such Agents and under the limitation as to execution of Sentences in Criminal Cases herein before provided as to Kandyans in the 42nd Clause until reference to the Governor through the Board of Commissioners, excepting in Cases of Treason, Murder and Homicide in which such Persons shall be subject to the same Jurisdiction now provided for Kandyans, and that the same line shall be pursued in Cases wherein a Kandyan Moorman shall be Defendant.

52. And His Excellency the Governor takes this occasion to confirm the Provisions of his Proclamation of March 2, 1818, respecting the Moormen, but to explain that they are nevertheless when living in the Villages wherein also Kandyans reside to obey the Orders of the Kandyan Chief or Headman of the Village on pain of Punishment by the Agent of Government for disobedience, notwithstanding anything in the said Proclamation contained.

53. According to such known Rules Justice will be accessible to every Man, High or Low, Rich or Poor, with all practicable convenience and the confident knowledge of impartiality of decision. And to give effect to this Plan for the administration of Justice and to collect the Public Revenue and ensure the execution of Public duties. His Excellency is pleased to assign to the immediate Control and exercise of Jurisdiction of the Board of Commissioners the following Provinces: the Four Korles, Matele, Oodapalata including upper Bulatgama, Oodanoora, Yatenoora, Tumpanne, Harrisiapattoo, Doombera, Hewahette, Kotmale, the part of Walapana lying West of the Kuda and Ooma Oya and the Hooroole, Tamirawane Maminiya and Ollegalla Pattoos of Nuwera Kalawiya, in all of which the Higher

Judicial duties and the Collection of Revenue will be made by the Commissioners of the Board, but in those limits there will be besides Two Agents of Government to hear minor Cases, at Attapittia in the Four Korles and at Nalende in Matale.

54. There will be an Agent of Government resident in Ouva, to whose immediate Jurisdiction are assigned the Provinces of Ouva, Wellasse, Bintenne, Weyeloowa and Royal Village of Madulla; all Civil and Criminal Cases will be heard by him with the exceptions mentioned, and under the rules detailed above. He will give Orders to collect Revenue, perform Public Service, suspend and punish Headmen for disobedience, and exercise general Powers of Government in those limits subject to the superintendence of the Board of Commissioners.

55. Similarly an Agent of Government in the Seven Korles will exercise Jurisdiction over that Province and the Northern part of Nuwere Kalawiya. An Agent of Government in Safragam will perform like duties in that Province. An Agent of Government will reside in the Three Korles with like Powers, and the Collector of Trincomalee will hear all Cases and collect the Revenue and cause Public Service to be performed in the same manner in Tamenkadewe.

56. In all matters not provided for by this Proclamation or other Proclamations heretofore promulgated by the Authority of the British Government, His Excellency reserves to himself and his Successors the Power of reforming Abuse and making such Provision as is necessary, beneficial or desirable. He also reserves full power to alter the present Provision as may appear hereafter necessary and expedient, and He requires in His Majesty's Name all Officers Civil and Military, all Adigars, Dessaves and other Chiefs and all other His Majesty's Subjects to be Obedient, Aiding and Assisting in the execution of these or other His Orders as they shall answer the contrary at their peril.

Given at Kandy in the said Island of Ceylon this twenty-first day of November One Thousand Eight Hundred and Eighteen.

By His Excellency's command,

GEO. LUSIGNAN,
Sec. for Kandyan Provinces.

GOD SAVE THE KING

APPENDIX VI

FUNCTIONS OF THE FINANCE DEPARTMENT

A.—Executive Duties

- (1) Maintenance of central financial records.
- (2) Disposition and safe custody of the State's main cash and bank balances.
- (3) Investment of State funds and management of public debt.
- (4) Receipt and disbursement of public money including that derived from customs, excise and salt.
- (5) Computation and award of pensions.
- (6) Preparation of Annual Budget and Estimates for presentation to the State Council by the Board of Ministers.
- (7) Preparation of Supplementary Estimates for presentation to the State Council by the Board of Ministers.
- (8) Communication of financial "sanctions" to Departments.
- (9) Statutory duties of Commissioners of Currency (in consultation with the other two Commissioners)—see Ordce. 32 of 1884, Vol. I, p. 888. We suggest that the other two Commissioners should be the Chief Secretary and the Auditor, the latter taking the place of the Controller of Revenue who will revert to his natural position as Head of the Department of Local Administration.
- (10) Statutory duties of Commissioner of Stamps—see Ordce. 22 of 1909, Vol. II, p. 895.
- (11) Statutory duties of Commissioner of Estate Duties—see Ordce. 8 of 1909, Vol. III, p. 604.
- (12) Statutory duties of Commissioners of the Loan Board (in consultation with such other two Commissioners as may be appointed by the Governor)—see Ordce. 4 of 1865, p. 558, Vol. I.

(13) Statutory Duties of Local Loans and Development Commissioners (in consultation with such other Commissioners as may be appointed by the Governor)—see Ordre. 22 of 1916, Vol. III., p. 411. These Commissioners will doubtless include members representative of the Executive Committee of the State Council dealing with Local Administration, and the permanent Head of that Department.

(14) Statutory duties of the Directors of the Widows and Orphans of Public Officers Pension Fund (in consultation with such other Directors as may be appointed by the Governor)—Ordce. 1 of 1898, Vol. II., p. 396.

(15) Fixing security to be given by Public Officers and custody of their bonds.

(16) Correspondence with Crown Agents and other Agents abroad on all subjects connected with receipts and disbursements on account of loans, investments, &c.

B.—Supervisory Duties

(1) Supervision and control of accounting and financial methods of all departments.

(2) Supervision and control of stores purchases, stores accounts, and custody of stores in all departments.

(3) Examination and approval of accounting and store-keeping regulations in all departments.

(4) Supervision and control of the making and administration of contracts in all departments.

(5) Enquiries into losses of public money and stores.

(6) Questions affecting conditions of service:—

(a) Salary rates and scales.

(b) Allowances.

(c) Leave regulations.

(d) Travelling regulations.

(7) Questions affecting strength of departmental establishments.

(8) Appointments of financial and accounting officers in all departments.

(9) Railway rates and fares.

C.—Advisory Duties

(1) Imposition of taxation and raising of revenue generally.

(2) Expenditure proposals of departments, and questions arising therefrom.

(3) Financing of large works and raising of loans.

(4) Exchange questions.

(5) Financial relations with municipalities and other Local Bodies.

(6) Financial policy generally.

APPENDIX VII

VALEDICTORY CORRESPONDENCE ON DEPARTURE OF THE COMMISSION FROM CEYLON

I.—Communique to the Press, January 13, 1928

As, on first arriving, we voiced our appreciation of the early promise we had received of assistance in our task, so, now on departing, we would express our gratitude for the complete fulfilment of that promise. Facts, views, and ideas have been put before us through representatives chosen by every section of the people, and many individuals have come forward with useful criticism of conditions as they are and valuable suggestions as to what they might be. A background for our deliberations has been furnished by some knowledge of this country of sparkling loveliness, acquired through travel made easy and delightful for us,

and by visits to undertakings and institutions readily opened for our inspection. Every effort seems to have been made throughout the country to ensure that the difficulties in the way of solving our problem should only be those inherent in it, and that none should be interposed by the action of the people.

We have endeavoured to take full advantage of all these favourable circumstances to acquire the information necessary for our purpose of making such recommendations to His Majesty's Government as will in our opinion tend to the future welfare of Ceylon. That has been the first phase of the duty laid upon us. We shall presently enter on the second phase, that of framing these recommendations. The people of Ceylon may rest assured that we shall set about that task with deep sense of our responsibility and strong prepossession in favour of those by whom we have been so splendidly welcomed and to whom we now so regretfully bid farewell.

II.—Letter from the Secretary to the Commission to the Hon.
the Colonial Secretary

NEW TOWN HALL,
COLOMBO,

January 13, 1928.

SIR,

I AM directed by the Special Commission on the Ceylon Constitution to request you to inform His Excellency the Governor that their investigations are now on the eve of completion, and that they propose to embark on the P. & O. s.s. "Moldavia" for England on January 18.

2. The Commission are highly appreciative of the hospitality extended to them by the Ceylon Government, and are grateful for the various measures taken to facilitate their work and provide for their comfort. The Chairman looks forward to an opportunity to give public expression to these sentiments before the departure of the Commission, but would be glad if such formal steps can be taken as to His Excellency may seem proper to convey to the Legislative Council the thanks of the Commission for the hospitable welcome, for the cordial co-operation and for the able assistance that have been so generously given them by Honourable Members.

3. The Commission desire me also to place on record their lively appreciation of the services rendered by the staff assigned to them. I am particularly to request you to convey to His Excellency an expression of their thanks for placing at their disposal as Assistant Secretary so able and sympathetic an officer as Mr. S. Phillipson, C.C.S. The Commission consider themselves fortunate also in that an officer of the experience of Mr. B. M. Christoffelsz was assigned to them as Chief Clerk. He has performed his duties, including the first establishment of the office, with unremitting zeal and efficiency, and it is largely due to his untiring work that the heavy correspondence of the Commission has been satisfactorily dealt with. The Commission propose to mention in their Report the Services rendered by these officers.

4. Mr. V. C. Dewapuraratne, Mr. G. C. Moraes, and Mr. L. W. Perera have all been of great assistance to the Commission. They entered into their duties with enthusiasm and have worked continuously for long hours without complaint. On them have depended to a large extent the successful transcribing of the evidence taken and the general typing work of the Commission, and though much has been demanded of them, they have always shown themselves equal to the occasion. The Commission have pleasure in commending their services to the notice of the Government. These remarks apply with equal force to the other assistants in the office, all of whom have done excellent work.

5. I am also to request you to convey to the General Manager of the Ceylon Government Railway and the officers of his Department the thanks of the Commission for the admirable arrangements made by them for the journeys of the Commission in the Island. The Commission were highly gratified by the care and thoughtfulness with which their comfort was studied, and were impressed by the prompt and effective organisation which rendered possible the successful accomplishment of their tour.

The Commission's thanks are also due to the Government Agents in the Provinces which they visited for the arrangements made for their reception and accommodation.

6. Finally, I am to say that the Commission consider themselves fortunate in having been received on their arrival in this Island in a political atmosphere favourable to their investigations. They are glad to think that this has been maintained in the cordial relations which have existed between them and all sections of the community during their stay; and they assure His Excellency that in leaving the Island, of which they will always entertain the happiest recollections, they are animated by the single and confident hope that the result of their deliberations may prove of lasting benefit to the Government and people of Ceylon.

I am, etc.,

P. A. CLUTTERBUCK,
Secretary.

III.—Letter from the Hon. the Colonial Secretary to the Secretary of the Commission

COLONIAL SECRETARY'S OFFICE,
COLOMBO,
January 17, 1928.

SIR,

I AM directed to acknowledge the receipt of your letter dated January 13 on the subject of the conclusion of the investigations of the Special Commission, and to inform you that it has been laid before His Excellency the Governor.

2. His Excellency desires me to say that it will give him great pleasure to convey to the Legislative Council the Commission's message of thanks for their co-operation and assistance, and also to communicate to the Government Agents and to the General Manager and officers of the Ceylon Government Railway the appreciative references contained in your letter to the assistance which they were able to render to the Commission.

3. It is also very gratifying to His Excellency to note that the work of the Assistant Secretary, Mr. S. Phillipson, and of Mr. B. M. Christoffelsz and the clerical staff assigned to the Commission has been carried out to the satisfaction of the Commissioners, and His Excellency has directed me to place on record in the personal files of the officers concerned the Commission's commendation of their services.

4. In conclusion, His Excellency desires me to ask you to communicate to the Chairman and Members of the Commission an expression of his cordial thanks, both for their generous reference to the goodwill which they have experienced from every section of the community, and also for all that they have themselves done to foster that goodwill and to inspire universal confidence in the sincerity of their sympathy with the people of Ceylon.

I am, etc.,

A. G. M. FLETCHER,
Colonial Secretary.

IV.—Letter from the Secretary of the Commission to the Chairman of the Municipal Council, Colombo

January 13, 1928.

SIR,

I AM directed by the Special Commission on the Constitution to request you to convey to the Municipal Council their cordial thanks for the Council's courtesy in placing the New Town Hall at their disposal. The accommodation provided has been admirably suited to the Commission's purpose, and this has greatly facilitated their task. The Commission are grateful for the consideration shown to them by the Municipal officers in charge, and would request you to thank these officers for their care and attention.

The Commission regard it as a happy omen that their investigation should have been conducted in the dignified and impressive premises from which the administration of the capital of this country is in future to be carried on.

Yours, etc.,

P. A. CLUTTERBUCK,
Secretary.

V. Letter from the Chairman of the Municipal Council, Colombo, to the
Secretary to the Commission

COLOMBO,
January 17, 1928.

SIR,

I HAVE the honour to acknowledge receipt of your letter of the 13th instant, and to inform you that I will convey to the Council the message of the Special Commission, and will also, as desired, thank the Municipal officers in charge of the New Town Hall.

Though the time has been too short as yet to lay the message of the Special Commission before the Council, I am certain that it is the feeling of the whole Council that its members are happy to have been able to be of service to the Commission, and will be proud that the new Municipal buildings have been associated with the work of the Commission.

I am, etc.,

W. T. STACE,
Chairman, Municipal Council,
and Mayor of Colombo.

