

G.G. PONNAMBALAM



*The Marathon Crusade for
'FIFTY, FIFTY'
(Balanced Representation)
In the State Council - 1939*

Publication to commemorate G.G.'s Birthday Centenary

The Marathon Crusade for 'FIFTY, FIFTY'

(Balanced Representation)
In the State Council - 1939

SPEECH
DELIVERED IN THE STATE COUNCIL
ON THE REFORMS DISPATCH
BY

G.G. PONNAMBALAM M.Sc.,



MANIMEKALAI PRASURAM

Post Box No. : 1447,
7, Thanikachalam Road, T. Nagar,
Chennai - 600 017, South India.
Phone : 434 29 29
Fax : 044 - 434 60 82
e-mail : manimekalai@eth net

Details of the Book

Title	: The Marathon Crusade for 'FIFTY, FIFTY' (Balanced Representation) In the State Council - 1939
Author	: G.G. Ponnambalam, M.Sc.,
Language	: English
Year of Publication	: 2001
Edition	: First
Copyright	: With the Author
Nature of paper used	: Maplitho
Size of the book	: Crown (18½ x 12½ c.m.)
Size of the Point	: 10
No. of Pages	: xxxx + 240 = 280
Price of the book	: India - Rs. 100.00 Srilanka - Rs. 300.00
Laser Composing	: Christ DTP Centre, Chennai - 600 024.
Printer	: B V R Printers Chennai - 14 ☎ 859 30 31
Binding	: Stitching
Publisher	: Manimekalai Prasuram, Chennai - 600 017.

Contents

	Pages
1. <i>Publisher's Introduction</i> – Dr. K. Indra Kumar	iv
2. <i>G.G. Ponnambalam – a background political sketch</i> (excerpts from "Sri Lankan Tamil Nationalism" by the late Prof. Jeyaratnam Wilson, by way of an introduction)	x
3. <i>Picture Story – Three Great Generations of</i> – G.G. Ponnambalams	xxviii
4. <i>Minorities and Constitutional Reforms</i> – G.G. Ponnambalam	1
5. <i>An Examination of the Soulbury Constitution Proposed for Ceylon -The Tamil Case -</i> G. G. Ponnambalam (a confidential document forwarded in 1945 to the Secretary of State for Colonies – being published for the first time now.)	208

Publisher's Introduction

- Dr. K. Indra Kumar

The Ceylon Tamils suffered from the mid-1920s until the arrival of G.G. Ponnambalam in the mid-1930s from the absence of a strong and imaginative leader. Sir Ponnambalam Arunachalam had died a disappointed man in 1924, convinced that he had been let down by the conservative Sinhalese political elite. Sir Ponnambalam Ramanathan in the last phase before his death in 1930 was said to have been more "pietistic than political", looking "more like an old Testament prophet than a politician." Other able Tamils like Sir Ambalavanar Kanagasabai, K. Balasingham and H.A.P. Sandrasagara did not have the same political clout of the two brothers.

However, during the mid-1920s, the Tamils had found in Ceylon's Governor, Sir William Manning, and the Secretary of State for the Colonies, the Duke of Devonshire, unexpected upholders of their political and constitutional interests and ambitions. Between 1924 and 1934, these two gentlemen, despite Sinhalese accusations of "divide and rule," which were baseless, tried in their own way to protect the interests of the Tamil community. They sent numerous dispatches emphasising the need to protect minority interests in general and Tamil interests in particular.

In 1922, Sir Willam Manning laid down the governing principles for constitutional reform, which from the mid-1930s onwards became the sheet anchor of the bold and marathon crusades launched by G.G. Ponnambalam for balanced representation for the minorities ("Fifty - Fifty"). Governor Manning wrote:

"The composition of the Legislative Council was so arranged that while the Government cannot carry a measure, except under clause 52 of the Order in Council, in the face of the united opposition of the Unofficial Members, no single community can impose its will on the other communities."

Clause 52 provided that if the Governor deemed the passing of any bill of paramount importance, only the votes of the Official Members and the Nominated Official Members, not those of the Unofficial Members, needed to be taken into account for the bill to be carried through. On January 11, 1923, the Secretary of State approved this arrangement.

Sir Andrew Caldecott, who succeeded Manning as Governor, disposed of the demand for balanced representation "in one line," according to G.G. Ponnambalam.

In a marathon speech delivered by Ponnambalam in the State Council in 1939, the longest on record up till that time, on the Reform Dispatch of Sir Andrew Caldecott, he said:

“Mr. Speaker, I now come to an observation made by His Excellency the Governor. His Excellency the Governor, before he deals with the machinery of Government, disposes of in one line what he has chosen to call the fifty-fifty demand, a crude arithmetical formula. The demand, as far as I am aware, of the minorities in this country has been for balanced representation, for representation on the basis that no single community should be in a position to out-vote a combination of all the other communities in the Island. That does not necessarily mean a fifty-fifty basis. It might mean more or less.”

“His Excellency must have been aware more than any one else that what was contemplated by all of us was not a reversion to communal representation, not a demarcation or reservation of communal seats, not even a reservation of seats in joint electorates for particular interests, but a re-demarcation, a re-delimitation of the electoral boundaries in this country in such a way as to permit members of the minority communities, if they feel so disposed, for some time to come, to return Members belonging to their communities so that the major community should not be in a position to out-vote the other communities. I submit to every right-thinking Member of this House that to make that demand is one thing and to put down an inflexible, crude mathematical formula such as fifty-fifty is another thing. And by whom was this demand made?”

“Not by me. It might appear to some Members of this House that this is the demand of a mischievous

mind, made within the last few years: that neither the Tamils as a community nor the accredited leaders of the Tamil community in the past, had made a demand of this nature. Sir, I should like to nail that misapprehension to the counter.”

That clearly shows that G.G. Ponnambalam did not like the “fifty- fifty” tag and would have preferred his demand to be referred to as the demand for balanced representation.

This historic speech was subsequently published under the title “Minorities and Constitutional Reforms”, and is published in full in the first part of this book.

Ponnambalam was infuriated that Governor Caldecott had prepared his Dispatch, that it was “hatched in secret and in darkness” and was secretively forwarded to the Colonial Secretary for approval.

He takes the Governor to task thus :

“His Excellency, as a matter of fact, wanted the imprimatur and sanction of the Colonial Office to go forward. Why, I ask Hon. Members, this unbecoming haste even on the part of His Excellency? One can only put the one possible generous interpretation on it and that is that there was persistent pressure brought to bear by the Board of Ministers in order that the scheme, the little pet scheme, hatched in secret and in darkness may receive the approval of the Colonial Office before Hon. Members had an opportunity of discussing it. And

I am happy to be able to pay my humble tribute to British legislators, to the Colonial Office and to His Majesty's Government that they thought it fit to send back the Dispatch of His Excellency to be discussed in this House before any action was taken. Otherwise we would have been completely shut out from expressing our opinions on this question"

Ponnambalam cannot understand what the Sinhalese have to fear about his demand for balanced representation. He asks them:

"Thirty-four Members belonging to one community united by a common language, united in most cases by a common religion, united by a common culture and a common tradition, as opposed to another 34 Members, consisting of a number of thoroughly heterogeneous groups - of Tamils, Indians, Muslims, Burghers, and Europeans and Malays. With the assurance given by the European Nominated Members, that the European nominated *bloc* would stand for a stable Government, would stand by and support a stable Government, I ask you, "What have the Sinhalese to fear?"

This 1939 speech of G.G. Ponnambalam is a masterpiece, its compilation, the work of an outstanding genius, and every Tamil should read it.

Published for the first time ever, in the second half of this book, is a confidential document forwarded by G.G. Ponnambalam in 1945 to the Secretary of State

for Colonies entitled "An Examination of the Soulbury Constitution Proposed for Ceylon - The Tamil Minority Case." It may suffice for me to say at the moment that Herculean efforts were made to "unearth" this document.

I have chosen excerpts from the late Professor Jeyaratnam Wilson's brilliant book "Srilankan Tamil Nationalism" to provide an outline sketch of G.G. Ponnambalam's historical role in setting "the wheels of Tamil nationalism in motion."

I would end this note by thanking Dr. (Mrs) Yogi Ponnambalam, GG's daughter-in law and my University mate, for providing me with memorable photographs which no doubt have added to the quality of this publication.



G.G. Ponnambalam
– a background political sketch

**G.G. PONNAMBALAM,
 THE ALL - CEYLON TAMIL CONGRESS AND
 TAMIL NATIONAL CONSCIOUSNESS**

For some years after the collapse of the Youth Congress boycott, there was a vacuum in Tamil politics and in leadership¹. But the views of the various influential figures and associations did begin to alter political thinking in Jaffna. The changes in the political climate came to be articulated by the arrival on the scene of G.G. Ponnambalam. The youthful Ponnambalam made his first bid to enter politics in 1931 when he contested the Mannar seat in the State Council brought into being by the Donoughmore Constitution, in defiance of the Jaffna Youth Congress's call for a boycott. However, Mannar returned M.M. Anantham instead of Ponnambalam. In 1934, when the boycott was lifted as a result of representations from major sections of Jaffna Tamil opinion, Ponnambalam fought and won in his home constituency, Point Pedro.

G.G. Ponnambalam was then a brash young man, aged thirty-four. He had earlier won a scholarship to Cambridge and graduated in the Natural Sciences. He then qualified as a barrister, and returned home to practise in criminal cases, displaying considerable acumen. Politics came naturally to him. He won an additional advantage by marrying a daughter of the wealthy Balasingham clan in Malaya of Jaffna Tamil

origins. His wife proved to be a great lady who gave him ample support in his political life.

Ponnambalam's entry into the Donoughmore State Council was a turning-point in the history of the Tamil people.² From the beginning of his career, the future leader made his presence felt as a brilliant politician and a skilled orator and debater. His spellbinding public performances won over the people of Jaffna, who began to be mesmerised by his campaigning skills. They started to look on him as their saviour and within two or three years, despite his youth, he had moved mountains of scepticism in the Tamil minds. Age and maturity had previously been essential qualifications for winning one's spurs with a tradition-bound conservative populace. But Ponnambalam conquered all.

During this early phase, he had no ready-made formula for the salvation of the Tamil people. Until the advent of the Donoughmore Constitution, they had placed their faith in Britain, the imperial power, and in Arunchalam and Ramanathan. Proceeding on the assumption that the Ceylon Tamils were equal partners of the Sinhalese as one of the two 'founding peoples' they had supported the demand of the Sinhalese constitutional reforms that communal representation should be replaced by the territorial demarcation of electorates which gave the Sinhalese natural majority in the legislature. However, the brothers were given reason to hope that the Sinhalese elite would agree to a structure within the framework of a territorial electorate that would reserve for the Ceylon Tamils their existing ratio in representation in relation to the Sinhalese. The Tamils would still be a minority, but now with the lever of weighting their

representation in the legislature. Along with the other minorities, they would continue to be a senior partner in the political firmament; while at the same time holding the Sinhalese in check, aided no doubt by the governor and the special powers reserved to him. The Sinhalese political class, specifically their constitutional reformers, were not unwilling to live with this arrangement, but their eyes were soon opened to the vistas now placed before them by the scheme of territorial representation for which they had campaigned ceaselessly. The Donoughmore Commissioners clinched it by thrusting universal franchise on the Sinhalese, even though the members of their political class were not willing to trust the masses.

During the first half of the 1920s, the British governor, Sir William Manning, understood the ramifications of conceding the demand for unadulterated territorial representation. He preferred, with the agreement of Whitehall, that the existing ratios in communal representation should be maintained while the franchise was widened and provision was made for territorial representation based on the communal formula that no one community should dominate the rest of the ethnic groups namely the Ceylon Tamils, Indian Tamils and Ceylon Muslims.³ However, neither Arunachalam nor Ramanathan seized on Manning's solution to the communal problem. Instead, both clamoured for increased self-government without enunciating any distinct goals or objectives for the protection of the Tamils. Arunachalam towards the end of his life enunciated a plan which called for an all-island united Tamil Front or Party for the protection of Tamil interests, but this was vague and ill-defined.

Ramanathan in old age, reposed his faith in the imperial ruler as protector.

This enormous void left by the brothers had to be filled, and G.G. Ponnambalam did so. He evolved his political credo not from them but from Sir William Manning's warning of the need for non-domination. The outcome was balanced representation, known as the 'fifty - fifty' formula. Most of the Sinhalese political class would have none of it.

The governor of the time, Sir Andrew Caldecott, was against the concept of a stated formula, but in a despatch to Whitehall in 1938, he recorded his willingness to add ten representatives to the legislature... However, Ponnambalam, who by then had emerged as the principal leader of Jaffna Tamil opinion, was inflexible.

Between 1936 and 1937, Ponnambalam evolved his framework of balanced representation as the way out for the Tamils of Ceylon. However, there was no doubt that he was reacting to the election of the all-Sinhalese ministry of 1936, which he characterised as the homogeneous Board of Sinhalese - speaking Ministers' - much to the embarrassment of the latter...

In a marathon speech in the State Council, the longest on record up till that time, Ponnambalam spelled out in the fullest and more ample language why he was pressing hard for his solution. The speech is published in full in this book.

By 1940, it was clear that Ponnambalam was acknowledged as a leader by the Northern Province members of the State Council, among whom were members of the

distinguished Arunachalam - Ramanathan family. Arunchalam Mahadeva and S. Natesan (respectively son and son-in-law of Sir P. Arunachalam Ponnambalam Ramanathan.) Outside the state Council, Ponnambalam received support from S.J.V. Chelvanayakam, Dr. E.M.V. Naganathan and the prominent Colombo solicitor, S. Sivasubramaniam. At first, not all of the Tamil political class, especially those in law and other professions, readily accepted Ponnambalam, but he proved an aggressive and bold leader and successfully silenced his critics. By 1940, he had won over the major conservative Tamil political organisations in Jaffna, the Jaffna Association and the All-Ceylon Tamil Conference. For a man just turned forty, this was unusual in a society embedded in tradition.

Ponnambalam had already placed the Sinhalese ministers on the defensive by 1937. They had to explain to the governor and to Whitehall why the State Council had to elect an all - Sinhalese Board of Ministers. The argument ran that they wished to secure unanimity in order to press their case for further reform. Between 1937 and 1944, the year in which the appointment of the Soulbury Commission was announced, Ponnambalam evolved into a redoubtable and formidable foe of the Sinhalese ministers, in the process winning the support and admiration of the public of Jaffna. He had come to be accepted as their principal defender and thus as an unchallenged leader of the northern Tamils.

Ponnambalam, in this phase (1940-4), frustrated the pan - Sinhalese ministry in its strategy of going it alone, without the support of the minorities. Whitehall made two declarations. One promised further reform of the constitution;

the second - more attractive to the minorities - was a requirement that the Sinhalese - majority Board of Ministers should formulate a scheme providing for full internal self-government, subject to the vital proviso that it obtained the approval of three - quarters of the members of the State Council, excluding the three officials appointed by the Governor.

Ponnambalam, in pursuit of his aim of 'fifty - fifty' representation, campaigned relentlessly to frustrate the ministers at every turn, and he almost succeeded in that independence might possibly have been postponed if the three - quarters majority had not been secured or if D.S. Senanayake had failed to muster a majority or an adequate turn-out at the general election scheduled for 1947. To try to achieve his objective, Ponnambalam ensured that the Ceylon Tamil members of the State Council closed ranks behind him. He also obtained the support of one of the two nominated Indian State Councillors, I.X. Pereira, and of an influential leader of the Malaya, T.B. Jayah, who also had the backing of large sections of the Ceylon Muslims, even though their commanding figure at this time was a supporter of the Sinhalese ministers - A.R.A. Razeek (later known as Sir Razik Fareed), President of the All Ceylon Moons Association. Moreover, Ponnambalam had the sympathy of all the British Nominated Members of the State Council, two or three representatives of business, plantation interests etc.) A combination of these minority representatives would have prevented the minister's draft constitutional scheme from passing through the State Council with the required three-quarters majority.

D.S. Senanayake had replaced Sir Baron Jayatilake in 1942 as leader of the State Council. He played a clever game, and succeeded in enlisting the support of the senior bureaucrat, O.E. Goonetilleke⁵ and the services of the well-known British constitutional expert, Ivor Jennings, Principal of the University College at the time and later Vice-Chancellor of the University of Ceylon. This indeed was a powerful triumvirate against which Ponnambalam had to contend. In the end, the former won out, but their best-laid plans might have gone awry had a united opposition successfully confronted Senanayake's newly - formed United National Party (UNP) in the general election of 1947.

D.S. Senanayake's strategy was simple and transparent: as a potential Prime Minister, he would break the solidarity of the ranks of the minorities by offering some of them places in his future government. Their strategy was successful. The first step was to 'co-opt' a Ceylon Tamil State Councillor to the Board of Ministers. Arunachalam Mahadeva was elected chairman of the Executive Committee of Home Affairs and hence Minister of Home Affairs, even though he stood against a widely - respected and powerful representative of the minority Sinhalese Karawa community, H.W. Amarasinghe. The Board could now tell Whitehall that it had provided accommodation to the minorities by including Mahadeva whom Ponnambalam bitterly condemned for breaking ranks. Mahadeva's defence was that he had always had 'mental reservations' over the feasibility of achieving balanced representation, and that as far as he was concerned, this strategy was as dead as the dodo. Despite his recruitment to the Board of Ministers, Mahadeva continued to keep some

faith with the Ceylon Tamil minority, among whom an influential section was divided over whether to confront a united Sinhalese grouping or to cooperate with the Sinhalese ministers to obtain as much as possible for the community. Mahadeva became the representative of those warning to cooperate.

Senanayake next had Ivor Jennings draft a constitution which incorporated his ideas of the Westminster parliamentary model, together with safeguards for the minority communities. Senanayake and Jennings worked within the framework of internal self-government as requested by Whitehall, and their endeavours were published as the Draft Scheme of the Board of Ministers (Sessional Paper XII of 1946). Had Senanayake not had a concealed agenda - namely disfranchisement of the Indian Tamil population and colonisation of the Tamil homelands - the Draft Scheme within the framework of internal self-government could well have been a successful constitution. Even with its shortcomings it lasted from 1948 to 1972 (the constitution of 1972 lasted six years and that of 1978 has prevailed up till the time of writing).

The Draft Scheme provided a compromise on balanced representation in Jennings's proposed weighting in favour of the sparsely-populated areas where the minorities, especially the Ceylon Tamils and Muslims, predominated. Furthermore, the Soulbury Commissioners (see below) provided for multi-member constituencies where there would be opportunities for the Muslims and Indian Tamil plantation workers to elect members of their choice. The Commissioners also included provision that in specific areas within a province where a community of interest prevailed and communications were

poor, the Delimitation Commission should be empowered to provide additional constituencies.

In general, the State Council after the first general election reflected the composition of Jennings's formula in the representation of the various communities in the island. The Sinhalese secured 68 seats, the Ceylon Tamils 13, the Indian Tamils 7 and the Muslims 6. One Burgher was also returned, not to represent his community but as a candidate of the Communist party (Moscow). There were six Appointed Members nominated by the governor to represent unrepresented or inadequately represented interests. Of these, five were British and one was a Burgher. Thus, in communal terms, the Sinhalese obtained 68 seats compared with 32 for the combined minorities (not counting the Burgher returned as a Communist Party candidate) in a House of 101.

In the end Ponnambalam's 'fifty - fifty' formula was reduced to approximately 68:32. According to Jennings, the Indian Tamil vote at the 1947 general election influenced the outcome in a maximum of twenty Sinhalese majority constituencies;⁷ it had gone to left-wing parties and independent candidates who pledged to vote against the formation of a Senanayake government. When such a government was eventually formed in September 1947, the Prime Minister received the support of two maverick Ceylon Tamils from the Northern Province, the majority of Ceylon Tamils from the Eastern Province, the Ceylon Muslims and the six Appointed Members. The House did not divide on the basis of two communal phalanxes, the Sinhales against the combined minorities, but more on party lines, thus refuting

the fears of the Soulbury Commission that if Ponnambalam's formula was conceded the result would be a bi-ethnic division with the Sinhalese gaining the support of one or other of the minority groups and wreaking vengeance on the rest of the minorities, especially the Tamils. Whatever the Soulbury Commissioners anticipated, the worst expectations were to be realised as the years passed, despite the fact that they had not granted 'fifty - fifty' representation.

The Commissioners strengthened the minorities' position by providing for a second chamber of 30 members, 15 elected by the House on the single transferable vote and 15 nominated by the governor to represent minority interests among others. They also endorsed the provisions in the Board of Ministers' Draft Scheme for an independent Public Services Commission and Judicial Services Commission; their members would be appointed by the Governor at his discretion, i.e. without necessarily deferring to the advice of the Prime Minister or the Cabinet. Lastly the commission approved of section 29, especially Section 29(2), in the Draft Scheme, inserted on the advice of Jennings who in turn had been advised on it by Senanayake. This section forbade any discrimination against minorities by legislative enactment. A bill of rights would have proved more effective in that the minorities would also have had protection against administrative discrimination, but Jennings thought otherwise: he stated that 'he had provided for where the shoe pinched most' and therefore went along with the ministers' proposal. All these provisions within an impartial framework of internal self-government with an impartial Governor would have

proved effective, though not a total precaution, against a majority of Sinhalese in the legislature acting in concert against the minorities. The situation changed completely with the granting of independence on 4 February 1948. D.S. Senanayake had negotiated for independent status with the assistance of O.E. Goonetilleke and Ivor Jennings. The last-mentioned proved indispensable and invaluable, as he knew the inner workings of British government. Senanayake had been skillful in persuading Whitehall that he was dependable.

Ponnambalam had seemed to win the day when his demand for the appointment of a Royal Commission was granted by Whitehall. The Commission, headed by Lord Soulbury, arrived in Ceylon in 1944. Arunachalam Mahadeva, Minister of Home Affairs, had also registered some dissent from the Draft Scheme Affairs, when he called for an independent British Royal Commission to arbitrate on the question of representation for the minorities. Ponnambalam for his part had made a presentation to the Board of Ministers on the fears and grievances of the minorities, in particular the Ceylon Tamils, when the Scheme was being prepared.

The years 1944-8 (1948 was the year in which Ponnambalam entered the Senanayake cabinet) were, when Ponnambalam's standing among the Tamil people was at its highest. In 1944, assisted by S.J.V. Chelvanayakam, Dr E.M.V. Naganathan, S. Sivasubramaniam and a host of Ceylon Tamil notables in Jaffna and Colombo, he organised the All-Ceylon Tamil Congress, seven years after S.W.R.D. Bandaranaike's Sinhala Maha Sabha (great Council of the Sinhalese). Until that year, with the moral support of

numerous Ceylon Tamil notables, Ponnambalam had waged a one-man battle for balanced representation in the State Council...

He maintained his position as the acknowledged leader of the Ceylon Tamils, while simultaneously striving to increase the consciousness of 'being Tamil'. He received wide support from large sections of his community, when he faced the Soulbury Commission.

Ponnambalam's address to the Commission was lucid and straightforward (this writer was present during the entire address). He quoted from Constitutions from Peru to Lebanon to support his case for balanced representation. His thesis was that if this was not conceded, the minorities would be discriminated against and abandoned to the mercies of the Sinhalese majority. He cited instances in the Northern and Eastern provinces where development in the form of roads, irrigation hospitals and educational facilities had been neglected and appointments of Tamils to the public services had dwindled. The Commissioner's verdict was that where irrigation, hospitals and schools were concerned, the Northern and Eastern Provinces had previously been better provided for than other areas. All that the Sinhalese had tried to do was redress the balance in their own favour. As for public appointments, they found some discrimination, but expected that independent commissions would ensure impartiality. They acknowledged that there had been one or two instances of legislative discrimination in favour of one religion over the other, manifested in the Buddhist Temporalities Ordinance, whereby the State took on responsibility for administering temple properties, Section 29(2) of the Draft Scheme would

prevent discriminatory legislation, but there was no provision against administrative discrimination. The Commissioners were unwilling to recommend any course of action on the question of franchise and citizenship rights for the Indian Tamil plantation workers. Their opinion was that this was a matter for the new legislature.

The ultimate decision was a grave disappointment to Ponnambalam as well as to the numerous Ceylon Tamils who gave him their support. The reasoning of the Soulbury Commissioners was simplistic. A 'fifty-fifty' distribution of seats would infuriate the Sinhalese, who constituted the natural majority. The minorities were not united in their demand for 'fifty - fifty' - the Muslims in particular were opposed to it. On the other hand the Commissioners learned the emergence of a left wing movement, from which deduced that the electorate would divide on socio-economics - a healthy development in their opinion. This division, concluded, would lead to party rivalry based less on their communal stance and more on economic issues. They are proven wrong in this last line of reasoning. The mainstream people did indeed divide on socio-economic issues, but they united on the matters which they considered necessary for the preservation of the Sinhala language, the 'race' and Sinhalese Buddhism. Thus, the Commissioners were mistaken on the question of the safeguards for the rights of Ceylon Tamils and the Indian Tamils. The provision for seven seats for the later was an essential component of the compromise on the 'fifty- fifty' demand, but within a few months of the granting of independence in the last quarter of 1948, the Indian Tamils lost their citizenship. A few years later, in 1956, a law to

make Sinhalese the island's only official language was passed. Both the major Sinhalese-oriented parties, the UNP and the Srilanka Freedom party (SLEP) voted in favour of the legislation. Hence the reasoning the soulbury Commission had been considerably flawed. They were wrong in trusting the Senanayake and the Sinhalese majority. They were wrong too about the emergence of non-communal parties. Their belief that in the event of 'fifty fifty' representation Sinhalese would form a solid grouping was just as incorrect, might have been assumed from the fact that the Sinhalese are already split on socio-economic issues, and would have divided on these issues anyway. According to the commission's reasoning, the largest Sinhalese segment, of whatever political party, would no doubt have obtained the support of the Muslims and sections of the Ceylon and Indian Tamils in forming a government, and the presence of these minority elements within such a government could in itself have acted as a moderating influence. In the end, British interests, strategic and commercial, were preserved and protected.

When the Soulbury Report was published, a pall of gloom descended over the Tamil intelligentsia, but their representatives in the State Council voted for its acceptance. Their precise motives are not known, but it was said that D.S. Senanyake offered them seats in a future government if he became its leader. Ponnambalam was not present in the House during the debate; he was in Whitehall, asking in a last minute bid to persuade the decolonisers to think again about transferring power without ensuring adequate protection for the minorties. In the absence of their leader, the Ceylon Tamil members voted en bloc to accept the Soulbury

constitution. Senanayake appealed to the minority representatives for support. He made a famous speech in which he said that he would not refuse bread because it was not cake. The Soulbury Constitution was passed by the State Council by a margin far exceeding the original stipulated three quarters majority. More than 90 per cent of members supported it, the only dissenters being W. Dahanayake, a maverick Sinhalese and future Prime Minister, and a lone Indian representative, I.X. Pereira, an Appointed Member.

When Ponnambalam returned from his visit to England he was distressed by the actions of his fellow Ceylon Tamil State Councillors and vowed vengeance against them. Similarly, the Ceylon Tamil electors were in no frame of mind to respect Whitehall's decision or support its constitution. They too felt angered by those State Councilors who had voted in favour of it.

The years 1945- witnessed a growing Ceylon Tamil national consciousness, combined with the fear of an uncertain and unpredictable future. This was heightened by Whitehall's declaration in the run-up to the general election of 1947 that Ceylon would be granted full independence. This gave further recognition to Senanayake's negotiating skills which was also obviously intended to boost his sagging campaign against a disunited opposition. Ponnambalam and his stalwarts in the All-Ceylon Tamil Congress condemned the traitors who had let down the Tamil community by supporting Senanayake. Their election campaign raised Tamil consciousness to a feverish pitch. Ponnambalam exhorted the Tamils to stand erect with their heads held high and called on them never to surrender to their common enemy,

Senanayake and his Sinhalese supporters. Despite the hopelessness of the strategy, the UNP fielded candidates in Tamil constituencies in the Northern Province but saw only one won: C. Suntharalingam, a maverick Tamil, took the Vavuniya seat and became one of Senanayake's ministers. He lived to regret it.

At the time that the Soulbury Commission was appointed in 1944, the imperial government's intention was to grant full internal self-government but retain control over defence and external relations. Even in matters of internal self-government, the Governor would retain his veto power, which could be exercised if laws were enacted that discriminated against the minority communities. Provisions were inserted to ensure a proper balance of representation in the legislature between the majority and minority communities. And appointment to the independent Public and Judicial Service Commissioners were to be made on merit and not ethnic grounds.

Then, within the space of a few months, Senanayake - after stabilising his UNP government - persuaded Whitehall to transfer power, not so much to the island or to the government he headed but to himself. British colonial policy seemed to take a different turn at this stage; it was felt that the most stable political managers (Senanayake in Ceylon, Tunku Abdul Rahman in Malaya) or the most charismatic ones (Nehru in India, Nyerere in Tanzania and Nkrumah in Ghana) were the reliable leaders to whom power could safely be transferred.

Ceylon Tamil opinion had counted on them being an interval between full internal self-government and the conferring of independence, as had been recommended by

the Soulbury Commission. During that time the much-needed compromises and adjustments and even a compromise on the rigid 'fifty - fifty' stance of Ponnambalam could have been effected. But events moved too fast, especially with India and Pakistan becoming independent in August 1947. Britain had no justifiable reason for delaying the process in Ceylon. There was, however, an unexpected quid pro quo to the granting of independence, little understood at the time but well expressed in Sir Charles Ceylon: The path to independence (London, 1962) : Jeffries's position was that Ceylon would have taken the path of interim, internal self-government had Senanayake failed to establish a stable government and, more important, had his opponents on the left been victorious. But in the end, he won, albeit not with a stable majority. He was able to stabilise his position by gaining the support of the majority of the twenty - one independent MPs returned. There was also a rumour that the Prime Minister would seek and obtain a dissolution of Parliament if he was defeated in the Address of Thanks on the throne speech : MPs were not prepared to face the uncertainties of the polls again.

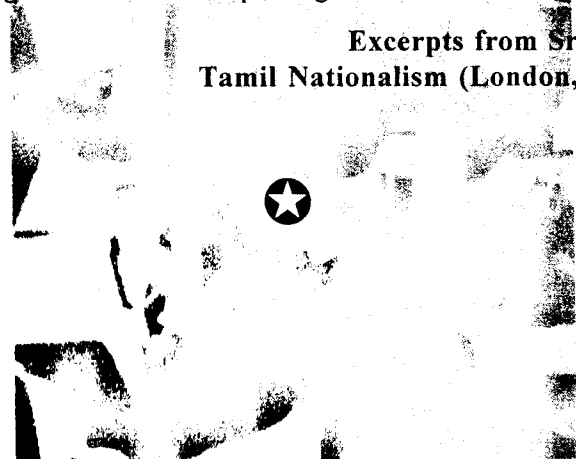
Ponnambalam and the Tamil Congress campaigned against the acceptance of the Soulbury Constitution, and asked instead to be given a mandate to cooperate with any progressive Sinhalese party which would grant the Tamil their due rights. In February 1946, Ponnambalam enunciated his party's election platform in a speech, which was reported in the Hindu Organ of 5 February 1946 :

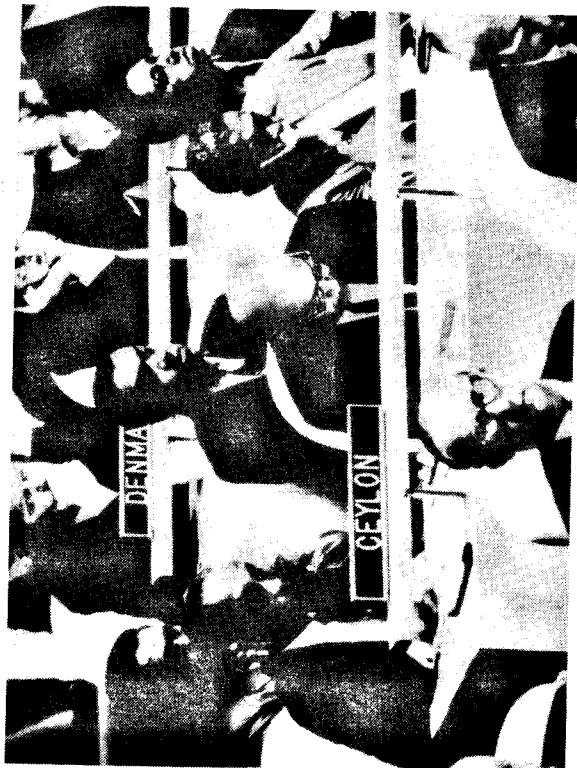
"It is essential to place before the Tamils a policy and a programmed which will enable the Tamils to work for the

common weal in cooperation with other communities in the island, while conserving the inalienable rights of the community. I resolve to propose responsive cooperation (emphasis added) between the communities. This will also comprise a social welfare policy which will prove beneficial not only to the vast majority of the poor masses of Tamils, but also find acceptance among the large masses of Sinhalese.

Calling for such a mandate was little less than a request for a blank cheque. Read as a whole, the mandate could have been used to cooperate with any Sinhalese party, provided the rights of the Tamils were safeguarded. What these rights were needed spelling out..

**Excerpts from Srilanka
Tamil Nationalism (London, 2001)**





G.G. at the UN

In 1965-66, Premier Dudley Senanayake's UNP Government, had the honour of G.G. Ponnambalam, QC, agreeing to lead its delegation to the United Nations. The august Assembly was so spellbound by his oration that the US delegate, Ms. Frances Willis, rushed over to him, shook his hands and exclaimed, "If that is the voice of an underdeveloped nation, we would all like to be underdeveloped!" Picture shows G.G. seated to the left of the CEYLON banner and delivering his historic speech.



G.G. at the SARKARIA COMMISSION

1976, January 30, saw the dismissal of Kalaigarnar Karunanidhi's Tamil Nadu Government by the Central Government of Indira Gandhi under charges of alleged corruption, and Justice Sarkaria, a sitting Judge of the Supreme Court of India was appointed as a one-man commission to head an inquiry. At Karunanidhi's request, G.G. Ponnambalam, whose legal skills are legendary, appeared before the Commission. After dwelling at length on the double standards adopted by Delhi in its centre - state relationship (with reference to Punjab and Tamil Nadu), he challenged the Judge to allow him to cross-examine every witness who was going to testify and prove them liars. This demand was turned down promptly by the judge. With devastating legal arguments G.G. went to expose the nature and operating procedures of the kangaroo court that was meant to do a fix-up job after Indira Gandhi had made up her mind to wreak political vengeance on Karunanidhi. He then led his top team of Tamil Nadu lawyers on a walk-out and continued to boycott the hearings. It was legal hara-kiri for the Commission thereafter and Karunanidhi won his day. GG refused to accept even a red cent as payment from Karunanidhi by way of fees or travel expenses and even insisted on paying for his accommodation. Later, at a great thanksgiving rally hosted by Karunanidhi at Seerani Arangam at the Marina Beach, he declared that the high moral standards set for true friendship in the Sangam Tamil Literature had been totally rewritten by G.G. Ponnambalam. Picture shows G.G., Karunanidhi, former Minister Rajaram and other Tamil Nadu lawyers outside the Sarkaria Commission court in New Delhi.



GG at AMIRTHALINGAM's Trial-at-bar

Appapillai Amirthalingam, former Deputy Leader of the Federal Party, who had always unfairly condemned G.G. Ponnambalam, was arrested in 1976 and charged with sedition for distributing separatist literature. He faced a Trial-at-bar in October, November 1976. He rushed to G.G. for help.

*Though 75 years old, G.G. responded magnanimously, took up his case, argued at great length that Emergency Regulations under which the case had been filed were **ultra vires** the Constitution of Sri Lanka and this preliminary objection was upheld. The Government had to withdraw the case. G.G. died the next year.*

Sage Valluvar said (Thirukkural 312):

கறுத்து இன்னா செய்தவக் கண்ணும் மறுத்து இன்னா செய்யாமை மாசற்றார் கோள்.

(Even to a man who maliciously did harm, the righteous man's ideal is not to return evil).

What better embodiment than G.G. could anyone find for this Kural?



Three Great Generations of G.G.s

G.G. PONNAMBALAM II

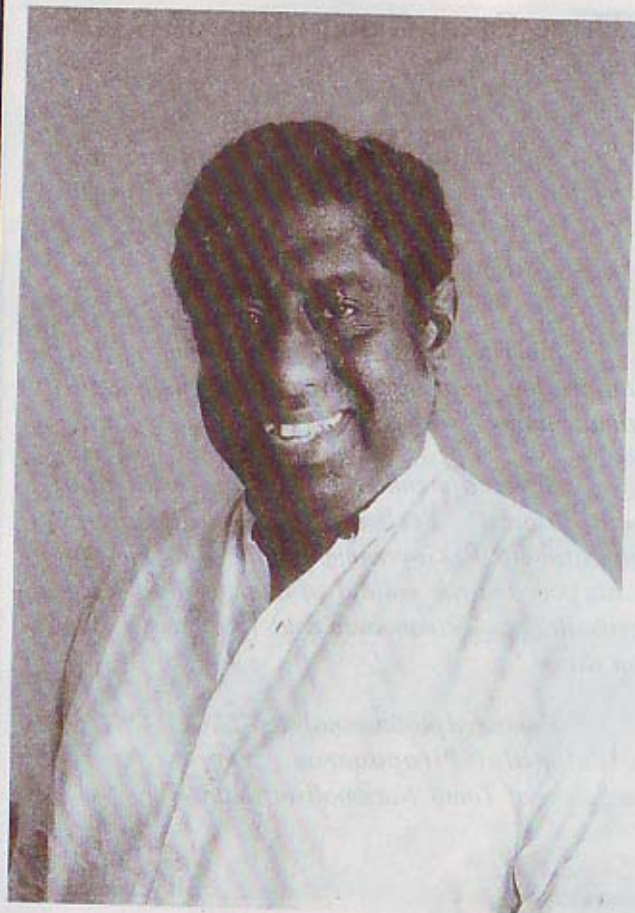
(Gaasinather Gangaser Ponnambalam, Barrister-at-law (Lincoln's Inn), also known as "KUMAR")

(12.8.1938 - 5.1.2000)

Inherited his father's inborn Tamil pride and indomitable fighting spirit and carried it to its ultimate limits.

Never a member of Parliament or even a local council! Yet he was a mighty one-man Opposition to the Government of the day! The power of his pen and the volleys of truth it fired were as devastating as a commando raid, that "they" gunned him down.

Honoured posthumously as "MAAMANITHAN" by Velupillai-Pirapaharan, representing the vanguard of Tamil Nationalism today.



Three Great Generations of G.G.s

G.G. PONNAMBALAM I

*(Ganapathypillai Gangaser Ponnambalam,
Queen's Counsel)*

(8.11.1901 - 9.2.1977)

The man who first gave an identity and structure to Tamil National Consciousness in Ceylon. Even as early as the 1940's, he roared from platform to platform thus:

**தமிழன் என்று சொல்லடா !
தலை நிமிர்ந்து நில்லடா!
தரணியெங்கும் நிகருனக்கு
இல்லையென்று சொல்லடா!**

(Herald that you are a Tamil! Stand upright, head held high! Proclaim that you have no equals in the world.)

Tamil Nadu's great fighter for independence and poet, Namakkal Ramalingam Pillai's fiery verses could not have found a better outlet.

Three Great Generations of G.G.s

G.G. PONNAMBALAM III



Three Great Generations of G.G.s

G.G. PONNAMBALAM III

*(Gajendrakumar Gangaser Ponnambalam,
Barrister-at-law, (Lincoln's Inn, M.P. for Jaffna)*

(Birth: 16.1.1974)

*Swept to power as Member of Parliament for Jaffna
with the largest majority at the general elections held on
5.12.2001.*

*The four-party group on behalf of which he
contested went to the polls with the following demands:*

*Immediate removal of the economic embargo on the
North and the East.*

*Removal of the restrictions placed on the place of
domicile and the freedom of movement on members of the
Tamil Nation.*

*Immediate commencement of peace talks by the
Government with International Third Party facilitation, with
the LTTE only, and no other political Grouping.*

Immediate removal of the ban on the LTTE.

*Given the great contributions made to the cause of
Eelam Tamils, by his illustrious father and grandfather, it is
predicted that G.G. Ponnambalam III will also carve out his
own place in history.*



The Marathon Crusade for 'FIFTY, FIFTY'

(Balanced Representation)
In the State Council - 1939

Mr. Speaker, when I first made my appearance on the Floor of this House, I appealed to the Hon. Members to bear with me and hear me when I expressed sentiments that might be somewhat unpopular. I propose to make the same appeal to the Hon. Members of this house in speaking on this motion today. I venture to hope that these words will fall on sympathetic ears.

Sir, I would be less than human, or more than a man, if I allowed the appeal made by the Hon. Member for Kandy to fall on deaf ears. I cannot understand how representatives of the majority community in this country, ranging from the champion of lost causes and impossible loyalties, the Member for Balapitiya, to the Member for Kandy, could possibly feel that any demand made on behalf of my community from a complete realization that we are at the cross-roads, that definitely the demands of the various minority communities in the country must be recognized in any future Constitution – that those demands represent an attitude inimical either to the interests of the majority community or the best interests of the country.

Speaking with the utmost seriousness and sincerity, I wish to ask Hon. Members to this House, and particularly my hon. Friends the representatives of the major community in this Council and those even outside it, to lay before me either here or elsewhere one single utterance of mine which has been influenced by a feeling of malice or enmity towards the welfare of the major community. I go further, I would like to know whether any single Member can bring home a charge of reactionary conduct against me in the last ten years since I have been actively engaged in the public life of the country.

Sir, self – government is one thing, but a deliberate progression towards self misrule, a deliberate march towards an accession of power to a coterie, a clique, a junta, or cabal, is another thing. The Hon. Member for Kandy spoke with feeling. I appreciate that. But where he goes wrong is in this: some time ago the Donoughmore Report was extolled by people some of whom are now frontbenchers, and now the Governor's proposals are extolled as an advance in the method of Government in this country but let there be no mistake that in exactly the same way as power under the Donoughmore Scheme, was directed into the hands of not even the majority community, but into the hands of a section of the majority community, as also in the same way, I am honestly convinced that what is sought to be created by His Excellency the Governor, Sir Andrew Caldecott, is not one cabal, such as the one we have before us now, but two cabals, one to be located in Queen's House and the other in these premises.

An appeal has been made to me. Is it not significant that I who still am privileged – I hope Members will allow me that privilege – to call several Sinhalese my friends. I who have had the fortune at the country's expense, as the Hon. Member for Kandy pointed out of having a liberal education at an ancient seat of learning in England, that I who was at the instance of the Hon. Member for Balapitiya,

called to serve upon the All – Parties Committee known as the National Committee, seven or eight years ago, should have been driven to take up this attitude? Before I ever thought of entering the portals of this House, I, along with the Hon. Member for Balapitiya, the Minister of Local Administration, the Member for Kandy and a number of others served in a Committee known as the "National Committee". There was no question, as far as I was concerned, of thinking in terms of my community or of speaking for my community. I really thought that there was the possibility of a Ceylonese nation. I really felt as one with the members of the major community in this country. I really felt as one with the Sinhalese, and was ready to march along the path of self – government.

Sir, it was knocked fairly and squarely between my eyes that those who professed loudly, those who vaunted rantingly on the question of self – government, were enthused and motivated by no desire other than that of the aggrandizement of one section of the community.

I shall recall, particularly to the mind of the Hon. Minister of Local Administration a speech – hardly a speech, an observation of his – when I said in the National Committee that clearly the electoral arrangement under the Donoughmore constitution left a great deal to be desired and that the minorities had been completely swamped by a territorial majority. The Hon. Minister of Local Administration observed that no self – government, not even independence for this country, would be worth while if the Tamils and other minorities were to be given their due.

I repeat the utterance. I am in possession of a document in which it appears, and I am prepared to submit it to any Member of the House or to the Hon. Minister. But I say it is a report from the papers, and it has not been contradicted. Quite apart from that, there was a rejoinder, my reply to him was: "Are these high priests or money – changers in the Temple of Reform?"

Thereafter, Sir, there was the Liberal League, which is now defunct, which was then moribund, and of which again the Hon. Member for Balapitya was President. That again, very soon after its inception, degenerated into a caucus which was merely being got up for the ad hoc purpose of fighting the imposition of income tax in this country and more probably in order to get a few seats in the Board of Ministers of the first State Council for a favoured few.

After a complete realization of these facts, I severed my connection both with the National Committee and the Liberal League, having also exposed the fact that this Association which spoke under the grandiose appellation of the "All Ceylon Liberal Federation," or something like that really could not summon to a full special meeting more than thirteen members – not even a quorum. That is the position as far as I am concerned.

And what is the position of the Tamil community? I want to repeat that our position is this. We are inhabitants of this country. We have lived here, and a branch of the Tamil community has lived here possibly longer than our brethren the Sinhalese. This is our home. We have as much right to claim to have permanent and vested interests in this country politically and otherwise as the Sinhalese people. We do not propose to be treated as undesirable aliens. We do not and will not tolerate being segregated in ghettos and treated like Semites in the Nazi States of Central Europe.

Mr. Speaker, it must not be laid against us that we have been reactionary. Self – government is as much our concern, let me assure you, as it is the concern of our Sinhalese brethren. We do definitely anticipate the time when this country would have marched towards and attained self – government within the Empire. But self – government, I repeat is one thing and government by a caucus or by a junta is another. Our position is the same; no more and no less than what so eminent a person as Mr. Gokhale years ago in his

presidential address to the Indian National Congress stated. He said:

"The goal of the Congress is that India should be governed in the interests of the Indians themselves, and that, in course of time a form of government should be attained in this country similar – to what exists in the self – governing colonies of the British Empire. For better or for worse, our destinies are now linked with those of England, and the Congress freely recognizes that whatever advance we seek must be within the Empire itself. That advance, moreover, can only be gradual as at each stage of the progress it may be necessary for us to pass through a brief course of apprenticeship before we are enabled to go to the next one; for it is a reasonable proposition that the sense of responsibility required for the proper exercise of political institutions of the West can be acquired by an Eastern people through practical training and experiment only."

This country is not an unrelieved, uniform entity without any differences. I look upon Ceylon as a rich mosaic of finely – studded gems, I do not accept this theory of homogeneity, artificial homogeneity, of uniformity, because it does not exist. It is no use our friends asking us to accept that there are no differences. We have got to meet a situation such as it is, not as it ought to be. The situation as it is, is this, that we are a composite of different races and nationalities who have to live and move and have our being in this country. And the rights of every component part must be accepted and the claims recognized if this country is to march on for the highest good of the greatest number if not of the people as a whole.

I now come to the manner in which the proposals that we are called upon to debate have been placed before the House. It is significant that not a single Member has made any observation on that fact, that is, that proposals that are likely to affect the whole

country for years to come, millions of people in this country for years to come, have been placed before the House by the Hon. the Legal Secretary. Against him I have nothing to say, except this, that he has in a very amiable manner contemplated his own demise and pronounced his funeral obsequies; and in doing something unpalatable he has done well.

But, Sir, What about the Board of Ministers? Except for the observations of the Hon. Leader of the House and some expressions including threats with regard to repercussions in this country within the next ten years if the Indians continued to adopt the position that they have adopted, that have fallen from the lips of the Hon. Minister of Health, no conceivable lead has been given by the Ministers, and that is a right that we could have demanded from the Board of Ministers. Hon. Members might ask me, why? Because the whole *raison d'être* for the creation of this cabal, otherwise called the "homogeneous Board of Ministers" was the reform of the Constitution. Democrats, Members who are so deeply conscious of their rights looked on when the Minister's memoranda, incubated in darkness and hatched in secret went to the Governor and through him to the Secretary of State, over and above the heads of Hon. Members of this House.

Sir, in March 1937, when the Speaker, the Leader of the House and the Minister of Labour, Industry and Commerce were proceeding represent this country at the Coronation of their Majesties, I introduced a motion that none of them, should make representations with regard to the reform of the Constitution on behalf of the Members of this House or this country. That motion was passed by a majority. But what is of significance is this; at that time I taxed the Hon. Leader of the House and his deputy, the Minister of Agriculture, with framing these various memoranda without the knowledge of the Members of this House and of sending them to the Governor and the Secretary of State. And this is what the Hon. Leader said on that occasion.

"The Ministers' memorandum has gone forward and as soon as it reaches the Secretary of State it will be put before the House."

But nothing of the sort was done. Again he said :

"The Secretary of State is not going to take action immediately he receives that document. He is not going immediately to sit down and alter the Constitution as recommended by the Ministers. When the Ministers' memorandum,"

- this is what is significant -

"is placed before this House, the Council can express its own opinion upon it, and that opinion will be duly communicated to the Secretary of State. Every opportunity will be given to this House to express its own views on the recommendations made by the Ministers in their memoranda."

That was the solemn undertaking given by the Leader of the House as far back as March 1937, and up to date the Ministers, either individually or collectively have not thought it fit to take this House into their confidence and place before this house what the particular and specific proposals they made were and what were their minimum demands in order that this House could have made up its mind one way or the other.

On the same occasion, Sir, this is what the Hon. Minister of Agriculture said. His contention then was that the so - called Ministers' memorandum was purely a document written and made on behalf of the Ministers, and not on behalf of the House. He said:

"I can tell you this with regard to the memorandum itself. We are not in a position to give the contents of the memorandum to this House. We are not in a position to do so just now because till the memorandum goes to the Governor and till we have his authority - it may be after it goes to the Secretary of State - we cannot publish it".

A MEMBER : Why?

The Hon. Mr. SENANAYAKE: Because it is not courtesy. The Council will know when it is to be consulted. When proposals for reforms are to be made on behalf of this House, the Council will be consulted."

Now, Sir, that is a most extraordinary thing, that the proposals made for Reforms which must definitely affect every single Member of this House and the country were, according to the contention of the Hon. Minister of Agriculture, made purely on behalf of the Board of Ministers, of seven people, who represented apparently, on his own contention, nobody but themselves. I say that this is a foretaste of what is going to happen in this country with Cabinet dictatorship. It will be nothing more nor less than dictatorship by seven or nine Members of this House, who having once got power will remain as an irremovable, unalterable executive, unshaken by any kind of expression of opinion by this House. Otherwise why was not this solemn undertaking honoured? Why was it that the Members of this House were not told precisely what they demanded? Up to date we do not know what will be the minimum proposals that the Board of Ministers will accept, or whether after a long and somewhat prolonged discussion we will be told that the present Constitution represents seven – tenths of self – government as there are seven Ministers and three Officers of State, and that His Excellency's proposals will give nine – tenths of self – government; and that therefore it is an advance and we should accept it. No. Sir, this House has the right to know it beforehand, and the Board of Ministers have failed in their duty to take the Hon. Members of this House into their confidence.

The Board of Ministers have in their various memoranda complained that on matters of moment affecting the finances of this country, it had become a habit for the Governor in the past years to consult what they called "the Inner Cabinet" namely, the Officers of

State, and on their instructions or advice to consult the Secretary of State before either they had been consulted or this House had the specific proposals put before it.

I make special reference, Mr. Speaker, to the Interim Report of the Salaries and Cadres Commission. This is what they said in April, 1933:

"In fact an inner Cabinet has been created composed of the three Officers of State who have been thus afforded special opportunities of obtaining the ear of the Governor and securing the adoption of measures without the knowledge or approval of the Board of Ministers."

This is their further observation:

"The proper constitutional course was for the Governor to address the Secretary of State after the Board had formulated its proposals and obtained decisions in the State Council.... But his decision on these matters should be sought, not in advance but finally after the normal constitutional procedure had been followed."

Now, this is the very thing the Board of Ministers have been palpably guilty of. They hoped to influence the Governor, and having made *ex-parte* statements to him, to influence the Secretary of State through the Governor, and to present a *fait accompli* to this House.

Mr. Speaker, that is not acting with responsibility. This is not acting with complete fairness to Members of this House, particularly because they are aware that there is a definite section in this House who rightly or wrongly – we will not go into the ethics of that – hold strong and diametrically opposed views to theirs. Is the conduct of the Ministers fair, I ask Hon. Members of this House.

Leaving out for the moment the consideration of my own demands in the matters, if we are confronted with the spectacle of an executive, which has no collective responsibility and each individual member of which is a spokesman of his Committee – they are no more than a board of management of the finances of this country – who act on most vital questions and take it upon themselves to frame proposals, keep them away from us and influence the Governor and the Secretary of State under, this Constitution, God help us, Sir, when the next Constitution comes if it ever does. And this conduct on the part of the Ministers is in the face of repeated warnings given by Governors and Secretaries of State.

In 1933, Sir Graeme Thomson considered it undesirable to deal with the merits of the Ministers' proposals until the views of the other sections of the State Council were ascertained. So, they had that reply of Sir Graeme Thomson before them.

In September, 1934 – the House will remember that at that time there were two minority Members in the Board of Ministers – the Governor informed the Board of Ministers that there was considerable division of opinion on large questions of principle in the Board of Ministers itself and therefore he saw no chance of their proposals being accepted by the State Council as a whole. And in May, 1937 – three years later – His Excellency the Governor, Sir Edward Stubbs, had informed the Board that the Secretary of State would not be willing to form any final conclusions without ascertaining the views of all sections in the State Council. And that was even after this homogeneous Board of Ministers had been created.

I ask you, Mr. Speaker, whether it is the most proper conduct, the most reasonable conduct for responsible men forming the executive of this country, when they realized that the presence of two members of the minority communities in the last Board of

Ministers had prevented them from putting up a united demand to the Governor and the Secretary of State, that they should by the elimination of the minorities in the Board of Ministers have tried to persuade the Governor and the authorities in England, as apparently they had persuaded themselves they could, that there was no difference of opinion in the country with regard to their demands. In the face of that conduct, have not the minority communities a genuine cause for alarm, a genuine cause for thought, a genuine cause for premonition?

Lastly, Mr. Speaker. Lord Harlech – he was then Mr. Ormsby-Gore – has in his Despatch of November, 1937, indicated to the Board of Ministers and to His Excellency the Governor that selected changes could not be expected to produce good results unless adopted with the general consent of all interested quarters in Ceylon. In spite of that, that again, in May 1938, or in June, 1938, they went along and presented another Ministers' memorandum reiterating their demands. In the face of that, Mr. Speaker, I think it is not an exaggerated or unjust criticism to make when I say that the whole question has been prejudiced by *ex-parte* statements, by the creation of an atmosphere of partiality and partisanship in the minds of those who should be the judges in this matter, and that therefore there should be a complete and thorough inquiry into the whole question before final conclusions are made on Constitutional reforms.

In this connection, I may say that my Hon. Friends of the major community who had by the recommendations of the Donoughmore Commissioners received something in the nature of a political windfall – it is definitely a political windfall – have nothing to fear by an impartial scrutiny by a Parliamentary Commission of the administration of this country during the last seven years. We are convinced – there is no question about that – the Tamils and the other minorities were let down completely as far as the recommendations of the Donoughmore Commissioners are concerned.

We have been relegated to a position of political subservience. Whether taken in the light of the government or mis-government of this country for the last seven years or in the light of the experience gained by the working of this Constitution during the last seven or eight years, a Parliamentary Commission should be sent out to examine whether the demands made by the Board of Ministers are really in the best interests of this country; and whether our demands for the restoration of the scheme of representation which we have had in the past is not sound and reasonable. I leave it at that.

Mr. Speaker. What is the attitude of those who spoke on behalf of the country towards the existence of minorities in this country? I should like to ask in all seriousness whether they do or do not admit the existence of minorities, or different communities in this country? It would appear that in the space of seven years a great many of those now in the Board of Ministers have persuaded themselves – possibly honestly, because I cannot explain hallucinations – to believe that in this country there are no minorities. The following quotations will show what I mean.

In April, 1933, in the Ministers' memorandum itself these words appear:

“We recognize fully the fears and apprehensions of the minorities.”

And in another place, they say:

“We have every reason to think that the interests of the minorities...”

-mark those words, Mr. Speaker; even then they admitted that there were certain interests distinct from those of the major community:

“..... would be more secure under the scheme that they adumbrated.”

That was in 1933. They also contemplated that the Chief Minister would do justice to the claims of the minorities that deserve representation. *Noblesse oblige!*

In March, 1938, Mr. Speaker, these words appear:

“It has been urged by those who describe themselves as belonging to the minority communities...”

It would appear that there has been a complete mental revolution as far as the Board of Ministers are concerned between 1933 and 1938 in that they should then think of the specific and separate interests of the minority communities and now talk in these terms, “who describe themselves as members of the minority communities.” If this is not intolerance, if this is not new wine gone to old heads, I would like to know what it is.

And again, in March, 1938, when they had realized that our agitation had gathered strength, that there was a definitely strong case made out by the minority communities, they referred to that favorite theme of theirs, communal representation, and said that there can be no change in the all-important principle of territorial representation. What is this particular magic behind the geographical nature of territorial representation or the *ipse dixit* of His Excellency the Governor on the question of territorial representation, or the animadversions of the Board of Ministers? We cannot and will not abandon the scheme devised for our representation and which in the last century had been adopted by Britain, in all parts of her Eastern Empire and in the Mediterranean as being essential for the protection of minorities.

You can imagine, Mr. Speaker, to what extent the Board of Ministers have persuaded themselves that, they represent the whole country. In the last memorandum dated March, 1938, they say:

“In 1934 the State Council *almost unanimously*—”

Hon. Members should mark those words; in the name of democracy, they should mark those words:

"In 1934 the State Council almost unanimously approved of the Ministers' proposals."

They say "almost unanimously" but what are the facts? We all remember that it was once only, in 1934, that the Board of Ministers had the courage to place their Reforms proposals before this House, when upon a division they were confronted with the dismal spectacle of all the Sinhalese voting on one side and all the minorities voting on the other. And is this the correct way of conveying the fact of that division in a memorandum submitted by responsible body — that "the State Council almost unanimously approved of the Ministers' proposals"?

After all, this Council is supposed to represent the country and all the minorities who constitute at least 2,000,000 of His Majesty's subjects in this country, as against three and a quarter of three and a half millions of the major community; nevertheless the Board of Ministers have persuaded themselves, have permitted themselves to believe that division provided a close approximation to unanimity. That again reveals a state of affairs that should be taken serious notice of. In the face of the speeches of those who spoke as Members of the minority communities—(Interruption); I am referring to the division on that occasion—the Ministers claim that there is no cleavage in this country.

The Donoughmore Commissioners at page 44 of their Report state that the clash of the claims of the rival races in the Colony alone furnishes a series of administrative problems unknown in Great Britain. To those who apply the rather soothing unction to their souls and think that there is no division, that there is no clash of communal interests, this statement should be an eye-opener. The Donoughmore Report is their gospel when they want to their way

with the claims of the minorities. I would ask this House to consider that finding of the Donoughmore Commissioners in this connection also.

Mr. Speaker, I now come to an observation made by His Excellency the Governor. His Excellency the Governor before he deals with the machinery of Government disposes of in one line what he has chosen to call the fifty-fifty demand, a crude arithmetical formula. The demand, as far as I am aware, of the minorities in this country has been for balanced representation, for representation on the basis that no single community should be in a position to out-vote the other communities of all the other communities in the Island. That does not necessarily mean a fifty-fifty basis. It might mean more or less.

~~His Excellency~~ must have been aware more than any one else that what was contemplated by all of us was not a reversion to communal representation, not a demarcation or reservation of communal seats, not even a reservation of seats in joint electorates for particular interests, but a re-demarcation, a redelimitation of electoral boundaries in this country in such a way as to permit members of the minority communities, if they feel so disposed, for some time to come to return Members belonging to their communities so that the major community should not be in a position to out-vote the other communities. I submit to every right-thinking Member of this House that to make that demand is one thing and to put down an inflexible, crude mathematical formula such as fifty-fifty is another thing. And by whom was this demand made?

Not by me. It might appear to some Members of this House that this is the demand of a mischievous mind, made within the last few years: that neither the Tamils as community nor the accredited leaders of the Tamil community in the past had made a demand of this nature. Sir, I should like to nail that misapprehension to the counter.

In the past, the inflexible and unchanging position taken up by the accredited leaders of the Tamil community from the late Sir Ponnambalam Ramanathan downwards has been this, and this alone. And I would like in this connection to refer to the document which my Hon. Friend for Kandy referred to, but I hope with greater correctness. I excuse the Hon. Member for misinforming the House because I do not think that it was done intentionally. He referred to a memorial signed by three people on behalf of the Executive Committee of the Congress, and he asseverated that document which was in front of him was signed by the Hon. Member for Jaffna and by the Hon. the Nominated Member (Mr. Jayah). That came from the lips of the hon. Member for Kandy. It does not require repudiation.

In August, 1931, when the Tamil Maha Jana Sabha was formed in Jaffna under the presidentship of Sir Ambalavanar Kanagasabai —

Mr. W. Duraiswamy and Mr. E. R. Tambimuttu were elected Vice-Presidents, the following resolution was adopted with their complete approval:

“This meeting declares that no electoral scheme will be acceptable to the Tamils unless provision is made for Tamil seats in the Legislative Council equal in number.”

Mark the words, “equal in number”—

“to two-thirds of the Sinhalese (including reserved seats in Provinces where the Tamils form important minorities) and that independent action be taken to secure such provision).”

As a result of that meeting and, in pursuance of that resolution, a memorial, was forwarded to the Secretary of State, and, in paragraph 22 of that memorial, the following passage occurs—

“The memorialists beg further to point out that in a Council composed of representatives of various races and communities on the unofficial side, the members belonging to any single community should not be allowed to have a predominant voice in its deliberations as against Unofficial Members of all other Ceylonese communities combined.”

There you have a complete enunciation, Mr. Speaker, of the very demand that is being now made on behalf of my community by the Hon. Member of Jaffna, Mannar, Kankasanturai and myself.

My irrepressible Friend the Hon. Member for Galle wants to know. “What about 1927” I have before me—I should have liked to avoid it—I have before me the evidence given by the President of the Jaffna Association—the spokesman at the time was the Hon. Mr. W. Duraiswamy—and the Ceylon Tamil League whose spokesman was the Hon. Sir Ponnambalam Ramanathan. And I will refer him, if he wants, to Volume III, page 73. of the Donoughmore Commission Report. The identical demands were made by both the Jaffna Association through its spokesman the Hon. Sir W. Duraiswamy then Mr. Mahadev. So that we are not the prophets of yesterday. We are but merely the servants of a community trying to follow the behests of its leaders like Sir Ponnambalam Ramanathan, Sir Ambalavanar Kanagasabai, and Sir Ponnambalam Arunachalam and trying to carry out the demands of the community as a whole.

I will go further. As a result of that memorial of the Tamil Maha Jana Sabha which was forwarded to the Secretary of State on instruction from him, the Governor appointed as Select Committee in which Select Committee, among others, was the Hon. Mr. W. Duraiswamy.

Yes. Let our elders speak for us, those elders who cannot speak to-day but who must be really wishing very much that they

could down from their pedestals and take the arena. Let them speak for us.

In a Rider submitted to the report of that Select Committee of which he was a Member—that Select Committee having been appointed to go into the question of the allocation of seats between the various communities—the Hon. Mr. W. Duraiswamy put down this dissent:

“There is a strong feeling among the entire Tamil community in the Island that the Tamils cannot be adequately represented in the Council unless the Northern Province is given six seats and the Eastern Province Three.....”

That in a Council, Mr. Speaker, of thirty—not in a Council of fifty-eight—the Northern Province should be given six seats and the Eastern Province three with a reserved seat for the Tamils in the Western Province, making a total of ten in a territorially elected Council of thirty and those are his exact words.

“With a provision of 6 seats to the Northern province and 3 for the Eastern, the total number of seats to be filled on a territorial basis may be increased to 30, including the elected Tamil seat for Colombo.

That was definitely to give to the Tamils ten seats and to the Sinhalese twenty seats bringing the ratio of representation between the Tamils and the Sinhalese to one to two, and along with other Nominated Members to maintain the balance of power which I have just enunciated in so many words and which was incorporated in that particular memorandum.

Sir, before the tea interval I was referring to the position taken up by the Hon. Mr. Duraiswamy in the evidence he gave before the Donoughmore Commissioners. I think it is only fair to him, Mr. Speaker, that I should give credit to the fact that he was a prophet.

He anticipated this denouement of a homogeneous Board of Ministers. This is what he said.

“If the Ministers should be chosen from the majority of the Legislative Council these Ministers will represent the majority party. Which is the majority party?”

—asks he—

“The Legislature is not divided at present on social questions or political questions. At present the parties to some extent are appearing as communal parties. Thus the Sinhalese party will have their Ministers and the Government and the majority party will form a bloc which the minorities will not be able to withstand.

How prophetic, Mr. Speaker! He continued:

“That is apparent; the Government and the majority party will form a bloc, and the position of the minorities will be weakened”

This is with regard to the possibility of a homogeneous Board of Ministers.

In another place he says:

“In asking for the maintenance of this ratio”

that is the ratio of one Tamil to two Sinhalese__

“in the Legislature Council we do not for one moment ask for more favourable treatment for one community than for another.”

He spoke, Mr. Speaker, with the profound conviction that to give the Tamils representation in the ratio of one to two Sinhalese was not to give them favourable treatment but to give them their just due; and this is his comment with regard to the Congress.

"When the Congress speaks we cannot take it that it speaks on behalf of the Tamil community."

—this is as early as 1927 —

"also because some years ago the Tamils seceded from the Congress. You will find again that most of the leading members of the Ceylon National Congress are members of the Lanka Maha Sabha, and it is surprising to me that the proposals put forward by the Congress for one kind of reform are not put forward by the Lanka Maha Jana Sabha. All the Members of that Maha Jana Sabha are members of the Congress also. The Sabha is conducted in Sinhalese, and its rules are in Sinhalese. So it is a Sinhalese organisation. I give that as an instance that the Sinhalese are thinking communally."

—and presumably acting also.

Mr. Speaker, after my affectionate reference to the Hon. Mr. Duraiswamy I cannot omit to refer to my friend, Mr. K. Balasingham.

Mr. Speaker speaking on the question of Reforms the Hon. Mr. Balasingham said

"I wish to bring to your Excellency's notice that the Tamils desire that whether under a territorial or racial basis of representation there should be the existing proportion of representation between the two principal races maintained in any reformed Council."

So, Mr. Speaker, Hon. Members of this House will agree with me when I say that our elders in the past have given us the lead. That lead we may somewhat inadequately follow now. It is not, I repeat, due to any mischievous undertaking of Members who have been returned recently, but it is again, I repeat, the carrying on of a tradition and a demand which has been made the *sine qua non* of political Reform as far as Tamils are concerned in this country.

One wonders whether His Excellency the Governor within the short space of six months that he had sojourned here before he felt impelled to write this now famous Dispatch found the opportunity or time to go into the various debates, utterances and declarations of the various representatives and accredited leaders of this community in the past. I venture the opinion, Mr. Speaker, that His Excellency within that short time could not possibly have made him self conversant or acquainted with what had gone on in the past but instead. His Excellency was quite ready, in his own words, to listen to large number of private conversations, to receive a large number of private conversations, to receive a large number of letters from private persons. These two facts are embodied in his Dispatch. It is true that in the dossier he annexes to his Dispatch there is no schedule of the nature of this conversations, the personalities interviewed, or the private letters he had received but I think I would not be wrong or unjustified in saying that His Excellency is but human and must definitely and necessarily have been influenced in his decision by virtue of these letters and private conversations.

His Excellency might have taken, I venture to think, Mr. Speaker some more time and read over the memoranda, read over the demands, the declaration of various representatives of the minority communities and consulted this House before he wrote this Dispatch. What is even more startling is this : His Excellency acquiesced in the undemocratic action of this homogeneous Board of Ministers in sending out a Dispatch to the Secretary of State for the Colonies without ascertaining the opinions of this House. That is a most remarkable thing.

His Excellency, I believe claims to be a democrat and yet having before him a Council elected on universal adult franchise, having the representatives of the people constituted in State Council before him, he has recourse to private conversations and letters, to

deputations and memoranda, but does not adopt the one and only course that was open to him, and that was to find out the views of Members of this House representing all sections of the people. His Excellency without having taken that first step, the only step, before he could have come to a conclusion addressed a Dispatch with a definite suggestion of finality behind it. I say that because in the body of the Dispatch you will find he says if his principles are accepted he will be prepared to appoint a Delimitation Commission.

His Excellency, as a matter of fact, wanted the imprimatur and sanction of the Colonial Office to go forward. Why, I ask Hon. Members, this unbecoming haste even on the part of His Excellency? One can only put the one possible generous interpretation on it and that is that there was persistent pressure brought to bear by the Board of Ministers in order that the scheme, the little pet scheme, hatched in secret and in darkness may receive the approval of the Colonial Office before Hon. Members had an opportunity of discussing it. And I am happy to be able to pay my humble tribute to British legislators, to the Colonial Office and to His Majesty's Government that they thought fit to send back the Dispatch of His Excellency to be discussed in this House before any action was taken. Otherwise we would have been completely shut out from expressing our opinions on this question.

With reference to the enclosures to the Dispatch it would appear, giving an average of two hours to an interview, that His Excellency's interviews with Associations and representative men and politicians could not have lasted for more than twelve hours and the volume of memoranda could not have taken more than two days to read over, and he comes to definite and final conclusions upon issues of first-rate Constitutional importance likely to affect the well-being and prosperity of five and a half to six millions of His Majesty's subjects in this country.

His Excellency, as I said, in one line disposed of the demand of the Tamils and other minorities for a balanced scheme of representation for only two reasons. His Excellency does not argue them out or give reasons but merely says that he condemns them because,

“Any concession to the principle of communal representation would perpetuate sectionalism (which I believe to be anathema to thinking people in Ceylon of all races) and preclude the emergence of true political parties...”

I should like to know what he means by “sectionalism.” Does His Excellency mean that by the grant of enhanced representation, which demand I submit is fair and reasonable on the part of the minorities His Excellency would be creating a *bloc* of people within the Legislature who would be concerned with thwarting the wishes of the majority of this country? Does His Excellency mean that by granting to minorities their demand there will be introduced into this Council an element which will think purely of sectional interests and not of the interests of the country as a whole? If that were so I should like to tell His Excellency that his entire reading of history of the pre-Donoughmore era has been completely wrong. We have the testimony of no other than the Donoughmore Commissioners that communally elected representatives of the old Legislative Council were capable of rising without question above communal interests, above sectional interests and capable of taking an all-Ceylon point of view on all political questions.

I postulate this view to Hon. Members in this House: to keep a discontented minority or minorities in this country, to prevent the return of members representing minority communities is to prevent the minority communities from taking their full and proper share in the government of this country, to keep them all along with

a feeling of discontent, with a feeling of suspicion and with a feeling of distrust against the major community, always on the *qui vive*, always on the look – out for something that may be done against the interests of the minorities definitely and perpetually to keep them apart. On that one point alone I appeal to the leaders of the major community not merely to pay lip – service but to satisfy our demands and remove the misgiving engendered in our hearts in the last seven or eight years and then they will find out whether the minorities would not as in the past be in the vanguard of the national movement in this country. Can it be denied that when they were given their legitimate due they did not form a reactionary bloc to prevent the achievement of the national aspirations and claims of the people of this country? No, Sir, I think if the minorities in this country to-day are paying a penalty, that is due to the fact that the representatives of the minorities stood in the vanguard of the national and political movement in Ceylon. I appeal to the representatives of the Sinhalese community, to consider this fact that to deny us this little modicum of representation is to prevent some of the best elements in this country from co-operating and participating in the national weal.

The pages of history of this country are adorned with the achievements of minority representatives in the cause of Ceylon's progress and welfare.

Quite apart from that, what is the position with regard to India? With regard to India His Excellency might very well have taken the trouble to read and consider some of the relevant literature dealing with the demands and representations of minority communities there. His Excellency need not have gone very much further than 1909 when the Morley – Minto Reforms were introduced in India. Under these reforms, the Muslims were given communal representation, not in proportion to numbers but with definite weightage; that is to say, their representatives were far more than they would have been entitled to purely on the basis of their numbers.

Now, if definitely communal representation was bad, one should have thought that at the next revision of the Indian Constitution, and that came on when the Montagu Chelmsford Reforms Scheme was introduced, it would have been removed in its entirety or whittled down. In point of fact, what is the actual truth? When, Mr. Edwin Montagu in spite of the stress of war came over to India and in collaboration with Lord Chelmsford toured the country and took evidence, both of them came to the conclusion that although there might be theoretical objections or academic opposition to communal representations as such, the demands of the Muslims should be conceded. And what was their actual recommendation? They recommended not a whittling down of the privileges extended to the Muslim community but an extension of communal representation even to the Sikhs.

The Hon. Member for Kandy diagnoses the occurrence of riots in India as being due to the existence of communal representation. If that were so – I will meet him – in the very last revision of the Indian constitution as a result of the investigations of the Simon Commission for over two years in every part of India, as a result of the deliberations of the Joint Parliamentary Committee in England, as a result of the Round Table Conference to which delegates of every community in India were invited to express their views and at the second sessions of which Mahatma Gandhi himself was present, what happened? Actually the communal representation of the Muslims and the number of their seats were increased and what is more, communal electorates were created for the “depressed” classes for Indian Christians, for Europeans, for commercial interests, for landowners, and so on.

Actually then, Sir, what is it? With every instalment of Reforms, with every advance of responsibility to the people of India, every scheme of Reforms that was adumbrated entrenched the

minorities in greater and still greater security and thus made them co-operate in the national endeavour.

If His Excellency perused the Donoughmore Report, to which he says he has adhered as far as possible, he would have seen these findings of the Donoughmore Commissioners themselves.

The populations are made up of diverse elements, often with fundamental racial and religious differences. Even within the same racial or religious community caste distinctions may be responsible for the rigid division of classes. These diverse elements and distinct classes, even if not antagonistic to each other, are in more or less separate compartments, thus resulting in a lack of homogeneity and of corporate consciousness which make it difficult to achieve any national unity of purpose."

It is no use, Mr. Speaker, His Excellency refusing to face facts. He must accept them, He is not here to postulate proposals for conditions as they should be, but for conditions as they are, and there the findings of the Donoughmore Commission completely contradict him. In fact, has there been anything like a change in the essential communal structure of society in this country in the last, shall we say, thirty years? From the time of His Excellency Sir Henry McCallum has there been anything like the fusion of races, anything like racial homogeneity of an appreciable nature that one has witnessed in this country for us to legislate and form proposals that would be applicable to a place like England where there is homogeneity of population, identity of interests, a common language and a common religion?

Sir Henry McCallum said in 1909 – I shall read only two or three strictly relevant sentences :

".... the needs of the various provinces and of their heterogeneous population differ widely according to race and to locality."

Can that be denied to-day? Has anything of the truth of that statement been lost by the progression of thirty years? ".... Any attempts that may be made to represent the people of Ceylon as forming a single entity welded together with common interests to an extent sufficient to nullify these differences, is to the last degree misleading, and argues a radical misconception of local conditions and ignorance of the Colony regarded as a whole."

I ask in all seriousness whether Hon. Members can possibly refute that finding of Sir Henry McCallum as early as 1909, and that after very nearly hundred years of British rule in this country. Would that the spirit of old Sinhalese leaders prevailed to-day because the finding of Sir James Peiris completely tallies with the finding of Sir Henry McCallum. He says :

"Not only do the soil and climate but the general character, wants and circumstances of the various provinces and districts differ materially from each other. Under the present system of representation the districts which are remote from the centre of government suffer, while those districts of which members in council have an intimate knowledge or in which they have interests are unduly favoured.... What is wanted, therefore, is a system of local representation, which will enable the inhabitants of the different districts to place their wants before the Council, through their representatives who could see that the large votes for public works which are passed every year are properly apportioned, and that justice is done to the various localities."

Preconceived notions die hard and die harder still among members of the Sinhala Maha Sabha. I am trying my utmost to point out that quite apart from communal representation there are conditions in this country which call for differentiation which call for relaxation of uniformity in the method of representation. That is what I am endeavouring to prove, and might I beg of Hon. Members to keep an open mind on the subject and thereafter decide?

I have quoted the declarations and the observations of prominent Tamils in the past. Now I am going to another source, namely, the Sinhalese leaders and English administrators in this country and I hope even at this late hour to convince some Hon. Members who honestly want to settle these differences, that there is a case made out by impartial authorities who have had exceptional opportunities of examining the situation in this country.

Sir Henry Gollan who was an Attorney – General of the Island said in the Legislative Council in the course of the debate on the Devonshire – Manning proposals for Reform:

“... if you bring the people of the Colony into a formal unity, which as I say, the communities object to, you will produce homogeneity and destroy any existing barriers that there may be... it seems to me, Sir, that if you were to force the communities of the Colony into a pretended union before they are ripe for it far from removing barriers it would tend to enlarge them. It would tend to fire the spirit of the communities by a sense of their hopelessness in the face of the territorial majority.”

How absolutely true, Mr. Speaker? Is not that exactly the position of the minority representatives in this Council? Is it not that we are completely overcome by a sense of hopelessness in the face of a firmly entrenched territorial Sinhalese majority? What was the finding of the Governor at that time? And this, Hon. Members will bear in mind is in relation to the Constitution and the proposals that obtained in this country immediately before the Donoughmore era. This is the finding of Sir William Manning.

Are the races also obsolete? Sir William Manning said this:

“From a consideration of the figures (population) mentioned, in the last preceding paragraph it will be seen that there is much to justify the communal basis on which representation was given in the

existing Constitution of the Legislative Council, for it is clear that owing to the grouping of the different constituent parts of the population the basis of representation would remain communal even though the constituencies may be on a territorial basis. The chief result of giving predominance to a territorial basis of election would be that, (a) The Low Country and Kandyan Sinhalese and Ceylon Tamils could in certain constituencies respectively ensure the election of candidates of their particular races while the other communities, owing to the manner in which they are spread over the Colony, could not do so; and (b) The Low –country and Kandyan Sinhalese could obtain an, overwhelming proportion of electoral power and reduce all the other communities, severally and collectively, to political impotence.

My Hon. Friend, the *quondam* President of the Congress, says it is obsolete, and yet the observations of Sir William Manning are profoundly true to-day.

How is it obsolete when we know we have, right in front of us, the proposal of the Duke of Devonshire who was then Secretary of State for the Colonies and who, Hon. Members might wish to recall, had been Governor-General of Canada before he became Secretary of the State for the Colonies? He had seen at first – hand the problem of representation as between the French Canadians of Quebec and the English Canadians of Ontario. He had seen the devices adopted by English legislators under the North America Confederation Act to meet the demand of the French Canadians, and during his tenure of office as Secretary of State for the Colonies laid down this dictum, that, because of the existing conditions and of the grouping of population in the Colony, representation must for an indefinite period of time be in fact communal. It goes on to say, “In Ceylon the organization of society is communal and that, if this fact is not clearly expressed, one of the essential considerations on which my decision must be based might be obscured.”

Then he goes on to say:

"Under such a system communities which, beside, being considerable in numbers, play an important part in the political, economic and social life of the Colony would run serious danger of either not being represented at all or of being most inadequately represented."

Sir, what is the use again of saying divide and rule? What His Grace anticipated has come out to be absolutely true. The Burghers could not find a territorial seat in this country. The Muslims, with one solitary exception, have not been able, with a population of 400,000 people, to find a territorial seat in either the last State Council or in this State Council. And the Tamils who were, up to the last Council in possession of seats comprising half the number possessed by the Sinhalese, find that they have to be satisfied with seven seats in a Council of fifty Members. If, in the face of this, Hon. Members do not admit that the findings and the anticipations of Sir Henry Gollan, Sir William Manning and the Duke of Devonshire are correct, I think they are not prepared to face facts. What is more, the noble Lord observes:

"It would, therefore, appear to be clear that adherence, pure and simple, to the territorial basis of representation would be strongly opposed by all communities except the Sinhalese."

I commend that observation to the Hon. Member for Balapitiya. He expressed himself almost with religious fervour against communal representation or even a consent to the communal principle, without condescending to tell us what particular harm there was in it. Sir, as the Donoughmore Commissioners somewhat significantly observe in their Report, it is much easier to take a broad national view as they call it, and not a communal view if in point of fact the broad national view coincides, as it does coincide in the case of the Sinhalese, with the communal view. What happened

under the present Constitution? The Sinhalese admittedly with a population of not more than 65 per cent, have today in this council very nearly 80 per cent of the elected seats. (A MEMBER: Not 80 per cent.) You want me to be absolutely accurate? It is 78 per cent. That is a case of weightage. It is without parallel in any democracy within or without the British Empire. So that, it is very easy for Hon. Members who, whilst professing ideals with regard to national unity, with regard to concessions to minorities and the Tamils, still to say, "Oh no, the all - important principle is territorial representation. Let us have nothing to do with communal representation". It is easy enough.

And in this connection, might I say this? That there has been, as I was saying just before the tea interval, a windfall, an unexpected political windfall to the Sinhalese community. Hon. Members will recall, and particularly those who are senior Members, that the Commission itself was appointed at the instance of Sir Hugh Clifford not because the Sinhalese were being kept down by a combination of the minorities, not because there was communal representation, not because the national interest was suffering. Sir Hugh Clifford appointed the Commission because he felt that the representatives of the people enjoyed power without responsibility. The Sinhalese representatives did not complain with regard to the conduct of the Tamils and other minorities. When the Commission took evidence-I say this, without fear of contradiction-there was neither one responsible Sinhalese gentleman who either in a personal or in a representative capacity, nor any representative body that went before that Commission, who decried the continuance of this balance of power. I want Hon. Members kindly to remember that. They never went and said, "Look here, this is an iniquitous system of Reforms, we cannot have it. The minorities are over-represented. The Sinhalese are not given a chance. They can do nothing." I can understand if that kind of evidence had been given.

Mr. D. B. Jayatilaka, as he then was, said that communal representation might remain where it was but should not be extended further, that it would be disastrous if communal representation were extended further: What they felt was not that this balance between the majority community and the minorities should be removed. They felt that perhaps the minorities might even get more representation than they were having in the last Legislature: and that was the actual dictum of the Hon. Leader of the House and in that he was supported by no less a person than the last Member for Horana, Mr. E. W. Perera. As a result of that evidence, this is what the Donoughmore Commissioners say:

“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.”

Because, I submit with all seriousness and sincerity, their territorial representation to-day is no more and no less than communal representation, having regard to the distribution of population in this country in the south, in the north, in the east and in the west. They go on to say:

“The attitude of the Sinhalese in the past 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.”

If more responsible government is given, perhaps there will be a little bribe here, a little sop there, a little communal representation here, a little weightage there, in order that they might shout with the loudest voice. That is the description of the Donoughmore Commissioners. Today we have the same phenomenon repeated

through the mouth of the Hon. Member for Balapitiya. He says, “I am prepared to give even ten extra seats to the north”. It is easier said than done. But he also says, “provided you will join us”. We are supposed to be the useful boys who can be depended on to shout the loudest when the voice of the Member for Balapitiya and the voice of the Hon. Leader of the House are failing.

I wish, in this connection, to remind the champion from Balapitiya that he had an almost unparalleled opportunity, when he was President of the Congress, to deliver the goods. It is no use at this late hour coming and bemoaning and bewailing our fate. When he was President of the Congress, before the annual meeting of the Congress. I believe in 1925 plenipotentiaries of the National Congress, including my good Friend the Member for Kandy and my Friend the Member for Gampola, went to “Mahendra” in Jaffna. “Mahendra” is the residence of the Hon. Mr. Duraiswamy as he then was. There, Sir, they made representations to the Tamil Maha Jana Sabha and came to an agreement which was designed to remove the whole bone of contention. It was designed to bring about complete amity. It was not giving the Tamils anything more than what was obtaining at that time. And that pact was signed by about eight or nine members on behalf of the Congress, including the Nominated Member, Mr. Jayah, who was then in the Congress—a Congress representative of every community—and an equal number of men on behalf of the Tamil Maha Jana Sabha, headed by Mr. Duraiswamy. That pact was jettisoned by the President of the Congress, the Hon. Member for Balapitiya. For those outside these walls who are likely to give more than due weight to the utterances of the Hon. Member for Balapitiya I hold that out, that pact was jettisoned.

Let us not quibble. If there is that same magnanimity in the heart—or is it the soul?—of the Hon. Member for Balapitiya, whether a motion was brought before the Congress or not, the fact could

have been brought forward before Congress and the whole thing would have been set at rest. It was not done.

Sir, what does Governor Stanley say with regard to this uncompromising demand on the part of the minorities for communal representation? (This is in reference to the recommendations of the Donoughmore Commission) In his Dispatch to the Secretary of State His Excellency Governor Stanley says:

“The abolition of communal representation is the proposal which has caused the greatest local difficulty. The Sinhalese are very ready to accept it but they are the one community”

I would also ask Hon. Members kindly to note these words:

“they are the one community which has gained nothing and might be liable to lose something by the retention of communal representative.....”

Now, you will see the righteous motives impelling Hon. Members to refuse to accept a little measure of communal representation, because, the Sinhalese, in virtue of their numerical preponderance and their territorial distribution do not want that. He goes on to say:

“A broad national view is more easily taken when it happens to coincide, than when it happens to conflict with communal interest.”

Sir, this spectre of communal representation, this demand for communal representation which seems to rouse some of our hon. Members to indignation has been considered, I tell you, by leaders of Indian public opinion. They were interested parties, but let us see what was the attitude of English legislators during the last Liberal era of British Government in India, when Liberalism was flourishing. Sir, no less a person than Viscount Morley, speaking in the House of Lords in 1909 said this:

“The Muhammadans demand three things. Among those, they demand the election of their representatives to those Councils in all the stages, just as in Cyprus where the Muhammadans vote for themselves.”

They wanted a number of seats in excess of their numerical strength, and that was conceded by Viscount Morley in the Morley-Minto Reforms. About the same time the Liberal Leader, Mr. Asquith, as he then was said, “At first sight it looks an objectionable thing but I do not think it is very formidable”. The differences between Muslims and Hindus are not merely religious differences; they go deep down.

It was at that time that Highness the Aga Khan who subsequently led the British Indian Delegation in the years 1931-1934 to the Round Table Conference led a Muslim Deputation to Lord Minto. I am saying this for a definite purpose—because His Majesty's Government has honoured every assurance and every pledge given to the minority communities in India. I should like to postulate this question to His Excellency Sir Andrew Caldecott and the present advisors of His Majesty—as to why England's pledges have been honoured and honoured time and again in the matter of the representation of the minorities in India whereas the pledges that have been given as unequivocally and as deliberately by Colonial Administrators and Secretaries of State for the Colonies should not be honoured in Ceylon? Lord Minto, in reply to His Highness the Aga Khan says this:

“You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muhammadan candidate, and that if by any chance they did so it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his community whom he would in no way represent and you justly claim that your position should be estimated not only on your numerical

strength, but in respect to the political importance of your community and the service it has rendered to the Empire. I am entirely in accord with youand as I am as firmly convinced as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aims at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent."

That was and has been interpreted as the first sound pronouncement made and pledge given on behalf of the British Government, and has been adhered to. No less an eminent person than the Right Hon. Sir Ameer Ali, Mr. Ameer Ali, as he then was, led a deputation before the Secretary of State; and this is what he said;

"We therefore submit as a standard of adequate representation, that the number of Muhammadan members on the several councils should be so fixed that, if the Muhammadans were to join a certain number of, what may be called non-partisan members, or to receive support on any particular question the issue may be decided accordingly."

But the latest finding, and perhaps the most important finding on the subject is by the Simon Commissioners. Not after a six months gubernatorial sojourn but after two years' sojourn in India, they after discussion and consultation with individuals and bodies, and composed of some of the best brains belonging to all parties in England, came to this conclusion, and I will commend it in all seriousness to the consideration of Hon. Members of this House and of His Excellency:

"We may say at once that in our judgment communal representation cannot be justly regarded as the reason for the communal tension."

Sir, I would also like His Excellency to read this passage:

"There is no solid ground for supposing that if communal representation were abolished communal strife would disappear. The true cause lies deeper and arises from conditions which are far more difficult to change than the mechanics of representation. This tension is due to the constitutional situation. It is not to be explained by dwelling upon the operation of electoral arrangements, but is a manifestation of the anxieties and ambitions aroused in both communities by the prospect of India's political future....."

They go on to say:

"We are fully alive to the arguments against communal representation, but we cannot think that it is the effective cause of this deplorable friction."

Sir, is that not a complete and final pronouncement upon this question? It is all right as long as the Executive in any part of the Eastern Empire is in the hands of a neutral element; we may have been lulled into a sense of security. But the moment you remove the neutral element that was actually and completely responsible then the question arises as to how this quantum of power is to be distributed. That is the position. That is why you will find that with the grant of every instalment of Reforms in India, greater safeguards, both statutory and electoral, are provided for the minorities, in order that this balance of power might be maintained, so that all people and not one particular section of the country might prosper.

Sir, how has the attitude of Sinhalese leaders of the Sinhalese representatives towards this question changed during the last ten years? I wish to recall to Hon. Members that when the National Congress was really national and not a caucus, not a political rump such as it is today, when it really represented the political aspirations of all sections of the people, when the highest and the best in the land belonging to all communities were in the executive of that body, every resolution passed by the Congress has a preamble with

necessary safeguards for the minorities. Then they considered the existence of the minorities.

Sir, we are today in the enjoyment of full representative government and partially responsible government. Hon. Members will do well to remember that this is the fruit of our common endeavours. It is not the result of the endeavours of any particular sections of the people of this country. And is it not fair for those other sections who contributed towards our common endeavours to have a share in the pie?

I am reminded of a story. When the Great Alexander stood before Diogenes in a tub and asked him what he wanted, Diogenes said, "I want you to move: I would like to see a bit more of the sun." Sir, the Tamils and the other minorities ask for a place in the sun. You talk of self government. It does not mean Sinhalese government.

Apart from the preamble to the resolutions of the National Congress, I want Hon. Members particularly to pay attention to this. Under the scheme of allocation proposed by Governor Sir William Manning, the Western Province in the then Legislative Council was to be given 4 seats whilst the Northern Province was to be given 5 seats. A province with one-sixth the population of the Western Province, was to be given 5 seats whilst the Western Province, with six times the population and with a cosmopolitan population of a high degree of literacy, as is contained in the metropolis of Colombo, was to be given 4 seats. If such a proposal were to be put forward now, if the mere suggestion were made, I could see half a dozen Hon. Members of this House throwing up their hands and getting into a purple rage. And yet, what did Sir Baron Jayatilaka say? —Date?

The date is immaterial. When it was proposed to give the Western Province 4 seats and the Northern 5 seats by the Governor in the last Legislative Council, this is what he said. I want Hon. Members to cherish these words of the Leader of the House who to-

day dismisses the suggestion of a round-table conference. This is what he said:

"This may be considered a fair allocation; for, although this province holds sixth place in point of numbers it occupies in many other respects an advanced position which entitles it to a large measure of representation."

Sir, I want Hon. Members to try and remember every word. The Leader of the House was prepared to give the Northern Province not so long ago, it was only under the last Constitution, a measure of representation equal to the Western Province. If that is challenged I have the Constitutional Papers before me from which I could read. I would like any Hon. Member or Minister to challenge that statement. Once a misguided gentleman wrote to the papers challenging that statement. So I want to make that clear. That passage that I read out is to be found in a memorial sent to the Secretary of State for the Colonies on the Reform of the Constitution signed by Mr. James Peiris, Mr. A. C. G. Wijeyekoon, Mr. De Mel, Mr. D. B. Jayatilaka and Mr. J. W. de Silva. It is dated April 12, 1923.

And having said this in conclusion—I hope Hon. Members have followed this—they protested against 4 seats.

In protesting against what they called this wrong and unfair distribution of giving the Western Province 4 seats whilst the Northern Province was given 5 seats they did not demand for the Western Province, as they ought to on a population basis, something like 24 seats. If the Northern Province was given 5 seats, on their own statement that the Western Province has six times the population of the Northern Province, they should have demanded 24 seats. Instead of which what did they ask? They asked for one more seat bringing the Western Province into equality with the Northern Province, that is, 5 seats for the Western Province and 5 seats for the Northern Province. Why cannot Hon. Members just follow this one

point instead of being worried? The Hon. Member for Galle is worried about the rest of the country. We will come to the rest of the country in a minute.

We will take the Northern Province and the Western Province, I want Hon. Members to realize this. Then Mr. D.B. Jayatilaka the present Leader of the House, Mr. James Peiris, and the accredited leaders of the Congress were prepared to accept equal representation for the Northern Province and the Western Province. That is the one point to which I want to draw the attention of hon. Members. That was then.

What does the Hon. Leader of the House propose to do now? In all solemnity, in all seriousness, a Ministerial colleague of his who only last year was indiscreet enough to have made in a public speech a declaration that he would welcome Sinhalese Raj in this country, to day turns round and becomes the President of the All Ceylon Muslim Conference and gives the necessary lead to the Muslim community. And in giving that lead he makes an appeal to the Leader of the House to summon a round-table conference in order to give the minority communities their legitimate due. The Leader of the House now says: "You cannot summon a round-table conference because there are no Constitutional difficulties and in summoning a round-table conference certain difficulties not now existing will arise". Is that statesmanlike? Is that nationalism? Is that an actual desire to face the realities of a situation? Is that meeting the minorities fairly and squarely at least half the way? No, Sir, it is because the Hon. Leader of the House knows that his liberal past will rise up and smite him. The declarations of his colleagues in the old Congresses and the position that they had taken up in the past Constitutions would be such that when in a round-table conference, not in a little kusu-kusu kootam, the accredited representatives of the various minorities make out such an insuperable and such an unanswerable case, he will have to

concede. He feels that those who are now of his following would not follow him even if he is disposed to grant the demands of the minorities.

I have referred, Sir, to one Sinhalese leader. I wish to refer to another. Happily he is still alive. He is Mr. C. E. Corea, another ex-President of the Congress and a Member of the Legislative Council. This is what he said in a public address to the Chilaw Association. I wish that same breadth of outlook and liberalism still permeates in the Sinhalese leaders. He said. "The struggle before the country is for self-government. For God's sake let us not worry about anything else." In so many words that is what he said. These are his actual words:

"The Tamils only asked for equal treatment in that Common family of equal brotherhood. They said that, though their territory was small, their members few, they should not be rated below their brothers. They were absolutely and indisputably right ... There was a lot of talk about principles."

This will go home to the Hon. Members for Balapitiya and Kandy.

"No principle was involved. To give extra members to the North no more violated any principle, than did allotting to the Parliament of the United Kingdom more Irish Members than the proportion of their population to the English justified."

That was the breadth of outlook and vision of the Sinhalese of the past. That unfortunately is absent, completely absent in them today.

Now, Sir, before I go on to the next point, I wish to say this. The point was made, I believe by the Hon. Member for Kandy, that the Tamils have receded from their position, that they have receded from their old demands as was evidenced by the debate in 1928 upon

the recommendations of the Donoughmore Commissioners. Sir, that is not the fact. With the one unhappy exception of the Hon. Members for Batticaloa Trincomalee as he is - I will not grudge him that applause. I only hope that applause will also be given to him by members of his own community. I also hope that the repercussions of this applause will carry him successfully over the next polls. And then I hope that he will once again function as the Vice-President of the Tamil Maha Jana Sabha.

With that one unhappy exception every single Northern Member from Sir Ponnambalam Ramanathan to Mr. Duriaswamy and Mr. Mahadeva voted against the acceptance of the Donoughmore proposals; and this passage from the speech made by Sir Ponnambalam Ramanathan would be very revealing because he said in one place;

"To accept the Donoughmore Commissioners' recommendations would be to accept death for the minority communities."

Mr. Speaker, that man who was the *fons et origo*, of all Reforms in this country, one who gave a lead to the Unofficial Members in the Legislative Council for decades - that was what he said. Again for those who think that this cry is of recent origin, I should like to quote the following lines. Talking about balanced representation, he says:

"This was the system which Sir William Manning considered deeply and for a long time, and pressed on the Secretary of State, and the Secretary of State admitted the soundness of it and granted to us adequate representation according to the importance of each community and laid down a proportion of ratios and gave us a system which has certainly worked very well up to the present day. Every community knew what it stood for; one community; did not try to stand apart from another community; they threw all their forces

together and, by virtue of the balance of power thus distributed" - mark the words, Mr. Speaker:

"by virtue of the balance of power thus distributed they performed their duties in a way which has been admitted to be of the best quality by Governors, Colonial Secretaries, and by the Donoughmore Commissioners themselves."

That is, perhaps the final and the most conclusive utterance of the most venerated Tamil leader on this question. And to-day by virtue of our experience in the last seven years we cannot think of a more statesmanlike or amore fore-sighted utterance than the utterance of the late Hon. Sir Ponnambalam Ramanathan.

The Hon. Member for Kandy yesterday read out a document and suggested that Mr. Mahadeva had signed it. There was no point in repudiating it. It was signed by three people. Mr. Mahadeva happened to be in the Committee. I have the assurance of Mr. Mahadeva that he never saw the document. I ask the Hon. Member for Kandy, gullible as he is, is it possible that the beloved son of Sir Ponnambalam Arunachalam, as he called him, was prepared to affix his signature to a document that foully libelled the memory of his father?

In the memorial there is a passage which says that Sir Ponnambalam Arunachalam seceded from the Congress because his personal ambitions had been thwarted in his being unable to represent the town of Colombo in the last Legislative Council. I ask the Sinhalese leaders, if that was his ambition, was it something too much? Was not Sir Ponnambalam Arunachalam the father of the Congress and the father of the Reform Movements in this country? And yet Sir Ponnambalam Arunachalam entertained probably the ignoble ambition of wishing to represent the town or the city of Colombo! And his beloved son's signature is now trotted out as that of one who had signed a document of that nature.

The name Mr. Mahadeva is merely mentioned as a Member of the Committee. But that is not the point that I was going to make when I jumped the Member for Kandy. What I was going to say is that the same foul aspersions and abuse as were the lot of Sir Ponnambalam Arunachalam when he had the temerity to secede from the Congress are our lot now for making our demands on behalf of our community.

I am now meeting the arguments in the body of the document. I am not concerned with the signatures, whether of his illustrious son or not. I am talking about the body of the document where they make aspersions against Sir Ponnambalam Arunachalam and where they say that he seceded because of thwarted personal ambitions.

During the debate on the Donoughmore Reforms, Sir Ponnambalam Ramanathan read a letter which Sir Ponnambalam Arunachalam had addressed to William Manning. It is reported in HANSARD, and Hon. Members might refer to it. It is in Volume III of HANSARD of 1928, pages 2022 and 2023. Sir, it is so revealing and so important that I will ask the indulgence of Hon. Members of this House to read it at least in memory of a man who is now dead and cannot defend himself;

"I often said in my public addresses that while the general principle would be territorial representation, there must be safeguards for minorities. There are safeguards under the existing system for communal representation, and an almost equal proportion of members."

"The Europeans, Burghers, and Tamils have enjoyed these safeguards for nearly a century and the Kandyan Sinhalese and the Muhammadans for forty years. Every resolution of the Congress, as well as of the bodies which preceded it - the Ceylon National Association - contained this important qualification with due

safeguards for minorities This was inserted with the special object of disarming their suspicions..."

That is of the minorities :

".... and fears and of assuring them that the Congress wished their rights to be continued to them unless and until they acquired full confidence in the majority community themselves and desired to waive their rights and join the general electorate. None of the minority communities joined the Congress except the Tamils and the Tamils only upon conditions distinctly stated in writing to the two Sinhalese gentlemen above named...."

That is Messrs. James Peiris and E. J. Samarawickreme :

"Who Co-Operated with me in organizing the reform movement and in founding the Congress. The conditions are contained in a letter addressed by them to me on December 7, 1918 and by me forwarded to the leaders of the Tamil community in the Northern Province, The letter was based on the following resolution, -

"That the Legislative Council should be enlarged and re-constituted so as to contain a substantial majority of members elected upon the basis of territorial representation with a broad franchise, with due safeguards for minorities.."

"It will be noted that the resolution placed emphasis on two points, first, territorial or local representation, and second, due safeguards for minorities. Territorial representation does not of course mean numerical representation. Ireland, for example, had territorial representation in the British House of Commons but was represented by a far larger number of members than its population alone justified. In the letter referred to there was a pledge given that the association of which these gentlemen were presidents, namely, of the Ceylon National Association and the Ceylon Reform League -

a pledge given to the Jaffna Association to accept any scheme which the association—" That is, the Jaffna Association :

"may put forward not inconsistent with the principles of the resolution, and further to actively support the demand for the provision or reservation of a seat for the Tamils in the Western Province. It was only because negotiations were broken that I was compelled, with all the Tamil associations, to secede from the Congress, and thereupon the Congress fell to pieces..."

And yet the Hon. Member for Kandy would have us believe that the son was in the Congress and working against his father :

"..... It was reduced to a condition in which it not only ceased to represent the bulk of the Ceylon population but it did not represent even the Sinhalese. This is clear from the great diminution in the numbers of delegates who at the last session of the Congress numbered scarcely forty as against many times that number under my Presidency..." and these are very significant words, Sir :

The voice of Sir Ponnambalam Arunachalam speaks from the grave !

I would now refer, Mr. Speaker to complete the point I was stressing, to the Tamil pact :

a) That as regards that Legislative Council and the representation of the people of the Northern and Eastern Provinces and of Ceylon Tamils in the Western Province and the territorial representation of the rest of the Island in any future Constitution *shall be in the proportion of one to two (1 to 2) as at present.*

b) That there shall be in the Ceylon National Congress, a Subjects Committee of not more than thirty- five members who shall be in respect of interest represented in the Congress in the following proportion, namely eight (8) for the Northern Division of the Island, four (4) for the

Muslims, three (3) for the Indian inhabitants of the Island, two (2) for the Burghers, and two (2) for the Europeans.

Any resolution or amendment to be placed before the Congress must be passed by a majority of the Subjects Committee. If the majority of the representatives of any particular division or community state that any resolution or amendment prejudicially affects their interest, such resolution or amendment should be passed by a three - fourth majority of the Subject Committee, before it is placed before the Congress.

Mahendra,

Jaffna, 28th June, 1925.

Delegates of the Ceylon Tamil Maha Jana Sabhai.

Sgd. W. Duraiswamy

Sgd. A. Canagaratnam

Sgd. S. Rajaratnam

Sgd. A. R. Supramaniam

Sgd. L. R. Spencer

Sgd. F. Bailey Mailwaganam

Sgd. T. R. Nalliah

Sgd. S.C. Thambiah

Sgd. S.R. Rasaratnam.

Delegates of the Exective committee of the Ceylon National Congress,

Sgd. C.E. Corea

Sgd. T.B. Jayah

Sgd. Geo. E. de Dilva

Sgd. C.E. Victor S. Corea

Sgd. M. H. Jayatilaka

Sgd. M.A. Arul Anandam

Sgd. P.de S. Kularatne

Sgd. B.S.S. Gunawardene

Sgd. S. Muthiah.

That is the point I want Hon. members to remember. The Tamil pact only sought to perpetuate a proportion that was already there. I have already referred to the signatories to the Pact.

Now, I will go back, if I may to the Governor's Dispatch again on this point. He says that he is not prepared to recommend any kind of proportion which he considered would be fractional representation, but, he says he is prepared to recommend an increase of seats :

“.....To ease the present situation....”

What is the present situation that His Excellency the Governor wants to ease? Is it an honest admission that under the present system of electoral and franchise arrangement, the minorities have not had a square deal, that their position is imperilled and that the situation is grave? If it is not that, I want to know what is the particular situation that His Excellency the Governor wants to ease and why does the Governor suggest an extra ten seats?

You will notice also that in his Dispatch he does not suggest a number of seats; he suggests that a greater number of constituencies might be carved out, that smaller constituencies might be carved out, that smaller constituencies might be delimited which would afford greater opportunities for minority Members to be returned. He proposes to leave this great and delicate function to a Delimitation Committee, but he also animadverts on the fact that he cannot conceive of any other number but ten as the extra number of seats that this Delimitation Committee could possibly recommend. That, Sir, - I am sorry to say it - is a bit of special pleading. His Excellency the Governor first comes to the

conclusion that there should be no more than ten extra seats. He should have given us the *raison d'être* for his recommendation, why he recommends these ten extra seats for the other communities, how he arrived at this mystic number ten and how he hopes that the additional number of ten seats would “ease” the situation.

No, Sir, my respectful submission would be that His Excellency the Governor has accepted the number ten from the Board of Ministers. It is an open secret that it was suggested by the Board of ministers long before this Dispatch was ever penned by the Governor. It was known all over the country that the Board of Ministers, the Congress President and the others were prepared to consider the granting of ten extra seats.

But this is the charge I lay against His excellency the Governor, that in ultimately coming to recommend ten extra seats, His excellency the Governor unwittingly perhaps, but actually jettisoned and thwarted a possible agreement between the various communities in this Island. I have seen His Excellency the Governor myself and other representatives of the minorities have seen him; we told him that there was a possibility of the representatives of the Sinhalese and of the minorities coming to a settlement; that matters were being considered. His Excellency the Governor at that time definitely gave us hopes that the ultimate solution would be the grant of a far larger number of seats than what was being considered as reasonable by the representatives of the Sinhalese.

In this connection I wish to state one thing. The Hon. Member for Galle will support me when I say that last year at Easter, when both of us were at Nuwara Eliya, removed from the rather enervating atmosphere of this House and the influence of his political colleagues, I had a personal talk with him. I referred to that talk in the presence of Sir D.B. Jayatilaka. I think then the Hon. Member for Galle was prepared, definitely prepared, to concede to the minorities 40 per cent. of the elected seats and in addition eight Nominated Members. What is of great relevance and significance is this, that this, was a statement made when negotiations

were going on, when deputations were meeting His Excellency the Governor. That gives pointed significance to this statement.

I make this solemn statement, that His Excellency the Governor promised to a deputation led by me at Nuwara Eliya - the other Members of the deputation being Messrs. Jayah, Natesan, and I. X. Pereira - representing the various minority communities - that 40 per cent. of the elected seats should go to the minorities, plus the nominated seats for the Europeans and the Burghers. When in the salubrious climate of Nuwara Eliya, the Member for Galle seemed reasonable and amiable and ready to concede this claim of the minorities, I realized where the inspiration came from.

It would appear that there was close consultation between the Acting Leader of the House and His Excellency the Governor.

That conversation has an inwardness and it reveals the mind of His Excellency the Governor, with whom both of us were in contact, about that time. His Excellency had definitely made certain statements to us. I say this quite apart from what the Hon. Member is now prepared to state. Had His Excellency the Governor taken up his present standpoint then, negotiations might have been carried forward to a conclusion with the Sinhalese. That is the position, and it is by taking the stand he did take that he has jettisoned, he has torpedoed, the possibility of an agreed settlement between the Sinhalese and the minorities and having done that, he talks of "easing" the present situation!

The terms of reference to the extraordinary Committee that he proposes to appoint to delimit the areas, I shall deal with in a minute. But His Excellency the Governor goes on to display a degree of concern for Kandyan rural interests which do not even find a mention in the Ministers' memorandum. That is the significant part of the whole affair. The Ministers' memorandum had suggested an increase of seats, but there was no suggestion of anything like Kandyan rural interests requiring protection. I want Hon. Members representing Kandyan

districts not to misunderstand me, because I realize their difficulties; I realize that out of a possible 19 or 20 constituencies where Kandyan Members could be returned, they returned hardly half a dozen Kandyans. I quite understand the Kandyans' feeling that in spite of the territorial distribution of seats to the Kandyans with a majority in 19 to 20 constituencies, they are unable to return more than 5 or 6 Members. But, Sir, if His Excellency the Governor wanted really to protect the Kandyan interests, he should have devised a scheme by which the Low-country Sinhalese could be prevented from going along and contesting Kandyan seats. Because, quite definitely, in more than ten instances it is the Low-country Sinhalese who have deprived the persons of the place, the Kandyan Sinhalese, of the privilege of representing these districts.

Sir, what does this particular concern of His Excellency the Governor for the Kandyan rural interest mean? It really means this, that the Indians, the Indian Tamils, who to day find a place in the Up-country districts and are able to send two territorial representatives should be deprived of those two seats.

I definitely place these two facts in juxtaposition. Says His Excellency the Governor in his Dispatch:

"..... Redelimitation is also necessary in the Kandyan area in order that the Kandyan interest, which is that of an agricultural peasantry, may not be swamped by the Indian interest, which is that of plantation labour."

So that His Excellency the Governor definitely places Kandyan rural interests in juxtaposition with and as contrary to the Indian plantation-labour interests, and in doing that, His Excellency the Governor has innovated a degree of sectionalism that has never existed in the country before, to bring about a definite cleavage between two communities which have never demanded that this cleavage should take place.

They have not done it in the Reforms debate, nor in their publications available to the public, nor in their speeches which have been reported. I do not think Hon. Members can reasonably expect to know anything about secret memorials. We are not aware of any such demand by the Kandyan Members.

Here in the case of a demand made by members of a community; the demand has not been discussed by anybody; it has never seen the light of day, nobody has addressed his or her mind to that particular demand, and yet His Excellency the Governor, having received *ex parte* representations on the subject, makes this very unhealthy, very undesirable innovation in the technique of presentation in the country. His Excellency the Governor who deprecates ten lines ahead the idea of sectionalism and sectional representation, goes along to perpetuate a new form of sectionalism in the Up - country.

Then, he goes on to the Delimitation Committee. And what is this extraordinary Delimitation Committee to do? I would ask Hon. Members, most of whom must be having His Excellency the Governor's Dispatch, before them to consider the terms of reference :

"To consider the present electoral areas of the Island and to advise what changes or additions could be reasonably made with a view to affording more chances for the return of candidates belonging to the minority communities and to securing adequate representation of the Kandyan rural interest."

Now you will see that he wants to give "more chances" for the minorities, but "adequate representation" for Kandyan rural interest. You will see the two different sets of words - whether the "more chances" that His Excellency the Governor contemplates for the minorities would provide adequate representation for them, he is apparently not concerned with, but he wants adequate representation for the Kandyan rural interest! I repeat, if the Kandyan Members think that for a moment

I am arguing against their getting adequate representation, I wish to lay their fears at rest. If some scheme can be devised, some redelimitation could be made that would ensure to Kandyan Members the return of all the various electoral seats in the Kandyan Provinces, I will be the first to welcome it. But to seek to drive a wedge between the Indians and the Kandyans and thereby to achieve one sole object, I repeat till I am convinced to the contrary, is to do the greatest disservice to the minorities.

If it is no impertinence to say so in this House. Sir, I have read a few terms of reference of delimitation committees and commissions, but I have not seen anything so fundamentally vague, so utterly pointless, so wide as to be absolutely and completely useless. I should normally have thought that His Excellency really contemplated a committee, that the committee would be told *ad hoc* to go along and demarcate the boundaries with a particular voting strength or a particular population, or that a particular proportion should obtain between electorates that would return members of one community as against electorates returning members of another community. No. The whole test of this fundamental question is to be left to a Delimitation Committee.

Now, Mr. Speaker what could be reasonably made would afford various criteria to various people. I can quite imagine that if individual Members of this House were asked to say what is reasonable in the matter of changes, you would not get half a dozen people to agree. His Excellency should definitely have thought out and given directions if he expects anything to come out of his Delimitation Committee.

But this is more revealing :

"I anticipate that the committee would, with the limitation of purpose inherent in these terms"

I should have said the most unlimited terms, a roving committee, a committee without any directions:

“find itself in a position to recommend not more than ten additional seats.”

I ask what are the criteria His Excellency had, to arrive at this number, and why does he not state all this in his Dispatch?

Sir, in this connection I would like to read out just one passage with regard to the Boundary Commission which was appointed in England in connection with the Representation of the Peoples Act in 1928 to advise as to the boundaries between England and Wales. There was one precise instruction as to the principle which should govern the Commission. That instruction laid down the minimum population which should be held to justify the grant of separate representation: (2) what representation should be accorded to the units containing more than that minimum population; 3) the extent to which and the conditions in which multiple-member constituencies would be permissible; 4) the manner in which industrial and rural areas should be separated from one another for the purpose of representation; and, (5) the circumstances in which boroughs which were to lose the right of separate representation in Parliament may be combined with other boroughs instead of being merged in the county divisions.

I should normally have thought that His Excellency would have given some such direction, without which this Delimitation Committee or anything like it would be utterly and absolutely useless and unacceptable to us.

Without urging the claims at this juncture for enhanced representation of our community as a community, I would like to submit to Hon. Members of this House certain other considerations. Sir, to aim at an artificial uniformity in the distribution of electoral areas is to work a hardship even in a country with a homogeneous population. It would interest Hon. Members of this House to know that after the Representation of the People's Act in 1928 in England had put down an average of 78,000 people in the demarcation of electoral areas, if one would refer to the

latest Constitutional Year Book for England, one would find that though the average is put down at 78,000, there are electorates of 150,000 people on the one extreme and electorates with less than 35,000 people on the other.

And yet, Sir, in this country, with a thoroughly heterogeneous population, with nothing like a uniform density of population, with nothing like the same economic conditions, with nothing like the same means of communication, with various ethnological boundaries, with different geographical, and electoral boundaries, there has been an artificial uniformity in the electorates that have been created.

That is with regard to the number of votes. I mean with regard to population, they have worked out an artificial uniformity, That is perfectly correct. I have studied the figures. They have worked out an artificial uniformity without sufficient flexibility that works the greatest hardship, quite apart from the communal considerations of the question.

In this connection, I would ask Hon. Members to refer to the Report and the findings of the Hammond Delimitation Commission in India. For this purpose Sir Laurie Hammond was sent out all the way from England with specific terms of reference to carve out electoral boundaries. And this is the most important thing. When the Hammond Commission came out to India they were not sent out to allocate the number of seats for the various communities. The number of seats for the various communities had already been made the subject of the communal award. Seats for the various communities, the general electorates, reserved seats and communal electorates had all been worked out in detail by Mr. Ramsay MacDonald in the communal award. The commission came out merely to tackle local difficulties and to carve out electoral boundaries, which a local committee should not do.

And yet His Excellency gives *carte blanche* - as my Hon. Friend the Member for Kandy would put it - to this committee without anything like specific terms of reference.

His Excellency, in the various interviews that the minorities had with him, deliberately adverted to the matter of the creation of multiple-member constituencies in place of the single member constituencies in this country. Now, Sir, that is a big question : particularly in a country inhabited as Ceylon is by minorities, the question of the creation of multiple-member constituencies has got to be taken into account. His Excellency was disposed, I make bold to say, Sir, at a certain stage to recommend the creation of multiple-member constituencies. I will give one example so that Hon. Members may follow what I mean.

Take the City of Colombo. Today the City of Colombo returns three Members from single-member constituencies. What we suggested was that, or what possibly could be agreed upon would be for the City of Colombo to return three or even four Members from one constituency, a multiple-member constituency, and the voters may have either one single non-transferable vote or a cumulative vote to be given on a distributive or non-distributive basis.

Now, His excellency after having taken up a good bit of the time of the deputations on the question, has not made even a passing reference to this question in the terms of reference to the committee nor has he dealt with the question of multiple-member constituencies, because under the present Constitution multiple-member constituencies cannot be created. He has not dealt with and disposed of this question in any way whatsoever, and yet the Hammond Commission has devoted quite fifty pages of their findings - to the question of multiple member constituencies. It will interest Hon. Members to know that under the Montagu - Chelmsford Scheme of Reforms and under the present Government of India Act in the Madras Presidency and in Bombay multiple member constituencies are the rule.

I will point out to Hon. Members that special conditions with regard to area have got to be taken into consideration, quite apart from the voting strength or population. I am sorry the Hon. Member of manner

is not here. But take the case of the Mannar - Mullaitivu constituency. I believe it is forty times as big as the average constituency in this country. If the purpose, quite apart from communal considerations, of representation is to give a representative ample opportunities of coming into close and intimate contact with his constituents, if he is to understand the local needs and local wants, I submit that that area must be given as much weight as population. And I want again to remark that these considerations are quite apart from communal considerations.

As regards voting strength, Hon. Members might be interested to know that in the case of Bibile you have a voting strength of 25,000, and yet in the North our average voting strength is about 60,000 and we are a very close and densely populated part of the country. I should like to know why the voting strength, the superior voting strength of the Jaffna constituencies be taken into consideration in the demarcation of electoral areas.

On the question of communications, parts of the Northern and Eastern Provinces are very, very difficult of access. My Hon. Friend the Member for Batticaloa will tell you that to reach parts of his constituency - it is the same with the constituency of my Hon. Friend the Member for Trincomalee - you have to cross six or seven ferries. Now those are very definite considerations that must be taken into account, which the Donoughmore Commissioners did not take into account in the demarcation of electoral areas.

I have given you the difference in the population standard in the various constituencies in England. I will give one example from the Presidency of Madras. The town of Madura with a population of 159,000 gets one seat, and the town of Vizagapatam, with only 51,000 that is less than one-third the population of Madura, also gets one seat.

Those were definite findings and recommendations of committees that knew their business and went into the whole question.

If it was said to my Hon. Friends here that you might have to carve out constituencies in the North with only a population of 10,000 or 15,000 they will be extremely indignant, and I say it will be useless to have a Delimitation Committee without terms of reference to go into it, unless you have definite indications given by the Governor.

In short, Mr. Deputy Speaker, I say this: the diversity of race, culture, language law, special customs and economic interests of the people, the size of the various electorates, the geographical distribution of the various communities in the Island and their relation to one another - all these should be taken into consideration, quite apart from communal considerations, in allotting electoral areas in the various Provinces.

And I may say this, Sir, in this connection, that under the Union of South Africa Act, a commission was sent out by England to go and pay particular attention to these various considerations and carve out electoral areas. So it was immediately before the inauguration of the Federation of North America Act.

After dealing with the delimitation question, His Excellency goes on to "European interests." Here again I want the European Members not to misunderstand me. Four European Members have been conceded on all hands. Nobody has opposed the continuance of four European Nominated Members - European Members: I shall presently object to nomination. But the presence of four European Members in this Council has not been objected to by any responsible section of the Members on either side of the House. I am sorry, Sir, I understand that there might be some who might object. But speaking for the Tamils, and, I believe, for the other minorities, I can say that we have never at any stage objected to the Europeans having four seats or to the Burghers having two seats.

Now, Sir, this is what is significant and this is what arouses our misgivings. His Excellency while, condemning in the previous paragraph sectionalism, communalism⁵; His Excellency who says that sectionalism is anathema to the thinking people of Ceylon contradicts himself very

badly in the very next paragraph when he talks of European and Burgher interests.

I will ask Hon. Members to consider this. It is not a question of unrepresented special interests such as was considered by the Dounoughmore Commissioners. The Donoughmore Commissioners in seeking to give representation to the European community spoke of "unrepresented special interests", and I honestly feel that the Europeans must have four seats, that they have definite interest, and it will be unfair to deprive them of those four seats. But His Excellency definitely gives them a communal taint, a communal colouring and calls them "four European seats."

Now, this is the position. If His Excellency considers these as special interests, one should be definitely commerce-European commercial interests. Now I ask you, Mr. Deputy Speaker, why His Excellency has not thought of the great amount of capital sunk by the Indians in this country, the Indian commercial interests - because he has perpetrated this already? On no condition can you defend four European Members unless you are prepared to concede at least one Nominated Member for Indian commercial interests. Therefore we support the original proposal and we demand one Member for Indian commercial interests.

On the question of population, the Europeans on their numbers are entitled to only one - tenth of a seat, but they are getting four seats, which is precisely a weightage of 4,000 per cent. And yet His Excellency has not thought it fit to consider the demand of other minorities for adequate representation or for balanced representation.

The Burghers, Sir, are given two seats. Nobody grudges that. They had I believe that or more in the last Legislative Council, and if they want two seats, let them have the two seats. They have very good reasons for wanting them. Let them have the two seats. But why particularly be prepared to give the Burghers with 25,000 or 30,000 people four seats, the Europeans with not more than 12,000 or 15,000 people four

seats, and not consider in those precise terms the demands of the other minorities?

No, Sir, On this question of representation, His Excellency has hopelessly contradicted himself. I do not blame him, Sir. His Excellency is a very able administrator, a very able Civil Servant. He has come from Malaya and Hong Kong. He was more or less a benevolent despot in these places with a rather remote and a none too vigilant democracy. For a man like him to constitute himself into a one - man commission and go into questions which have defied the acumen and intelligence of Parliamentarians is definitely to lead him into these obviously self - contradictory statements. Quite apart from the justness or unjustness of this demand, his recommendations, *ex facie* contradict themselves so hopelessly that I cannot imagine that any Parliamentarian or a body of Parliamentarians would consider it as satisfactory to form the basis of a future Constitution for any part of the Empire.

Sir, in this connection I should like very definitely to refer to cases of weightage in order that His Excellency the Governor, when he next considers this question, might be able perhaps to reconsider some of the conclusions he has arrived at. It might perhaps interest His Excellency the Governor to know, Mr. Deputy Speaker, that even today apparently to all right-thinking men, sectionalism is not anathema. There are at least three parts of the British Empire, as far removed as Cyprus, New Zealand and India, where there is communal representation. In Cyprus there is special provision that there should be a fixed number of seats for the Maoris. And in India, there is communal representation worked out with a wealth of detail that is staggering. Communal representation has not been anathema to the right - thinking men who have worked out the various schemes for these parts of the Empire, or to the people themselves.

When Lord Birkenhead was Secretary of State for India, he asked the leaders of Hindu opinion, the leaders of the Congress, to

evolve a Constitution that was likely to be accepted by the rest of India. It would be good for Hon. Members to remember that the All-Parties Conference met and the Nehru Report was drafted, under which, in spite of whatever misapprehension they had with regard to communal representation, actual communal representation was worked out for the Muslims by Pundit Motilal Nehru, who was the presiding genius and by Sir Tej Bahadur Sapru.

In this connection, I would like particularly Hon. Members belonging to the major community to remember that shortly before the British India Delegation went over to England for the Round Table Conference, the National Congress at its sessions held at Lahore adopted the resolution that no communal settlement would be acceptable to the Congress which was not acceptable to the Muslims. That was the attitude of the Hindu Congress leaders, that the minorities must be satisfied. Very recently, shortly before his fast, I read a passage from an article by Mahatma Gandhi where he says that there can be no federation, that there can be no responsibility in the centre of a Federal Government unless the Hindus took the Muslims with them. Sir, I commend that statement to the leaders of the major community here, I also commend to His Excellency the Governor a passage from the speech made by Mr. Ramsay Mac Donald, who said that democracy might very well become an instrument of tyranny if one were to be guided entirely by the question of numbers. I am not quoting the exact words; I am only quoting from memory what he said with regard to a country like India - that representation based on the counting of heads would be to make democracy degenerate.

I am sorry, Sir, the Hon. Member for Kandy is not here, because I believe yesterday he referred to the case of Madras. I want Hon. Members to consider these facts and to study them. There is no magic about them. These facts are available in recent books. Let Hon. Members consider, first of all, the Constitution of the Federal Assembly in India. In British India, the Hindus who form 72 per cent of the population are

relegated to the position of a minority and get 42 per cent of representation.

Sir, it is sometimes good not to be hampered with knowledge. My Hon. Friend for Dumbura says that it is opposed. It is part of the Constitution of India; it is in print in the Indian Constitution. It has received the sanction of both the Houses of Parliament; and my Hon. Friend says glibly that it is opposed. When one takes the trouble to study a thing and present it here, the Hon. Member glibly remarks "It is opposed." Even when at a subsequent session of the National Congress, the Congress agreed to work the communal award.

I repeat that at a session of the National Congress held subsequent to the communal award they said that they would work it because that alone would give satisfaction to the Muslims.

This is the position under the India Act of 1935. In the Federal Assembly, the Hindus who form 72 per cent. of the population get only 105 seats out of 250 seats. A community which forms 72 per cent. of the population gets only 42 per cent representation. It is not even given representation on the fifty - fifty basis, whereas we say that the Sinhalese in this country who form 64 per cent. of the population, should have an equal number of seats as that of all the minorities put together. In India, the Muslims, who are only one - fifth of the population, are granted one - third the number of seats. Imagine, Sir, that a community that forms 72 per cent. of the population gets 105 seats, whereas the Muslim community that forms only 20 per cent. of the population gets 82 seats. That is as far as the Federal Assembly is concerned. There, a combination of the Muslims and the other minorities, such as landholders and vested interests, can defeat, when federation comes into being, the Hindus in India.

This is the scheme worked out in the award. The Federal Assembly is to be constituted by indirect election. The various representatives of the Federal Assembly will have to be elected from the

various Legislative Assemblies. I will take three Presidencies which are going to send Members to the future Federal Assembly. From Madras, the Hindus who form 90 per cent. of the population will send 19 members to the Federal Assembly; and the Muslims who form about one - twelfth of the population will send 8 members, that is nearly half the number of Hindu members. From the Punjab States, the sikhs who form 13 per cent. of the population will send 6 Members, and the Hindus who form 26 per cent. of the population, exactly double the number of the Sikhs will send only 6 Members to the Federal Assembly. The population is double but the number of seats, is the same. From Bombay, the Hindus, who form 80 per cent. of the population send 13 Members; and the Muslims, who form only 9 per cent. of the population, send 6 Members. That is, the Muslims with a population less than one-tenth of the Hindu population send half the number of representatives.

Now let me take the Provincial Legislative Assemblies. In the Madras Assembly, the Muslims who form one - tenth of the population have one - fifth the number of seats that is twice the number of seats that they would be entitled to on the population basis. In the Bombay Assembly, the Muslims who are one - eighth of the Hindu population, get one - fourth the Hindu representation; that is a weightage of 100 per cent. In the Punjab, the Sikhs get twice the number of seats, which is much more than they are entitled to on the basis of population with regard to balanced representation, I want Hon. Members to consider the case of Bengal and the Punjab. In the Bengal Assembly the Muslims who are a minority community but claim an absolute statutory majority have not been given it. The Muslims form 55 per cent. of the population but get only 47 per cent. of seats. In the Punjab, the Muslims who form 53 per cent of the population get as low as 48 percent of the seats. So much for India.

There has been a tendency in recent times, to discount the fact that actually within Great Britain itself Ireland was given weightage. I want Hon. Members to remember what happened between 1800 and

1922, when Ireland once again separated after the Act of Union of 1800 between Great Britain and Ireland. Ireland, with a population of 4,500,000 - I am taking the census of 1921 - had 105 seats in the British House of Commons - I am not taking Wales or Scotland - when England with a population of over 35,500,000 had 498 seats, nearly 500 seats. Ireland was therefore definitely given double the representation she was entitled to on the population basis.

Take the Union of South Africa. I do not want to weary Hon. Members by quoting these statistics, but I want them to take into consideration one fact when they consider these proposals, that in the Act constituting the Union of South Africa, the smaller states like Natal and Transvaal were given definite weightage over the Cape of Good Hope.

Take the Commonwealth of Australia. Tasmania, with a population of one twenty-fifth of the whole Commonwealth, gets representation to the extent of one-fifteenth; and that is quite apart from the fact that in South Africa and in Australia we have a federal constitution; and the federating units send an equal number of representatives to the Upper House.

Take the Federation of British North America. There too you have conditions somewhat similar to those obtaining between the Tamils and Sinhalese in this country. There is a segregation of the French Canadians in Canada; and also a segregation of the English Canadians. There was tremendous agitation going on between those two divisions in Canada for supremacy,

In this connection, I want Hon. Members to bear with me while I read a relevant passage - I am sorry, Sir, I cannot lay my hands on the quotation. The Attorney-General of British North America, in introducing the Act of Federation in 1867, said that if the agitation that was going on in Upper-Canada to have representation on the basis of population was conceded it would be allowing the French Canadians to be overwhelmed

by a feeling of inferiority, a feeling that they were smaller in numbers, and that that would prevent them from developing any national outlook. As a matter of fact, French Canada was given a definite weightage over English Canada; and that continued for over a period of fifty years. It was by the subsequent Act of 1924 that representation was based purely on population.

What is of very deep significance to this country would be the utterance of Mr. Macdonald, afterwards Sir Macdonald, who was then Attorney-General. In speaking on this Bill in the Canadian Parliament, this is what he said on the 6th of February, 1865:

“The next mode suggested was granting of representation by population. Now we all know the manner in which that question was and is regarded by Lower Canada; that while in Upper Canada the desire and cry was daily augmenting, the resistance to it in Lower Canada was proportionately increasing in strength. Had representation by population been carried I do not think it would have been for the interest of Upper Canada.”

That is, the major community:

“For though Upper Canada would have felt that it had received what it claimed as a right and had succeeded in establishing its right, yet it would have left the Lower Provinces with the sullen feeling of injury and injustice. The Lower Canadians would not have worked cheerfully under such a change of system but would have ceased to be what they are now - a nationality with representatives in Parliament governed by general principles and dividing according to their political opinions - and would have been in great danger of becoming a faction forgetful of national obligation and only actuated by a desire to defend their own sectional interests, their own laws and their own institutions.”

Sir, I cannot think of a passage which applies more directly to the conditions in this country than these words of Mr. Macdonald. If the

demand of the major community of Canada had been conceded, it would have driven a wedge which for all time would have kept the French Canadians and the English Canadians apart. In exactly the same way if the demands of the minorities who are faced with the feeling of utter helplessness and hopelessness are not conceded, you are going to relegate the minority representatives in the Legislature of this country now and hereafter into a position of isolation, into a position from which they cannot possibly retrieve themselves because they would continue to be a permanent, ineffectual and sterile opposition.

Yesterday, I believe, there was some questioning with regard to the attitude of the Congress over the communal award in India. I did not have then the terms of the resolution, but I would like to give Hon. Members of this House the specific terms of the resolution passed on this question by the Congress at its Lahore sessions before the Round Table Conference was held in England. The whole resolution is rather long; I will read the relevant passages.

“But as the Sikhs, in particular, and the Muslims and the other minorities in general, have expressed dissatisfaction over the solution of communal questions proposed in the Nehru Report, (that is the result of the All-Parties Conference) this Congress assures the Sikhs, the Muslims and other minorities that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned.”

That bears out completely what I said with regard to the attitude of the Congress immediately before the actual grant of the communal award. Immediately after the communal award the attitude of the Congress was this. As a national body they were theoretically opposed to communal representation; but in so far as there was no agreed settlement between the major community and the minority communities on the subject, and in so far as the communal award was the only acceptable solution to the minorities of the problem then existing, while they

themselves were not enamoured of the solution they were prepared to accept it. That was the attitude of the Congress subsequent to the communal award.

It will also interest Hon. Members of this House to know the attitude of the special Minorities Sub-Committee of the Round Table Conference under the Presidentship of Mr. Ramsay MacDonald. In submitting their report to the plenary session of the Round Table Conference, this is what they said:

“In order to secure the co-operation of all communities which is essential to the successful working of responsible government in India, it was necessary that the new constitution should contain provisions designed to assure the communities that their interests would not be prejudiced, and that it was particularly desirable that some agreement should be signed between the major communities in order to facilitate the consideration of the whole question.”

That was a part of the Report submitted by the Minorities Sub-Committee to the Round Table Conference.

Some Hon. Members have spoken to me on this question of the communal award, and they seem to feel that the communal award was made by British statesmen in the teeth of opposition. I think that particular misconception has got to be moved from the minds of Hon. Members of this House. The precise circumstances in which the communal award came to be made were these. At the Round Table Conference in spite of prolonged and almost weary deliberations between the representatives of the Congress, of the Muslim League and of other sections of public opinion in India, as there could be no agreed settlement and upon a guarantee given by the representatives of the Congress including Mahatma Gandhi - he said that the solution worked out by the Prime Minister would be acceptable in so far as they had not come to an agreed settlement - the communal award was made. It would therefore not be correct to say that that award was given against progressive opinion.

My saying that must not be taken as denying that there was a deal of opposition. But from whom did the opposition come? From a very small minority in the Congress and from the Hindu Maha Sabha which is a senior prototype of the Sinhala Maha Sabha in Ceylon.

The greatest opponent of the communal award was Dr. Moonjee. He spoke, not as a Congressman, but as the head of the Hindu community, on behalf of the Hindu Maha Sabha. Be it remembered that even Dr. Moonjee, the most communal of Hindus in India, was prepared to grant a definite weightage to the Muslims and the other minorities in India. It must not be forgotten by Hon. Members that the most orthodox and the most conservative elements among the Hindus were prepared to grant to the Muslim community, I repeat, a degree and a measure of representation far in excess of what they were entitled to on the strength of their numbers. As far as Congress is concerned, from Gokhale in 1908 to Mahatma Gandhi in 1938, there has not been one voice, whether it was from the Leftist Wing composed of Mr. Nehru and Bose or from the Right Wing, raised in opposition to the demand for weightage on the part of the Muslims.

In order that I may not be misunderstood I will tell the House precisely where Congress has been opposed to the Muslim demands. The Muslims have felt all along from the time of the old Indian Councils Act up to date that the Muslim representatives to the various Legislative bodies and even to the local bodies in India should be elected, not on a general franchise, not from a territorial electorate, but from a communal electorate, a Muslim electorate. I believe Muslims in this country also feel so even now. But let me go on with the aspect of the problem in India. Mahatma Gandhi and Congressmen have always appealed to the Muslim League and to Muslims all over India merely to give up that demand, namely the return of Muslim candidates or Muslim representatives by a divided portion of the electorate, that is, by a communal electorate. The Mahatmaji has been prepared most unequivocally to extend to Muslims their demands to the fullest extent in

the matter of quota, and in the number of their representatives. All that the Mahatmaji wanted was that the Muslim representatives should be returned from the general electorate. But unfortunately in view of the trend of Muslim opinion in India, what they felt was this, that Muslim representatives returned from a general electorate would be those who would be most acceptable to the Hindu community and who would least reflect the demands, the desires, the wishes and the needs of the Muslim community in India.

That was the difficulty. I would ask hon. Members who talk glibly of communal representation to remember this. In this country there is no demand as far as the Tamils at any rate are concerned for the creation of communal electorates, though conditions in Ceylon would justify such a demand. And I would say this. Our elders who demanded a seat for the Tamils of the Western Province might have done better - I would put it that way with a great deal of respect to their memory - in demanding that seat be given to the Northern Province or to the Eastern Province on a territorial basis.

As far as the Tamils are now concerned it is not a case of communal representation as such. And I must confess that those two words are perhaps the most difficult words in the political phraseology of the East. No two people seem to have the same conception or to possess the same definition of the words "communal representation". I will give you the definition that Mahatma Gandhi has himself accepted, and that is this, "Representation of a community by a member of that community elected by an electorate composed exclusively of members of that community". If that is the definition of communal representation, well I say on behalf of the Tamils in Ceylon that we do not want communal representation. The Tamils demand representation on a geographical and territorial basis. They want territorial electorates. There again I have never seen another word more loosely used in this country.

However, going back to the communal award and the position of the Muslims in India, there is a fundamental difference. It would not do for Hon. Members to say that progressive opinion was opposed to the increased number of representatives demanded by the Muslims or by the Sikhs. No. As a matter of fact, I would ask Hon. Members to recall Mahatma Gandhi had said that in the matter of representative strength, or racial representation, he would be prepared to give a blank cheque, or a *carte blanche*, to Mr. Jinnah, the leader of the Muslims.

That is the position. Subsequently the communal award has been the subject of discussion all over India. The Liberals have expressed their opinion on the subject; the Hindu Maha Sabha and the Congress; but I would challenge any Member to quote one passage from any representative or responsible person, belonging even to the most orthodox, or conservative group, who has denied a numerical strength to the Muslims over and above what they would be entitled to, on the strength of their population.

So far as the communal award for India is concerned, I would like merely to say this, that when the communal award was made the subject of examination and scrutiny by a joint Parliamentary Committee of both Houses, this was the conclusion they came to. It is relevant in view of our demand for balanced representation. This is from the Joint Select Committee's Report, at page 67;

"We entertain...."

says the Joint Parliamentary Committee : "...no doubts that if any attempt were now made to alter or modify it..."

- that is, the communal award -

"... the consequences would be disastrous. The arrangement which it embodies appears to us to be well - thought out and balanced, and to disturb any part of it would be to run the risk of upsetting the whole."

It was not an arbitrary award; it was an award that followed closely, first of all, the famous Lucknow pact of 1916, entered into by the representatives of the All - India Muslim League and the Congress. These two powerful sections of Indians both went on a common platform at Lucknow in 1916 and arrived at that settlement. Be it remembered by those who may not know too closely the history of representation in India, that shortly after the Lucknow pact, when Mr. Edwin Montagu joined Lord Chelmsford and examined the question, the representation and the ratios that were allotted to the minorities followed in every detail the Lucknow pact entered into between the Hindus and the Muslims.

I say that because it would be an interesting contrast between the way a body of Commissioners in India followed an existing arrangement between two communities and the way in which the Donoughmore Commissioners who in the face of a pact, namely, the Sinhalese - Tamil pact of 1925, drawn up at the house of the Hon. Mr. W. Duraismamy - in the face of that pact, a pact which, be it remembered, was not something artificial or arbitrary, but which merely embodied the ratio of representation between these two communities that had obtained, that was then obtaining in the then existing Constitution for three years, a ratio which had been approved by a select Committee of the Legislative Council, representatives of all communities appointed by Sir William Manning, the then Governor, a ratio of representation which had received the imprimatur of Whitehall - I repeat, though faced with all these facts, the Donoughmore Commissioners were unable to follow the precedent established in India.

I shall shortly read out a passage from the Report of the Commissioners from which Hon. Members will find that as far as the results were concerned, the Donoughmore Commissioners had gone completely wrong with regard to the conditions found in this country, with the result that their conclusions and findings were completely vitiated.

This is what the Simon Commission said with regard to weightage for minorities, referring to the Lucknow Pact, the terms of which were closely followed in the allocation of Muhammadan seats in the existing Provincial Legislatures.

“Our own opinion is that in view of the existing position and of the weakness of the Muslim minority in six out of the eight Provinces, the present scale of weightage in favour of the Muhammadans in those provinces might properly be retained.”

In this connection, I would draw your attention to another point of difference that emerged as between the Muslim demand and the Hindu demand. In talking of the Hindu demand, I am not talking of the Congress demand but of the demands of the Hindu Maha Sabha. What the Hindus fought for with regard to the demand of the Muslims was this, that whereas in six provinces where the Muslims are in a minority, they may be given a weightage of 100 per cent : and 200 per cent. that is, twice or three times the number of seats they would be entitled to on a strict population basis, the Muslim demand that in the two provinces of Punjab and Bengal, where they form a majority - I believe 55 per cent. in the Punjab and 53 per cent. in Bengal - they should be made a statutory majority should be opposed.

I should explain there that on a restricted franchise the electoral roll in these two provinces did not reflect, as it would reflect in this country, the strength of the population; that is to say, with a restricted franchise based on literacy or property qualifications, the Muslims who are a majority in the Punjab and Bengal Provinces, find themselves in a minority on the electoral rolls. Therefore they demanded that being in a minority in six provinces, at least there should be statutorily guaranteed to them, a majority in the Bengal and Punjab Legislatures. The example of Punjab and Bengal in particular are relevant to Ceylon. The Hindus protested, and the Simon Commissioners definitely said that whilst they were prepared to give Muslims weightage in the six provinces where

they were in a minority, they could not concede the demands of the minority, they could not concede the demands of the Muslims for a statutory, permanent and unalterable majority in the Bengal and Punjab Legislatures.

Note, Sir that is precisely what obtains here, and in point of fact, reading the allocation of seats in the Report of Joint Parliamentary Committee Hon. Members will realize that whereas in the Punjab and in Bengal, where the Muslims are in a majority I say that even in those two provinces, the Muslims are not given a majority. In spite of the fact that in Punjab they form 55 per cent. of the population, they are given only 47 per cent of the seats in the Legislature, while in Bengal where the Muslims form 53 per cent. of the population, they are given only 47 per cent of the seats in the Legislature, while in Bengal, where the Muslims form 53 per cent of the population, they are given less than 50 per cent. of the seats in the legislature.

Sir, the case of these two Provinces is of particular relevance, of pointed relevance, to Ceylon. A community which is in a majority only in those two Provinces, which is a continuing and perpetual minority in the rest of India, which is a minority community taking the whole of India, has not been granted the demand it made that it be placed in the position of a perpetual majority in the two provinces where, in fact, they formed the majority of the population. That is most significant, and I would like hon. Members who will follow me to reply on that point. I would commend to them, if I may the following observations of the Simon Commissioners on the question of minority safeguards :

“The failure...”

I commend this more particularly to the Sinhalese leaders and the Board of Ministers.

“The failure to realize that the success of a democratic system of Government depends on the majority securing the acquiescence of

the minorities, is one of the greatest stumbling blocks in the way of rapid progress towards self - government in India..."

I commend that passage to those who say, "What harm has been done by the formation of a homogeneous Board of Ministers in this country?"

"Abstract declarations...."

There is such profusion of empty expressions of goodwill in this country. To those responsible for those expressions of goodwill I would commend this passage :

"Abstract declarations are useless, unless there exists the will and the means to make them effective. Until the spirit of tolerance is more widespread in India and until there is evidence that the minorities are prepared to trust to the sense of justice of the majority, we feel that there is indeed need for safeguards."

That is a pronouncement of very great importance. It will not do for Hon. Members to indulge in dialectics or to score debating points. The hon. Member for Galle asked me, "What harm has been done to the minorities?" May I meet that by quoting the words of Campbell - Bannerman who said that "good government is to substitute for self - government"?

How would the nationalists of this country, how would the nationalists of India, or any other part of the British Empire who occupy a position of subservience to the paramount power reply if they were told, "The English can send out Englishmen of the highest efficiency to rule this country. There would be no partiality and you should be satisfied with an efficient Government by an alien bureaucracy?" The reply would be, "Even if we bungle, even if we make mistakes, let us have self - government and let us govern ourselves."

To those who have even an ~~idea~~ ^{idea} of self-respect or racial pride, it is historical tradition that count in these matters. That cannot be waived aside by small sums voted here and small sums voted there by the distribution of recurrent expenditure or by the creation of some particular work under non - recurrent expenditure in parts of the country in the last few years. It concerns the heritage, the political heritage and the entire future of communities that have to live and have their being in this country.

I appeal to Hon. Members to give that aspect of the matter their consideration - that good government, be it by the white bureaucracy, or by a brown bureaucracy, homogeneous or otherwise, is not an alternative to self - government.

In this connection I have to refer to my Hon. Friends the Nominated European Members who have spoken so far. But before I do that, will you permit me to complete the particular point that I have made, and to crave the indulgence of the House for doing so?

Sir, in the volume of "Connected Constitutional Papers" referred to by the Hon. Member for Kandy he would see that right at the very beginning, as early as 1909 or 1908 when several of us would not have been able to lisp in the English language, the Jaffna Association, under the Presidency of Mr. James Hensman, was asking for the introduction of the elective principle and for a degree of responsible government in this country. Here you have the case of a Tamil Association that admittedly gave a lead to the political movement in this country. Happily Sir, that revered old man, who has given to India the Right Hon. Srinivasa Sastri, is yet spared to the Tamils of Ceylon in their day of travail; he is yet alive, and this is the message Mr. Hensman in the evening of his life, having seen all the various political facets, all the various political evolutions both in India and in Ceylon sent from his retirement in Jaffna.

"Though unable to be present personally, we extend to the All - Ceylon Public meeting of Tamils our fullest sympathy with the objects and purposes thereof..."

This is a message addressed to the All - Ceylon public Meeting of Tamils held on February 26, this year:

".....particularly in reference to the demand for a balanced scheme of representation without which in this country there can be no democracy. For the preservation and safety of our race as well as for the promotion of a united Ceylonese nation the principle of balance of power is indispensable. What is of fundamental importance is this principle of balance evolved by the political genius of our revered leader, Sir. Ponnambalam Ramanathan. His brother, Sir P. Arunachalam, Sir Ambalavanar Kanagasabai, Mr. A. Sabapathy, Mr. A. Canagaretnam and other Tamil leaders co-operated with Sir P. Ramanathan, worked and fought for a balanced Constitution some years ago... The conditions now prevailing in Ceylon necessitate even more urgently than in the past the introduction of the principle of balance in our country. The principle that no single community should be in a position to out - vote all the other communities in the State council must, at all cost, be pressed home to the authorities. Any bargain which concedes even one seat more to the major community at the sacrifice of the principle of balance cannot be accepted."

He goes on to say :

"We also cannot fail to express keen disappointment with the fact His Excellency the Governor has in his Dispatch not recognized even by a reference the past contributions and the present importance of the Tamil community to which we have the honour to belong."

Those, Sir are the words of a man whom personal ambition, the attractions of the hustings, the possibility of a new Government tomorrow, cannot possibly influence. He is past all that. From his

retirement he sends this message to his compatriots who were met there is Colombo.

And it is also poignant that one other person who associated himself with that message as a co - signatory is no other than another revered leader of the Tamils, Mr. H.A.P. Sandrasegara, one of His Majesty's Counsels in this country. Mr. Sandrasegara has been associated, I believe, with the reform movement in this country almost as long as, if not longer than the Hon. Member for Balapitiya. I believe they have been associated together in one capacity or another in the National Association, the Reform League, the National Congress and the now defunct Liberal League. Mr. Sandrasegara knows well the propensities and the predilection of Sinhalese leaders in this country and he associates himself with the message of Mr. Hensman to the All - Ceylon Tamil Conference. This is particularly relevant in view of the fact that the Hon. Member for Kandy read out some part of Mr. Sandrasegara's speech in the debate of 1928, which even if correct is certainly superseded by this particular message.

Sir, I have spoken of several of those revered but departed leaders who had always supported our cause. I wish they could have been present with use here. I have no doubt that their spirits will hover round these premises and see how far the work they had undertaken in their lifetime is being carried on by a generation which is probably slightly less able than they were.

It is only fair that one or two utterances should be quoted from our elders who are alive - I mean elders who can speak, not those who have voluntarily or involuntarily lost the right to speak, but those who are alive. I make particular reference to the Rev. Dr. Isaac Tambyah, who is now President of the Jaffna Association. Dr. Isaac Tambyah says,-

"The bed rock of Tamil political demands..."

This is also from a message sent to the All Ceylon meeting of Tamils, held on February 26 this year :

"The bed-rock of Tamil political demands is a doctrine propounded by the Duke of Devonshire ... namely, that at no time should the joint voting strength of the minorities be less than that of the major community. Call it the Devonshire doctrine or the fifty - fifty demand it ultimately amounts to no more than a principle of elementary equity..."

He was a lawyer of no mean eminence ;

"It is greatly to be deplored that His Excellency the Governor, in his Dispatch on Reforms had dealt with the 50/50 claim in a spirit, a little less than levity. The two sentences in which he has disposed of the Tamil position, in a document of 41 paragraphs, suggest a summariness not due so much to impatience as to improper information.

"The memoranda of the Jaffna Association of June 8, 1935, and May 6, 1936, and the All - Ceylon Conference of Tamils for 4th July, 1937. The scant significance attached by the Governor to these sources of authentic information, the oral statements of representatives of Tamils evidenced by the fact that in the list in his Dispatch of the memoranda and deputation received, those of the Jaffna Association and the All Ceylon Conference of Tamil find no place. This is a grave lapse on His Excellency's part."

So much for the reference to Dr. Isaac Tambyah. With one more quotation, I shall cease, that is a quotation from Mr. Kanagasbai, the Crown Advocate and leader of the Bar in Jaffna, who presided over the last All - Ceylon Meeting of Tamils :

"Our deliberations today (he says) will I feel certain lay to rest any suggestion that there is anything but the most complete unity as far as our demands are concerned within the Tamil race."

He goes on to say :

"We have suffered in recent times from a calculated campaign of gross misrepresentation that we are the enemies of the Sinhalese. We are no more enemies of the Sinhalese than we are of the English or His Majesty's Government. Any demand for our just rights cannot be interpreted as a menace or a challenge to the major community in this Island."

I commend those words to our friends here.

"The Tamils of all classes in this country are actuated by a desire to be in a position to co-operate on a level of complete equality with the major community and thereby arrive more speedily to the time when a broad national out look and consciousness can be attained.

If a statement is necessary from this Chair and before this distinguished audience of my countrymen, I should unhesitatingly like to affirm that we are animated by no sense of hostility to the majority community, nor shall we rest content till our goal is reached."

Mr. Speaker, I will ask Hon. Members of this House, now that they have considered the Muslim position in India and the utterances of representative and responsible Tamil leaders both of the past and the present, to consider without the aid of these utterances the position of the Tamil community.

In the last Legislative Council, Mr. Speaker, as you will remember, there were thirty-seven elected Members - the Council immediately before the Donoughmore Constitution began to function - and out of those thirty-seven elected members, there were eighteen Sinhalese and nineteen Members belonging to all the minorities. Of the nineteen, there were nine Tamils. What did that mean? There were nine Tamils to eighteen Sinhalese, maintaining the ratio of one to two and the combined strength of the minorities was not equal - and I say this for the benefit of those who develop so much of heat and animation and almost develop a temperature when they hear the fifty - fifty basis mentioned in the last

Legislative Council the combined strength of the representatives of the minorities were one more than that of the majority community. I merely say, de facto that was true : the major community was in a minority I would now postulate this question to those who ask what injustice has been done by the Homegeneous Board of Ministers. In what way have the Sinhalese interests suffered through a period of not seven but twelve years when the minority communities could have combined to thwart and to thwart effectually the wishes of the majority community?

I believe it has been conceded by Governor Stanley in his Dispatch to Lord Passfield, written shortly after the Donoughmore report was available, that although the minorities along with the communally - elected Members could have combined to defeat the objects and purposes of the Sinhalese, in point of fact there was not one single division in the various divisions that took place in the Legislative Council in which the minorities had joined together to thwart any demand made by the Sinhalese representatives of this country.

Our conduct and history speak for themselves. If we were reactionary, if we were incapable of putting forward a united and joint effort for the future well - being of the country, it would have been manifest beyond question during those twelve years. And yet the pages of HANSARD - the utterances of Members and the division lists - will contradict any such misgivings with regard to the future where we demand - I repeat, that the Sinhalese should not be relegated to a position of minority, - but that they should if the worst came to the worst have an equal amount of representation along with the other minorities including Nominated Members in a future Council.

Speaking of Nominated Members might I digress for one second? Might I ask the advanced section of political thinkers, who are apparently to be found only in the well of this House, why these Constitutional purists and His Excellency the Governor, who wanted to promulgate an advanced Constitution for the future of this country,

should have been willing to perpetuate the most reactionary element in the Constitution, that is the continuation of Nominated Members in an elected body which wants to have responsible government? I want to have an answer to that, Mr. Speaker.

The Nominated Member (Major Oldfield) yesterday spoke of "special interests", that really the expression "European Members" was a misnomer, a little lapse on the part of His Excellency the Governor, that what he really meant was that there should be four Members to represent the special interests of the Europeans. What are the special interests? I can understand it if it is the interests of agriculture or of commerce. But why English commercial interests, I cannot understand. So in this case there is a definite communal taint, a definite communal character given to representation. If they were really special seats, might I ask why the Members of the Board of Ministers have not definitely said that in any future advance in the matter of any further constitutional amendment, nomination should not find a place at all?

I am sure the Burgher community, which is an indigenous community to this country, will welcome the return of Members by special electorates. If you cannot help it, you have to create special electorates. If the creation of even communal electorates is reactionary or retrograde, I say that this process of allowing the Governor to nominate four Members for the Europeans is more reactionary, more retrograde, and must be opposed. I say it also for this very good reason. I am sorry to have to say it, but Hon. Members and the Nominated Members also know that I never make bones about what I have to say. More often than not I express myself plainly, and sometimes a trifle too plainly.

It has been the unfortunate history of Nominated Members to the Legislature of this country that they have formed a buffer for the Governor. Whether it was the Manning Constitution of 1923, or the Donoughmore Report of 1930, or the Governor's Dispatch of 1939, we have found in the Nominated European Members a safe buffer, a safe

quota to support the Government's proposals. It is particularly revealing, it is particularly interesting to note that the Nominated Members who owe their seats here to the largesse, to the kindness of His Excellency the Governor, express a point of view which is to a great extent opposed to the view of the European Association - the political Association of the Europeans. I saw, Sir, only two or three days ago in the *'Times of Ceylon'* a communique of the European Association in which on more than one question the Council of the European Association has expressed itself in terms which are diametrically opposed to the views expressed by either Mr. Villiers or Major Oldfield. In these circumstances, Sir, we are left with a feeling of doubt, with a feeling of confusion as to what exactly is the attitude of the European community.

I say this, that as far as this House is concerned, Hon. Members of all sections must oppose the principle of nomination in the future, and I hope that as far as the Burgher community is concerned - I gathered that from my conversation with the Hon. Nominated member here and with representative Burghers outside - I shall be uncontradicted when I say that the Burgher community will welcome the creation of some special electorates by which representatives of their community can be returned to Council in so far as no other means of representation is available to them.

To come back to the point on which I was speaking. I said that in the last Legislative Council there were nine Tamils to eighteen Sinhalese. The Northern Province had five seats and the Eastern Province two seats. There was in addition the special reserved seat for the Tamils in the Western Province; and I do not think I would be wrong if I said that there was a Nominated Tamil Member also, making a total of nine.

Now look at the way in which every Province has received enhanced representation as a result of the Donoughmore Commissioner's Report. Every single Province, barring the Northern, the Eastern and the North - Central Provinces, has had its representation increased. The

Western Province which had equal representation with the Northern Province today enjoys three times as much representation as it enjoyed under the last Constitution, and yet the only Provinces, fortunately or unfortunately occupied almost exclusively by members of my community.

And look at the proportion, Sir, of territorial seats in the last Legislative Council. Leaving out the Nominated seats, we had eight out of twenty - three - more than 1 : 4 - in the last Legislative Council. Today we are relegated to a position of having to be satisfied with seven seats in an elected Council of fifty and a total Council of fifty - eight.

Sir, quite apart from the ethics of the situation, quite apart from the particular examples, and precedents I have quoted, I think Hon. Members will agree that there must be something that requires attention, scrutiny, examination in these two Provinces, one of which was considered equal to the Western Province being relegated to its present position.

Adverting again to the question addressed to us by certain Sinhalese Members, "What is it that the Tamils and other minorities have to complain of?" I wish particularly to refer to certain very interesting utterances of responsible - no, I will not say responsible; I will say representative - leaders of the Sinhalese community.

It has been definitely claimed on various public platforms that this country, which as I reminded Hon. Members was occupied by a section of the Tamils even before the advent of the Sinhalese, is today the country of the Sinhalese. Sir, no fewer than four Ministers have claimed that this is the country of the Sinhalese, that the Sinhalese alone must govern the country and that others who were not prepared to accept that position must clear out. In so many words or in nearly so many words representative leaders of the Sinhalese community, Members of the Board of Ministers have said this. And if Ministers and representative Sinhalese politicians to-day can give vent to utterances of this nature, it will be a matter perhaps of time when the utterances can

be translated into reality. In fact the process of such conversion is now going on.

Yesterday Hon. Members questioned me how or in what way we have been relegated or treated as Semites have been, who were not wanted in Central Europe. I would remind them of a meeting of the Sinhala Maha Sabha at Anuradhapura, which under the very nose - or shall I say the eyes? - of the Hon. Minister of Local Administration and the Hon. Minister of Education characterized the Tamils of Anuradhapura who had settled there in considerable numbers as usurpers, interlopers and gate-crashers. They were supposed to have come and trespassed on holy ground. They were supposed to have come there when they had no right there. And sir, there was an injunction issued that a Dutugemunu should arise once more to turn these usurpers out. I see that the sentiments are received with a certain degree of happiness and acceptance by a section of this House. This fact also is of deep significance. Sir, that was done and said in the presence and I believe under the Presidentship of the Minister of Local Administration. If that can happen to - day I say the minorities have every reason to be alarmed with regard to the future.

My Hon. Friend the Member for Galle wanted to know about discrimination. Sir, discrimination is not always overt. It is not possible for backbenchers even under the Committee System to trace out every executive act of nepotism. It is impossible, placed as we are, deprived of any means by which we can find out what the Board of Ministers are doing, to be able to prove conclusively how the executive machinery of Government is being perverted to the advantage of a particular section of the people of this country.

But there is one thing that Hon. Members may remember and which I wish to recall to their minds and that is that for the last several years, the administration of Buddhist temporalities is and has been a charge on the public revenue. I would ask any single Hon. Member here, to whatever side he may belong, to defend the position, either on

the ground of ethics or even of political expediency that the general taxpayer should be called upon to maintain and administer Buddhist temporalities in this country.

I do not propose to raise a debate in regard to Buddhist temporalities at this stage nor in regard to the legal consequences that flow from the Convention of 1815. But I say this, that when there is a solemn undertaking given by the representatives of the Buddhist laity and clergy to make the sums of money expended upon the administration of Buddhist temples a charge on temple revenue, when upon that definite undertaking an Ordinance was passed, when within that Ordinance there is a Section that empowers the Governor with the acquiescence of the State Council to make a levy on Buddhist temples, when in the face of these facts the most eminent Buddhist in the State Council repeatedly introduced a motion to make a levy upon the incomes of Buddhist temples, this old chestnut, the Convention of 1815, was trotted out and there was such violent opposition on the part of Members of Council that motion had to be withdrawn, not once or twice but three times. I say that that is an indication of things to come, when the machinery of the State Council is perverted to the advantage of one section of the community.

I apologize to Hon. Members who are Buddhists here and who may have their feelings hurt. I would ask them to take a detached view of what I say. There is another point of view to be taken into consideration in connection with that matter. There are people in this country who are not Buddhists. There are Hindu temples in this country. There is a Hindu Temples Endowment Board in Madras which administers Hindu temporalities on a much larger scale than the Buddhist temporalities here, and every cent spent by the Board who administers the temporalities there is met out of the funds governed by a Brahmin Prime Minister. That is an example to follow but which is not followed here. That engenders misgivings, and those misgivings have to be met. I command this particularly to the Hon. Member for Galle who asked me to quote chapter and verse in this matter.

Whatever may be the feeling of Whitehall I do not want to go into the other matters of a similar nature.

In the matter of legislation, I wish to refer to the Village Communities Ordinance. In spite of everything, that might have been said and done in this House, in spite of the fact of an amendment which I have reason to believe His Excellency the Governor himself had recommended to the Colonial Office, we are confronted with the situation in which a community which has given of its best in the past, which has been definitely responsible for the economic development of this Island, is to be relegated - I use the word relegated deliberately - to the coolie lines which are the local counterpart of ghettos, is deprived of civic rights, and is to be repatriated when the masters of those who from that community or a section of the people of his country choose to do so.

If such things are possible under the present administration, then - again I repeat - there is room for misgivings in the hearts of the minorities of this country. Those who feel, and feel wrongly, that the minority communities are in the way, are a spoke in the wheel of progress towards self-government, will do well to remember that perhaps the biggest obstacle in recent times has been placed, as far as British public opinion is concerned, as far as enlightened public opinion throughout the democratic world is concerned, by the conduct of no other than the Leader of the House over the Report of the Bracegirdle Commission, in refusing to accept the findings of that Commission, in spite of the undertaking he had wittingly or unwittingly given. That conduct of the Leader of the House has been the greatest obstacle in the way of obtaining self-government for this country, has been the greatest obstacle to the political progress of this country. Let Sinhalese politicians search their own hearts, let them criticize their own conduct, before they criticize us and call us reactionaries, persons who are bent on obstructing and thwarting the political progress of this country.

I would now like to refer to the absence of communal divisions in debates that took place in the old Legislative Council. There has not been a single case where such a division took place. I am informed by my own examination and from the Dispatch of His Excellency Sir Herbert Stanley that there had not been a single case of debate where a division ensued where the Sinhalese voted on one side and the minorities voted on the other. But examine the division lists of important debates in this House since 1931. I am afraid that an examination of those division lists will show that divisions on communal lines have been a regular feature of debates in this House. And the most significant of such division was that which took place on the Ministers memorandum on Constitutional Reforms in 1934, when the Sinhalese Ministers and Members voted on one side and the minorities *en bloc* voted on the other side. Then, another very significant division where normally one would have thought that communal feelings would not have come into play was, when the ruling of the Speaker on a Message of Certification sent by the Governor was questioned by the Hon. Member for Dumbura. On that occasion it was extraordinarily significant that the Sinhalese Members and the Ministers voted on one side with one exception, and the minorities, again with one exception, voted on the other.

Mr. Speaker, now there is a demand on the part of the Sinhalese for changes in the recommendation of the Donoughmore Commissioners, changes in the form of the present government; and I would like to ask Hon. Members to examine the situation and to see in what ways the hopes and anticipations of the Donoughmore Commissioners, the hopes and anticipations of Governor Stanley who wrote his Dispatch on that Report, the hopes and anticipations of the Secretary of State, Lord Passfield, have been realized; and to what extent those hopes and anticipations have been falsified.

The Donoughmore Commissioners definitely hoped that as a result of the abolition of communal representation communal feelings would disappear; but, inspite of the rather airy fashion in which His

Excellency the Governor refers to the present communal tension in this country, I think every Hon. Member of this Council will admit that, whatever the reasons might be, since 1931 that is during the Donoughmore era – the feeling of amity that existed between the major community and the minority communities has deteriorated to an alarming extent.

The Donoughmore Commissioners hoped that a common aim, that is true national unity, would develop. The only way to remind the House of what they hoped for would be to read an extract from their Report. The Donoughmore Commissioners, at page 93 of their Report, state:

“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.”

That is one anticipation of the Commissioners that has been completely negated. Categorically every one of the anticipations of the Donoughmore Commissioners has been belied. I should not like to leave that to the speculation of Hon. Members. The Donoughmore Commissioners anticipated that Muslims would be returned as territorial Members. But with the exception of Sir Mohamed Macan Markar who was returned to the last Council, not a single Muslim has been able to find a place in the State Council as a territorial Member.

The fact remains that that anticipation has been completely falsified. In the case of the other communities, the Donoughmore Commissioners say:

“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.”

There, again, I ask Hon. Members whether the composition of this House does not in itself constitute a complete contradiction of that anticipation, that the other communities, apart from the Muslims, would be able to return a Member on a territorial basis.

The Hon. Member for Galagedara has definitely asked me a question and I will meet it. He instanced the case of the Hon. Member for Colombo North who is a Tamil. I do not know how many Hon. Members of this House know the actual strength of the minority communities in Colombo North. Colombo is the most cosmopolitan part of Ceylon. It is the one place where everybody comes into contact with the rest of the world and with the island severally. Literacy and general enlightenment are higher in Colombo than anywhere else; and in Colombo North and in Colombo generally, a combination of the minorities outnumber the major community. Besides all this, I wish to recall the fact that the Sinhalese gentleman who originally contested the seat against the Member for Colombo North was neither a *Goigama* by caste nor a Buddhist by religion; otherwise I feel certain that we would have had the services of an expert accoucher to assist us in relieving the birth-pangs of a new democracy instead of the return of a general practitioner albeit a Tamil.

Only the other day I was challenged when I was making some remarks with regard to the Municipal Council. I think the Hon. Member for Colombo Central will bear me out. I think when the Hon. Member for Colombo South asked “Have we not elected a Tamil Mayor?” immediately somebody remarked “There you are, the majority community, the Sinhalese, have elected a Tamil Mayor.” The position must be made absolutely clear with regard to that.

Do Hon. Members know that in the Municipality of Colombo the minorities outnumber the Sinhalese, not by one but by two or three? Do Hon. Members know that in the Municipal Council we have the system of voting by a single non-transferable vote for the election of the Mayor? The result is, a person can be elected Mayor on a minority vote. Do they also know that in point of fact the first Mayor of Colombo was elected on a minority vote?

The Commissioners also have said this:

“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”

Mark the words; “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.”

I want Hon. Members who choose to take the Donoughmore Report as gospel and the last word on the political situation in this country also to accept their findings on fact. A body of Commissioners may go wrong with regard to conclusions, but in this instance they were going on facts. One has got to accept their observations, their findings, on the evidence that was given before them when they conducted their inquiry in this country. This is their finding.

Particularly with regard to those who ask “What harm is done by a homogeneous Board of Ministers” I will refer them to this:

“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.”

Mark the words: “freed from external control, would be able to impose their will on all who dissented from them”: I am sorry that to-day we are confronted with that spectacle of a section of the people of this country fortuitously placed in power preparing, in fact threatening, to impose their will on all those who dissent from them. Says the Report:

“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 harmonize conflicting interests, and to act justly even at a sacrifice to themselves.”

I would very respectfully, very seriously, but deliberately ask Hon. Members of this House who do not tire of asking us what harm has been done to remember those admonitions, those pregnant words of the Commissioners that they must “inspire universal confidence in their desire to harmonize conflicting interests, and to act justly even at a sacrifice to themselves”. That again has been completely and entirely belied - those anticipations and hopes of the Donoughmore Commissioners.

What did His Excellency Governor Stanley hope for in recommending the acceptance of the Donoughmore Commission

Report and in recommending the inauguration of the Council? On their findings what did he hope for? He says:

"If to the Ceylon Tamils communal representation is of interest mainly as a counterpoise to the numerical preponderance of the Sinhalese, to the Muslims and Burghers it presents itself almost as their only assured safeguard against the risk of political submersion."

He goes on to say:

"It is to be hoped that communal sentiment would not be the decisive factor in all elections."

And has not communal sentiment been the decisive factor in the last two general elections?

"The Sinhalese at any rate could afford to be generous, and I credit them with generous instincts in these matters. I feel confident that there would be no desire for the wholesale exclusion of Muslims, Burghers and Europeans from election to membership of the State Council."

With the sole exception of the Hon. Member for Anuradhapura, which is an exceptional case, can anyone here possibly claim that as an indication of the general trend of events? With regard to Mr. Fellowes-Gordon, Hon. Members must realize that Mr. Fellowes-Gordon was returned by the suffrage of the Indian Tamils of Bandarawela. It is no use trying to trot out a name and hoping to startle somebody; Hon. Members must know the facts. Governor Stanley goes on to say:

"I can think of several likely candidates, belonging to Minority Communities, whose personal popularity and local influence should suffice to give them an excellent chance of election in their respective districts."

And the story of the Hon. Member for Jaffna is an extraordinary contrast to what Governor Stanley anticipated. Actually the Hon. Member for Jaffna bewails the fact that after fifty years residence in this part of Ceylon, after a distinguished career of service by his father, his uncle, and by himself, he has got to travel to his own kith and kin, 250 miles away, to try and obtain a seat. I hear my Hon. Friend the Member for Matara saying. "What has he done for Colombo?" You see, Sir, how mutually destructive these remarks are. The Hon. Member for Gampola says, "What nonsense? Why has the Hon. Member for Jaffna to go to Jaffna for a seat? If he contested a seat in Colombo he would have got it". How conveniently he makes use of that argument? The Hon. Member of Matara exclaims, "What has he done for Colombo?" So, that the one destroys the other.

The fact remains that it is only in electorates where one community definitely predominates over all others that a member of that community normally, and as a general rule, can be returned under the present Constitution. It is the truth.

In another place, Governor Stanley says this:

"I have much sympathy with the Muslims and the Burghers in their anxiety, though I believe that they will not find the difficulties in the way of the election of some members of their communities quite as formidable as they anticipate."

He actually hopes, he really thinks that some members of the Muslim and Burgher communities would be elected. What optimism on the part of Governor Stanley who had been here for several years! And you see how easy it is for Governors to go wrong with regard to the prospects of members of the minority communities. If Governor Stanley with his years of experience, of close and intimate contact with the representatives of the various communities, could have gone egregiously wrong in his expectations and conclusions,

how much more likely would it be for Governor Caldecott with only his experience of Malaya and Hong Kong to go wrong with regard to the future prospects and the political future of the minorities in this country?

Governor Stanley says:

"The choice seems to me to lie between the complete abolition of communal representation."

He said that the only question that had to be decided was whether communal representation should be abolished or not. Although he himself recommended the abolition of communal representation he said:

"..... the strength of the feeling against abolition is not to be regarded as either factitious or negligible."

To say that the whole thing is *res judicata*, that there is a finding of the Donoughmore Commissioners on the subject, all that reveals a curious state of mind, a curious complex with some of my Friends. On questions on which we are in conflict they will immediately turn round and say, "There is the Donoughmore Commission Report; they listened to the evidence and pronouncements of all representative minority men, they have come to certain conclusions; that is the final word on the subject; you cannot go back." That is a weakness you find not only with sections of the House but also with the Sinhalese Press. They are prepared to give up every part of the Donoughmore Constitution; in fact, they are prepared to change the Constitution, but on the question of communal representation they become very indignant if the findings of the Commissioners are sought to be controverted.

The Constitution was definitely introduced as an experiment. It was said so by Governor Stanley and Lord Passfield. If the experiment has proved a failure, you have to consider all aspects of

the recommendations. Do not forget that Mr. Speaker. And I will ask Hon. Members not to forget that it was definitely laid down by Lord Passfield that the Report of the Donoughmore Commissioners disclosed a delicately balanced scheme. And the moment you think of removing one part of it you have got to think of the Constitution as a whole. If it is an experiment, if Hon. Members feel that experiment has got to be reviewed and amendments and reforms introduced in one direction or another, surely we should not be stopped from claiming, we should not be denied the right of claiming that the findings and recommendations in so far as they affect certain sections of the people of this country should also be considered? That is the logical attitude to be taken up by Hon. Members of this House.

Lord Passfield - and this is the most important passage in this connection - in accepting the Dispatch of the Governor in recommending to the country and to her representatives the acceptance of the Donoughmore Constitution, said this:

"I note from the evidence which was given before the Special Commission that many leaders of Ceylonese opinion....."

"Ceylonese", a word I believe which has been tabooed from the dictionary of the Sinhala Maha Sabha.

Says the Dispatch:

"contended that racial considerations were not the decisive factor in the election of Members to the Council."

He goes on to say:

"It is my sincere hope that this diagnosis of the position will prove correct, and that distinguished men of the minority communities may not be debarred by racial considerations from securing admission to the Council by popular election."

Again, I say, the very definite anticipation of Lord Passfield, upon which I venture to submit he recommended the acceptance of the Donoughmore Constitution has been so completely falsified that the question has got to be considered and considered anew - the whole question of the representations of the minorities, the whole question of the balance between majority and minority interests. The whole question once again comes up for review, and we cannot consider one part Constitution, as His Excellency would like us to do, without considering the other.

Sir, I believe some Hon. Member challenged me— I could not get hold of the quotation for the time being — about the way in which divisions proceeded in the last Legislative Council. This is what Governor Stanley says:

"In the Legislative Council as now constituted communally elected representatives could if they voted solidly with the territorially elected Tamils, place the representatives of the Sinhalese Territorial Constituencies in a Minority....."

But he goes on to say:

"Voting has not, in fact, proceeded on these lines and there is little prospect of future divisions in which the issue would be defined as between Sinhalese and the Rest."

There, I say, Governor Stanley went wrong again. The divisions from 1931 up to date contradict that anticipation of His Excellency Sir Herbert Stanley. Those who purport on ethical, political and moral grounds to oppose anything like a concession to communal representation will do well to remember the findings of the Donoughmore Commissioners and Governor Stanley. They say:

"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."

I am sorry I did not have the passage when I was questioned with regard to the present communal tension and communalism in this country. I wish to quote no less a person than the last Governor of this country. This is what he said addressing this State Council in 1936.

"A sprit of narrow sectionalism rampant in the Island and the tendency which has been manifested in many perhaps in most constituencies to pay regard not to the merits of the candidates, but to considerations of race, caste or religion....."

Sir, is that not conclusive? If it is not, then I will quote Mr. R.S.S. Gunawardana, a leading light of the Congress, for a long time its Secretary, and now a member of the Sinhala Maha Sabha.

In a speech he made in March, 1937, in this House he said this. I am sorry the Hon. Member is not here and I shall studiously refrain from saying anything controversial except to quote his remarks. With regard to other things I shall criticize him if, as I hope, he is in his seat later on. He says with regard to elections:

"There is an appeal to communalism, appeal to caste, is certainly rampant in all elections."

He says that appeal to communalism and an appeal to caste is rampant in all elections. It is found on page 831 of HANSARD of 1937. He said this when he was speaking on the motion I introduced with a view to preventing Ministers going to England from making representations on political reforms to the Secretary of State for the Colonies. That was what he said:

So with regard to communalism there seems to be an acute difference of opinion among my good Friends, the members of the Sinhalese community themselves. It is also interesting in view of the paucity of Christian representatives in this Council to refer to the statement of Mr. Vincent Mendis, who was I believe for a considerable

time the Chairman of the Urban District Council of Dehiwala-Mount Lavinia, one of the most important Urban District Councils in the country. He says:

“Fifteen years ago every member of the Legislative Council was Christian save one. Now a Christian candidate has to sell his soul if he is to win his seat in Council.”

This is what the Hon. Member for Bible says in a memorial submitted to the Governor on behalf of a section of the Kandyans with regard to conditions now prevailing in Ceylon:

“Suspicion and discontentment between the different communities and castes in the Island, and fear of the Low-Country Sinhalese to whose tender care the other communities have been handed over bound hand and foot...”

It is a good thing he omits “being gagged also”. Sir, we have also the testimony of no other than Sir Andrew Caldecott to a representative deputation of the Jaffna Association that met him last year when he paid his first official visit to Jaffna. To the deputation that waited on him at the Town Hall he said that he was convinced that the Sinhalese leaders were definitely communal.

So then, Sir, we have definitely the testimony of people who are as far removed from one another as Mr. Gunawardana is from Mr. Rambukpota and Mr. Rambukpota from Sir Andrew Caldecott.

I am going on to another point. May I propose that we adjourn at this stage?

Yes, Sir, I think instead of going on to a fresh point I can usefully take the time of the House by referring to some remarks made by Hon. Members of this House, some relevant but others irrelevant, but I have got to meet as many as I can.

Mr. R.S.S. Gunawardana - I beg your pardon; the Member is not here and I shall have to leave him out. I shall now refer to one of the latest speakers, the Hon. Member for Balapitiya. The Hon. Member for Balapitiya is senior enough not to have made a statement which is both unworthy of him and the community to which he referred. He said that the Tamils were perfectly satisfied as long as they supplied the leaders, but the moment there were Sinhalese who came forward as leaders the Tamils were not prepared to follow. He must I think on further consideration, on sober consideration, admit that is an over statement of the fact.

I do not think he will deny that the leaders of the Tamil community were prepared to take their stand under the leadership of Mr. James Peiris, I do not think he will deny that the Tamils and other minorities were prepared to accept the leadership of the Hon. C.E. Corea. But to say that they will not accept the leadership of the present Leader of the House does not justify the general assumption or the general observation that the Tamils are not prepared to accept Sinhalese leadership. The Tamils have been in the past and will be in the future prepared to accept leadership irrespective of community provided that leader is one who does not think in terms of the Sinhalese only. If a leader manifests a shortsightedness of policy, if a leader manifests personal interest in matters which ought to be political, then one cannot be blamed for not accepting the leadership of such a person. The question of the community to which he belongs is irrelevant to the issue.

Then the Hon. Member for Balapitiya went along in his attempt to meet the Tamil claim by misinterpreting, I do not say deliberately but definitely misinterpreting the claim made by the Hon. Member for Jaffna, and saying that the whole of the Tamil claim can be disposed of by granting them a few seats. I do not think the Hon. Member for Jaffna said anything of the kind in this House or outside it. I go further. Neither the Hon. Member for Jaffna nor any other single Member

returned for the Northern constituencies at the last general election and at the previous by-election can say that a few seats more or a few seats less are all that we are fighting for. No, Sir, we are fighting very definitely for the reversion, the restoration, the reintroduction of the principle of balanced representation which alone we feel convinced will lay the foundations of true democracy in this country. It is not a question of two or three seats, and a mere wave of the hand of the Hon. Member for Balapitiya does not really meet the situation.

The Hon. Member has made a very interesting observation. Talking of balance of power the Hon. Member, whom I think is a leading Sinhalese politician in this country, seems to diagnose that the conditions in India are such that balance of power is necessary. Now you see, Mr. Speaker, how that is absolutely contradicted by the views taken by another section of the House. One section says "They ought not to have given the Muslims of India communal representation. They gave weightage and you have riots". A leader of the Sinhalese Congress, one who has returned to the fold recently like the prodigal of old, in this instance, comes along and says that balanced representation ought to be given to India. I hope I am making the point clear. He says, "because Muslims and Hindus are fighting there, give them balanced representation", and my Friends on his side say, "because, you give them communal representation they are fighting". They really must make up their minds and adopt some one particular course of criticism with regard to our demands.

The next point that the Hon. Member for Balapitiya referred to was Palestine. There he says that a balance of power would be right. Why? Because he realizes that educated, intelligent public opinion in England and in the rest of the democratic world, is in support of the demand for parity of constitutional power between the Jews and Arabs in Palestine and therefore he persuades himself that in Palestine it is all right. Why is it any more all right in Palestine when people to whom a national home has been given recently, people

who had no proprietary right to the land, people sent and settled on the land now claim political rights of equality with the Arabs? I do not say that I disagree, but if in those circumstances a balance of power, according to the hon. Member for Balapitiya, is reasonable and just why should it not be just in the case of those who have lived in this country for nearly twenty centuries, even before the majority community?

Mr. Deputy Speaker, just before they luncheon interval when we adjourned, I was dealing with this aspect of the question: The anticipations and hopes of the Donoughmore Commissioners, when they made their recommendations, particularly in regard to the possibilities of the return of Members belonging to minority communities from territorial electorates, have been completely falsified. I would instance what, to my mind is a reason that has militated against their return. Apart from communal considerations I would ask Hon. Members to appreciate this, that now and for a long time yet to come, even if there were communal feelings in this country as such, the barrier of language would be a great barrier, an insurmountable barrier as far as the minority communities are concerned. That was a point, Mr. Deputy Speaker, that I felt the Donoughmore Commissioners, Governor Stanley and Lord Passfield had completely overlooked.

I say that it is not only in 1938, but say, in 1920 or even earlier, when there was certainly a measure of communal concord between the various communities. If the best representatives of my community had sought election in any one of the southern areas, for no other reason but that it would not be possible for him to make himself understood, and would not be able to present his programme to the voters in the southern constituency, he would not be elected. I say the reverse is also true—that no member of the Sinhalese community with the most distinguished record of public life will have a chance, now or for a long time to come, of success in obtaining a

seat, in either the Northern or Eastern Province. That is an important point that we have got to consider quite apart from the communal aspects of the question, in dealing with territorial representation for the minorities.

I am very loth to touch upon an individual case. But, in so far as I have been heckled and persistently heckled as to what right any members of the minority communities have to claim to be returned to some of the southern districts, I say, quite apart from any claim, quite apart from any question of public service there are other considerations. I am very loth because I am going to make reference to a personal friend of mine. I refer to the last elected Member for Horana, Mr. E.W. Perera, a Christian gentleman and a Sinhalese who has as proud a chapter of public work as anybody in this country can boast of. He was defeated by the younger and comparatively unknown Member who has since been returned. I say this deliberately - and the Member for Horana will admit that Mr. E.W. Perera is a particularly able man - I say that today the electorate is such that the appeals, the successful appeals are the appeals to religion, the bonds of caste and the bonds of race. Those are insurmountable and we have got to take those things into consideration.

One need not make the appeal, but the masses might, in their own way, discriminate between a Christian and a Buddhist. My Friend can not help being a Buddhist. He cannot stop the Buddhists from voting for a Buddhist. After all Sir, we have almost the sort of system that obtains on the Race course. On the Racecourse we have racing under colours; and in the case of one carrying the colour yellow, the Buddhist masses might mistake it for the saffron robe associated with the Buddhist religion. Far from suggesting that any such direct appeal was made by the hon. Member, might I assure my hon. Friend that he can rest completely at ease as far as he is personally concerned, and allow me to address Members of the House on this point?

To the masses certain things make an appeal, and these factors have to be taken into consideration in the matter of giving weightage to the minorities in future. Sir, I have finished with that point.

I am coming now to the next important point, and that is with regard to the composition of the Ministry. In this connection, His Excellency seems to think that unless a Cabinet System were introduced almost forthwith into this country we will have to witness a progression of pan-Sinhalese Ministries.

And in speaking of pan-Sinhalese Ministries, he says:

“If the Executive Committee system should be retained against the prayer of the Majority Community”

-mark the words, “the prayer of the majority Community...”

“I therefore foresee a succession of pan-Sinhalese ministries.”

What about the pan-Sinhalese Ministry already in existence?

It might interest hon. Members to know that the words “homogeneous Ministry” of which the Hon. Leader delivered himself in the year 1936, have had in course of time, accrued to themselves a meaning which was not present in his mind when the State Council was first composed.

In the Ministers' memorandum dated April, 1933, the Leader and the Board of Ministers referred to a homogeneous Ministry of an entirely different kind. To them at that time a homogenous Ministry meant a Ministry responsible entirely to the Legislature. To them at that time a homogeneous Ministry meant a Ministry in which the three Officers of State would not find a place. These are the words.

"A homogeneous Ministry would be wholly responsible to the legislature in order that unity of action might be ensured."

But, a complete revolution of political ideology has taken place between 1933 and 1937 with regard to the words "homogeneous Ministry". The "homogeneous Ministry" of 1937 has taken unto itself a degraded meaning. The homogeneous Ministry of 1937 means the Leader and his coterie - a Ministry of one community and more or less of one religion. That is all.

It is curious that they should have practically deluded themselves into the belief that by composing such a Ministry they would enjoy an unquestioned right to have their proposals with regard to Reforms considered favourably. That was in March, 1937.

And in this connection I wish to refer to the Ministers' Memorandum of March, 1938. In March, 1938, apparently when public opinion had crystalized and they were more or less driven from pillar to post, hard put to it to defend the formation of a Ministry, they discovered this. They discovered a group of 29 members composed of Europeans, Sinhalese, Tamils and Muslims who had got together and secured a majority in each Committee. If that were so, why was not that revealed by the Leader of the House when he made that memorable speech in your constituency, Mr. Deputy Speaker, in Panadura, when he disclosed the plot hatched by him and his supporters for the formation of a pan-Sinhalese Ministry? He was careful to refer only to 33 or 35 people who had got together, but not for a moment, not for one moment, did he say that those 35 consisted of Sinhalese, Europeans, Tamils and Muslims when all the minorities were loud in their cries against the formation of this Ministry. Did the Leader of the House say at that time, "What are you crying about, what is your grievance? Your own Members came along and formed this homogeneous Ministry"? No, Sir; I say, if there is any truth in the statement in this memorandum of the Board

of Ministers, then they should come forward and give us the names at any rate of the minority Members of the Tamils, the Muslims and the Europeans - who joined them in the formation of this group.

Besides by a process of simple arithmetic the Board of Ministers will see that contrary to what they state in their memorandum of 1938, 29 Members acting together could not conceivably capture an absolute majority in all the Committees. Taking an average of 7 or 8 Members for a Committee, you want 5 Members voting together in each Committee to be in an absolute majority and if you want 5 Members in each Committee to form an absolute majority, you require at least 35 Members to vote en bloc to form a homogeneous Ministry. How is it, I ask the Hon. Leader of the House.

The Hon. Member for Morawaka says that they had 36 Members. Quite right; I believe so, because with less than 35 they could not possibly have done it and yet the Board of Ministers say that they had only 29 Members and they were composed of Members from all communities. I should like to nail that misrepresentation to the counter.

In this connection, in view of the animadversions of His Excellency the Governor and in view also of the misgivings expressed yesterday that the Committee System would not be and has not been an effective safeguard, an effective prevention against the formation of a pan-Sinhalese Ministry, I should like to point out that what is wrong is not with the Committee System but with the great preponderance of representatives of one community in this Council.

The possibility of a political or a communal caucus capturing the machinery of Government and thereby forming a homogeneous Board of Ministers was envisaged, as I pointed out to hon. Members yesterday, by Mr. Duraiswamy, and also by Sir Herbert Stanley in his Dispatch to Lord Passfield. This is what Sir Herbert Stanley said:

"There might indeed be a risk that a group temporarily commanding a majority in the Council would function as a kind of caucus and apportion all the Members of the Council among the several Committees in accordance with some preconcerted plan. A majority which might not possess sufficient cohesion to act together as a party for any length of time might nevertheless especially if communal feeling happened to be running high, be prepared to co-operate at the beginning of the life of a Council to the extent of assuming the power of exercising effective control in every one of the Committees and thus determining the selection of every Chairman. I take the intention of the Commissioners to have been that the Committees should not be the instruments of a party caucus or a communal caucus."

Sir, my respectful submission to Hon. Members would be that the very calamity which Sir Herbert Stanley feared might not overtake this country, the very thing that he sensed might happen by a communal clique temporarily in a majority subverting the machinery of Government and packing Committees and forming a Board of Ministers has happened. Is that a way of proving the weakness of the Constitution, a Constitution which was given in the hope that the majority might act even at a sacrifice to themselves and inspire confidence in the minorities?

Therefore, it is passing strange that no other than the Sinhalese Leader of the House should have delivered himself of these sentiments at Panadura in May, 1936. I want it to go down; I want it to be in HANSARD so that the representatives of the people to come in the future might know what a Leader of the House did in the year 1936. This is reported in the Daily News of May 20th. 1936. I am quoting the exact words of the Daily News.

"Deliberate plans on their part"

In this instance it refers to him and his supporters.

"had resulted in the election of certain Ministers who belonged to one party."

For the first time you see the use of the word "party"

"They had arranged to get five of their part into each of the five Committees while into each of the remaining two Committees, four of their party were brought in. Under such conditions, he said, the election of the Ministers they want was a certainty. The Donoughmore Commissioners had been out to prevent members of one party joining together and running the show and they were out to defeat the purpose of the Commissioners and had been wonderfully successful. Certain sections had tried to make out that the Sinhalese had captured all the Ministerial seats to the exclusion of the minority communities. They - that is to say, Sir D.B. Jayatilaka and others - should not be blamed as the election was quite legal and had been conducted according to the regulations laid down by the Donoughmore Commissioners."

I do not know what are the regulations he speaks of.

"..... The minorities thought that they could gain something out of the Donoughmore Constitution. They had now discovered that they were wrong. They should begin to trust the Sinhalese."

That is, Sir, a speech made by the Hon. Leader in May, 1936, recounting his activities.

But there was about thirty-five or thirty-six Members who were prepared to act on the behest of the Sinhalese Leader of the House. It is of very deep significance: if the Committee System is not workable, if in point of fact the *raison d'être* for the change proposed by the Board of Ministers and the Governor is that there can be no co-ordination of policy then, what has His Excellency to say to this declaration of Sir D.B. Jayatiliaka? I want hon. Members to appreciate that at a given point of time there was a communally

cohesive group of thirty-five or thirty-six capable of electing the very Ministers they wanted and getting an absolute majority in every Committee. Now, if that were possible under the Committee System, and it was, I ask you if there was real political homogeneity behind the Board of Ministers why could not a co-ordinated political policy have been carried out with that backing and with that following?

Mr. Deputy Speaker, the obvious conclusion is this, that that temporary cohesion was brought about by an unabashed appeal to communal sentiments, that there was no politically cohesive element entering into this combination of thirty-five or thirty-six. And that is why we saw the extraordinary spectacle, on a major economic issue like the repeal and the reimposition of estate duty of one Minister voting deliberately against the reimposition - the Minister who when he functioned as the acting Leader of the House had moved and practically at the point of the sword, with the threat of dissolution of the House hanging before Hon. Members and against the opposition of number of the minority communities like myself had got through the measure for the abolition of estate duty; whilst within one year we saw on the motion for the re-imposition of estate duties that Minister voting against and all other Ministers present at the time of division voting for the reimposition.

Now, if this is a politically homogeneous Ministry, it would certainly have demanded the resignation at once of that Minister if not of others. Those who want Parliamentary Conventions, those who talk of a Cabinet System have given us an idea of how they would function even under, as admitted by the Member for Galle a artificially stable majority in the Council to be brought about by nine Ministers, nine Deputy Ministers, the Deputy Speaker and the Deputy Chairman of Committees.

So that, when the Hon. Leader sought to speak of a party, I want hon. Members to realize that there was no such party. The only

party that existed was a communal caucus. This is also evidenced by an earlier utterance of the Leader of the House himself before the Donoughmore Constitution had begun to function in this country. He made this utterance in a speech he made at Gampaha in December, 1929. This is also reported in the *Daily News*. Having recommended to the Sinhalese community the acceptance of the Donoughmore Constitution, he is reported to have said:

"The whole of Jaffna, Indians, Malays, Muslims and some of the Burghers were against the Reforms Scheme." I will read the report:

"The London Times states that the Sinhalese country must be governed by the Sinhalese people. Here is an opportunity afforded. Why not accept it?"

If a person of the standing of the Hon. Leader of the House repudiates the report now, one is helpless. A statement to this effect appeared in print in the *Daily News* and it has not been contradicted for the last ten years. It was the subject of correspondence in the Press at the time, and now for the first time he contradicts it.

Now, Sir, in view of the attitude of the Sinhalese owned section of the daily Press on the position taken up by the minorities, particularly the Tamils, I would for the purpose of refreshing their memory and for the edification of the Board of Ministers refer to the editorial commentary of the *Daily News* on the present Board of Ministers. This is what they said in March, 1936:

"With the exception of three or four, the rest would not find a place in it (Board of Ministers) under any rational system of appointment....."

The *Daily News* goes on to say;

"A combination of fluke and design has brought into being the Board of Ministers which no Minister entrusted to

the task of forming a Cabinet would have dared to suggest." It further says:

"As a part of the government the Board of Ministers in Augustine Birrell's phrase represented nobody but themselves and they enjoy the fullest confidence of their constituents. No one knows what policy they will seek to carry out, or whether they will have a policy....."

Sir, this is even more significant:

"The basest arts are used to influence votes, tactics which can only be compared to the doping of horses at the Racecourse."

I want to refresh the memory of the *Daily News* which I am sorry to say does not scruple to unscrupulous tactics against those who express a point of view opposed to them and the Sinhalese leaders. Recently that section of the people in this country who unfortunately do not possess a Press of their own have been up against the basest forms of propaganda from Lake House. Letters patently manufactured, letters under pseudonyms, letters under names of people who cannot be traced - these are concocted and published to prevent the authorities and the people at large in this country and in England from understanding the real intensity of feeling against the Governor's Dispatch among the minorities in this country. I say even the *Daily News* which only recently committed the most extraordinary acrobatic somersault over its attitude towards the non-resignation of the Leader of the House after he had been disbelieved by the Bracegirdle Commission might do well to take note of this. The same acrobatic feat might yet be performed by that paper in defending this particular Board of Ministers which was once condemned unequivocally by it.

Now, the Board of Ministers indulged in a bit of special pleading in their last memorandum to the Secretary of State for the

Colonies through His Excellency the Governor. It dawned on them only as late as 1938 to put up a defence on behalf of individual Ministers.

I ask again, if it is due to the fact that they wanted to teach those minorities who were demanding the continuation of the Committee system a lesson, then why was it that capable, senior and acceptable men among the minorities were left out in the formation of this homogeneous Board? Some of us are the political outcasts. But what about my hon. Friend, the Member for Trincomalee?

Hon. Members can judge for themselves with regard to that. The hon. Member for Trincomalee stood for election as Deputy Speaker, and he got nine votes Sir, it is no use-this belated effort on the part of my hon. Friend to defend the action of the Sinhalese leaders. It is extraordinary. He was the one person who was of the same political complexion as the Board of Ministers, and if they were not going to be crudely communal, why was he not even approached? Or is it suggested that in addition to their other varied gifts, the Leader of the House and those who worked with him were telepathic and knew the mind of the hon. Member for Trincomalee?

Then Sir, we have the great constitutional expert of this House, the hon. Nominated Burgher Member (Mr. Wille). Mr. Wille read out only the other day an interview he had granted to the Press, in which he had condemned in no uncertain terms the Committee System. Why did they not secure Mr. Wille, whose views as those of one opposed to the Committee System were known, even before these very gentlemen who now adorn the front benches, changed their views and became definitely opposed to the Committee System? I ask, why was he not offered as a Member of a minority Community a seat on the Board of Ministers? I hear from one side of the House the cry that Mr. Wille is a Nominated member. It is rather extraordinary that a Nominated Member belonging to an indigenous minority

Community cannot seek election as a Minister while the Sinhalese welcome the election of a Nominated European Member into the Board of Ministers!

Not that I want to draw any distinction. It is no use saying that Mr. Wille was not elected because he was a Nominated Member. He should have been asked to come into the Board of Ministers if honestly it was a politically homogeneous Board.

But what is passing strange is that His Excellency the Governor should discover new and startling reasons for the formation of a "homogeneous" Board of Ministers. That is what I cannot understand. Here is a person who was called upon to report upon the Constitution, and he actually finds a defence for the formation of the pan-Sinhalese Board of Ministers and gives encouragement to those who had formed it.

In a passage more contradictory than which it would be hard to find another in any political document, this is what the Governor says:

"The presence of minority members on each Executive Committee not only failed to prevent the election of a pan-Sinhalese Ministry but, if my information is correct"

I should like to know who gave him that information;

"if my information is correct, actually provoked it; its election...."

-the election of a pan-Sinhalese Ministry:

"was the majority community's answer to the insistence by certain minorities on a retention of the Executive Committee System."

That is why I asked the question "If certain of the minorities wanted the Committee System to be retained, what about the Members

of the minority communities who had been in the past for the removal of the Committee System?" And what is the recommendation, Sir? It is so utterly superficial and misleading to state:

"The presence of minority members on each Executive Committee..... actually provoked it."

Does the Governor really think that Member of the minority communities should not have places in the Executive committees? If the mere presence of minority Members in Executive Committees could provoke the election of a homogeneous Board of Ministers, then the only logical conclusion that His Excellency the Governor can come to is that the minority Members should not be found in any Executive Committees, that the system of Executive committees should be radically changed, keeping only Sinhalese within the Executive Committees and the minorities outside them.

Honestly, I have not found a anything so utterly incongruous, so entirely unconvincing as this bit of special pleading on the part of His Excellency the Governor:

"Only thus..."

- this is where he justifies it :

"Only thus could Ministerial unanimity on a plea for its abolition be achieved..."

It is justifiable to argue, (1) that His Excellency the Governor was not posted with the facts; (2) that his information was incorrect; (3) that those who informed him had misled him either deliberately or otherwise; (4) that His Excellency is incapable of coming to a correct conclusion upon facts.

Then having made a special plea for the homogeneous Board of Ministers, he says later :

"But it will be convenient to state here that not a single Sinhalese leader with whom I have spoken has expressed himself in favour of a pan-Sinhalese Ministry...?"

What exactly does that mean?

"not a single Sinhalese leader... has expressed himself in favour of a pan-Sinhalese Ministry."

Does His Excellency the Governor mean that in a moment of contrition, a Member or Members of the Board of Ministers went along and practically told His Excellency the Governor, "Look here, Sir, we want to throw up our portfolios. It is not fair to occupy these seats. We are quite opposed to the continuance of a pan - Sinhalese Ministry"? Or it is a vaporous, useless sentiment, an expression of sentiment made possibly after dinner and over coffee, when somebody might have said, "I know it is all wrong. We really should not have done this by the minorities"? Has His Excellency ever asked, admonished, advised those who had decried the creation of a pan-Sinhalese Ministry to come out in public any say so? Has there been I ask His excellency the Governor, I ask the Board of Ministers - has there been a single repudiation of this particular adventure of theirs - the formation of a pan-Sinhalese Ministry - in this chamber, or outside it, in the last three or four years since it was formed? On the contrary, the source of the adventure, the thing out of which the whole thing seems to have emerged, has gone along and mouthed an expression of approbation of its achievement, at Panadura.

In the face of all this, it is passing strange that His Excellency the Governor should imagine for a moment that other communities in this country would be satisfied with pious and unctuous expressions by Sinhalese leaders who are not named, whose identity we do not know.

And as was rightly pointed out by an hon. Member, His Excellency the Governor has contradicted himself again. He says that every Sinhalese leader, every one of them to whom he had spoken had decried the formation of a pan Sinhalese Ministry, but he says also, "Continue the Executive Committees and you will have a succession of pan - Sinhalese Ministries." was that a threat, a threat issued by the Sinhalese Board of Ministers to His Excellency the Governor, part of the intimidation under which His Excellency the Governor has been suffering when he penned the Dispatch, or is it in turn a threat issued by His Excellency the Governor to the members of the minority communities in this country. that unless at the point of the sword, we agree to the abolition of the Committee System, we are going to have a succession of pan - Sinhalese Ministers?

I say *ex facie* of the body of the various Ministers' memoranda, *ex facie* of the Dispatch, one or the other of those two conclusions is legitimate and justified :

"They deplore..."

- says the Governor:

They deplore what they regard as its present necessity."

Can it seriously be suggested that merely because a section of this House could not find itself in agreement with the demands of the Board of Ministers on Constitutional reform, that there was a "present necessity" for them to go along and create a Board of Ministers like this and then, by implication, for His Excellency the Governor also to justify it? The use of the words, "What they regard as its present necessity" carries with it the imprimatur of the Governor himself.

It will be seen by a further reference to another portion of his dispatch that he talks of a consentaneous body a rather uncommon word;

"Moreover if minority Ministers were elected as the result of a communal distribution of seats, the Board of Ministers could never be a consentaneous body."

Particularly in view of the anticipations of His Excellency the Governor of the formation of coalition Ministries under a Cabinet System, how does he justify his argument that the election of minority Members for communal reasons, to the Board of Ministers, would not lead to a "consentaneous" body? No, Sir, once again, there is a hopeless contradiction on the part of His Excellency the Governor with regard to this particular point.

Now, I come to the next and correlated question, and the most important question according to the Ministers - the Committee System. I want Hon. Members to recall the fact, Mr. Deputy Speaker, that several sections of the people of this country, when the Donoughmore Constitution was being discussed after the Report had been published, had definitely spoken against and discouraged the acceptance of a Constitution in which the Committee System formed an integral part.

The Hon. Member for Mannar will remember the All - Ceylon Tamil conference held in 1928. That year, I, a junior, had just returned from England and joined the Bar in this country. At this conference, presided over by the Hon. Mr. A. Canagaretnam, the recommendations of the Donoughmore Commissioners, were considered by our country. I moved an amendment to the main resolution, which I believe the Hon. Minister of Education has quoted in a debate in the Legislative council, when I had not thought of ever entering the portals of this Chamber.

At that public meeting I condemned the recommendations of the Donoughmore Commissioners and said that the Constitution recommended by them should not be accepted for two reasons. In case Hon. Members might think that my position today is inconsistent

with the position I adopted then I may say that the reasons I gave then were: (1) the Committee System of Government would not be the best system, the best machinery of Central Government; and 2) this is for the benefit of those who think that it is only during the last four or five years that we have developed this malady with regard to minority safeguards - the second reason I adduced was that the Constitution did not provide enhanced representation for the Tamil or other minorities.

I would ask Hon. Members to remember that in 1928, after the Report was published, I moved that as far as the Tamils were concerned, we should reject the Report because adequate representation to which the Tamil community had been entitled, which had been guaranteed to it in the past, had been removed in the Constitution recommended by the Donoughmore Commissioners.

For those two reasons I moved the rejection of the Constitution offered. For those who feel that one is not consistent with the other, I would commend the fact that you can consider the whole question from the national point of view without completely surrendering the rights of your own community.

That amendment was carried by an overwhelming majority. That was the position of the Tamil community. For the benefit of those who allege that it is only since the boycott of the State Council by the Jaffna Members that all this agitation for minority safeguards and communal representation has started, may I point out that as early as 1928, this had been our view, expressed in open public meeting, presided over by a senior Tamil Member of the Legislative Council.

But I say this, even today, I might say - I will make it perfectly clear - speaking in this case as an individual, speaking for myself, that if the Committee System had functioned for the last seven or eight years under a scheme of balanced representation, if in this

Council by virtue of balanced representation, I was convinced that three would not be a caucus enthroned in power, if I were reassured that the machinery of Government would not be perverted for the aggrandizement of one section of the population, I would today take my stand with those who feel that the cabinet system might be introduced.

It is a curious thing, Sir, that the most violent advocate of the retention of the Committee system in 1933 was none other than the Minister of Local Administration. Today, I believe, he is a convert, I, in 1928, said that the Committee System was no good; today I take my stand that the Committee System must be retained until we have, first of all, a democracy of the people at large, till we have a council responsive to the electorate, responsive to the people, till we have a Legislature which can do something for the masses. We must not have a junta which will be removed from the control of this Council, a constitution in which the rest of the backbenchers will for merely a part of the voting machine to keep in power, or try to remove from power, nominally a cabinet but in fact a Sinhalese oligarchy. But, Sir if the people of this country are to get the very best out of their representatives, out of their Legislature, I am convinced, more convinced today than ever in the past, that the Committee System must go on for an indefinite length of time yet to come.

Now I wish to take the other point of view, the particular point of view of my own community and the other minorities. But before I go on to that point, I should like to trace the various changes in the mental attitude of the Board of Ministers with regard to the Committee System. Hon. Members will recall that in July, 1932, the House had, by a preponderant majority, defeated the motion of the then member for Horana, Mr. E.W. Perera, asking for the abolition of the Executive Committees, greatly under the guidance of the present Minister of Local Administration.

So that so far as the Board of Ministers were concerned, there was a definite indication given to them, given in unmistakable fashion, by the representatives of the people with regard to the form or machinery of Government, and yet they go on, before that particular mandate had been reversed, to ask for the removal of the Committee System. That shows that, quite apart from these plausible excuses that are now put forward in favour of the Cabinet System as being the best machinery of Government for developing a sense of responsibility for co-ordinating policy for initiating financial measures, they were impatient of the checks, they - the ministers - were impatient of the little obstacles that were being placed in their path by the sharing of executive responsibility by the whole House, distributed among the various Executive Committees.

In 1933, in their memorandum the Board of Ministers stated that it was too early to state whether the Committee System was a success or failure, although in 1932 - this is important - the House had overwhelmingly laid it down that we must continue the Committee System. Later that Board of Ministers felt that the success or failure of the Committee System would depend to a large extent on personnel. I want Hon. Members particularly to remember this fact in view of certain observations the Ministers make with regard to the representatives of the people in their most recent memorandum.

I appeal to every section of the House that they would do well to remember this attitude of the Board of Ministers. In July, 1933, they would accept that the Committee System had many distinct advantages. In the memorandum of July, 1933, they wanted a little modification here and there, that was all, But in July, 1934 - within one year - in the memorandum they submitted to His Excellency we find this :

“Standing Committees may be attached to each Minister in an advisory capacity.”

Now, Sir, in July, 1934, I would ask Hon. Members, what right the Board of Ministers had to address a memorandum on behalf of this House asking the Governor, and through the Governor the Secretary of State, for a complete change, a radical change of the very pivot of the Constitution, namely, that the system of Executive Committee should be transformed into one of consultative or advisory Committees. I think that the unbiased section of the House would agree that they were acting undemocratically and without the mandate of the House as early as July, 1934.

But by march 1937, they were not even prepared to have advisory committees. In their memorandum of March, 1937, they say that the best course would be to drop even advisory committees. The appetite grows by what it feeds upon, the Board of Ministers could not possibly think of putting up with any little inconvenience in their march of power.

By March, 1938, they discovered new arguments :

“The Committee System had failed to achieve the necessary requirement of democracy, namely, the formation of a Party System.”

How completely ingenuous and childish the whole thing is! The speech of the Hon. Leader at Panadura showed that, by whatever name you call it, they definitely had a cohesive party. Now if that were possible in 1936, what has the Committee System got to do with a Party System? The most amazing thing is that the Board of Ministers seem to live and have their being in the stage of Alice in Wonderland, that a thing repeated, three times becomes a truism. “The Committee System”, say they, “militates, against the formation of parties”. They repeat it three times and it becomes a profound truth!

And what is more, this process of suggestion has been communicated even to His Excellency the Governor. What experience His Excellency the Governor has of parliamentary traditions and

parliamentary institutions, I do not know. But he himself seems to accept in this case the *ipse dixit* of the Board of Ministers because he also goes along and animadverts on the fact that under the present system of Committees you cannot have a party system. Why? What is the connection between the Executive Committee System and a party system? Do the Members of the Board of Ministers, does His Excellency the Governor know that at least in one place in England, in the London County Council, you have a system of Executive Committees almost identical with what you have in this country working very satisfactorily under party discipline and a party system? I had the privilege on my last trip to England of actually going along and studying the matter with the permanent officials of the London County Council and I was the guest of one or two members of the London County Council at its meetings. You have in the open session the Chairmen of the various Committees dealing with particular subjects. These Chairmen belonging to the majority party and the majority of the Labour Party man the various Committees. Every question is thrashed out under rigid party discipline in the various Committees. Most questions were passed without discussion; and only highly contentious matters were strictly debated in the open Council. But the whole gamut, the whole face of local government, the London County Council with a population which exceeds that of the whole of Ceylon, is run by a number of Executive Committees. The session of the open Council lasts at the most an hour or an hour and a half, because I say there is a definite party in power.

Is it necessary at this stage of the life of the Board of Ministers, including men like the Minister of Local Administration who has been to England, to tell that the genesis and foundation of a party system do not depend upon the trappings, the external machinery of Government, but that parties arise from profound differences in the structure of society, from profound economic differences, from a depth of feeling as between class and class, as

between one section of the community and another, or upon economic question like tariffs or free trade?

And yet how easily does His Excellency accept this bit of suggestion on the part of the Board of Ministers that Executive Committees are a bar to parties I say this. Not the Committee System but the particular manner in which the various Members of this House were to be allotted to the respective Committees was devised by the Donoughmore Commissioners to prevent party domination. Hon. Members will know that in selecting a particular Committee they can only vote for three and not for the full number of Members. The idea of restricting the vote is to prevent the majority from having a controlling voice in every single Committee. The idea was that by so doing you might be able to prevent a majority party wielding influence and controlling all the Committees.

I say this. What was anticipated, what was wanted, what was thought out by the Donoughmore Commissioners was a particular machinery under the Committee System to prevent the formation of parties. But in point of fact, the preponderance of one community over others in this Council has enabled the Leader and his supporters to form a party, to subvert the machinery of Government, and to make use of the Committee System itself to dominate every single Committee and the whole House. So that there is not the remotest connection, I repeat, between the existence of the Committee System and the non - formation of parties.

Sir, by March, 1938, in addition to this new discovery about the hindrance to the formation of parties, the Board of Ministers also say this - and this is a reflection on Members of this House - that we Members had developed a definite sense of irresponsibility in the matter of voting.

This is what they say;

"Members had developed a definite sense of irresponsibility in regard to voting"

But apparently when they put in a sort of strong expression that irresponsibility disappeared.

Sir, the Ministers have been defeated on major issues in this House and have stuck to their seats as some low - developed organisms stick to rocks. In the face of that, to go along and say that the Members of this House had developed a sense of the irresponsibility in the matter of voting is unworthy of the Ministers and is a libel upon the Members of this honourable Council.

And they make a further discovery. All this in March, 1938.

"Difficulties due to the contact of individual Members of the legislature with the details of administration."

How pathetic! Difficulties due to the contact of individual Members with the details of administration,. Individual Members who are the representatives of the people and whose difference from those of the Board of Ministers is one of degree and not of kind! Sir, either it was more padding, it had no meaning, and they talked with the tongue in their cheek or it is again a libel upon the Members of this House.

And you have got to recall, this, that the Donoughmore, Commissioners had deliberately planned the Executive Committees System of Government in this country to give individual Members a hand in the administration of the various Departments of Government. That was definitely stated by the Donoughmore Commissioners as their object. Yet the Hon. Board of Ministers discovers difficulties arising as a result of the contact of individual Members with the details of administration. I will put them to the proof and ask them to explain what they mean.

Then, lastly, in March, 1938 - you see how by dint of repetition they gain courage, they gain strength and they even gain conviction - the Ministers requested the abolition of the Committee System only to be supported by the Governor. You may call it anticipation, or prophecy or telepathy, call it by whatever name you like - but not democracy, because they never put it to the test either in this House or before the Country.

I repeat that political honesty, proper conduct of parliamentary institutions, demands that responsible Ministers, before they go along and make asseverations of this nature, should have put it to the test at the polls and found out whether the country was definitely for or against the abolition of the Committee System. I ask whether there was any kind of mandate given to any single Member of this House or to any single so-called pseudo-party on the question of the abolition or retention of the Committee System of Government. My charge against the Board of Ministers is that up to date they possess no mandate. It was never made a plank in any election platform either in 1931, or 1935 or 1936, and in saying this they were merely bolstering up a case for themselves in the hope of perjudicing the rights or private Members.

I want the indulgence of Hon. Members for two quotations from the observation of Governor Stanley and Lord Passfield on the Committee System in relation to the Minorities. Governor Stanley says:

"The Committee System is fundamental to the whole scheme of government as presented in the report and is its distinctive feature."

Yet His Excellency the Governor observes that he has done his best not to interfere with the Donoughmore Commissioner's Report except on minor points. I would ask him to recall the statement of Governor Stanley that the Committee System is the distinctive feature of the Donoughmore Constitution.

"A Constitution from which the Committee system had been eliminated might be a better Constitution than that devised by the Commissioners, or it might be a worse Constitution, but it would certainly be an utterly different Constitution."

Again I would ask His Excellency to remember that, when he says that he has done his best not to interfere with the Donoughmore Constitution.

At paragraph 35, his Excellency says :

"I have throughout my deliberations on constitutional reform been governed by a desire to interfere with the Donoughmore Scheme as little as possible."

If His Excellency has honestly persuaded himself that in spite of and as a result of his recommendations the Donoughmore Constitution still survives, then His Excellency will not be qualified to make a pronouncement on Constitutional questions, because the very pivot, the very fulcrum of the Constitution is the Committee System, and it is so considered both by those who recommended the system and those who criticized the system thereafter.

The elimination (Governor Stanley says) of the Committee System would be an amendment in principle which would destroy the balance of the whole scheme."

The Committee System was the pivot on which the whole Constitution was balanced. And its removal would upset the balance.

I have already referred to the fact that they had devised a means to prevent the domination of all the committees by the majority party. This is important, Sir:

"Such a plan would ensure that every Committee contains a number of Members possessing the confidence of the majority of

the full Council, while at the same time it would be possible for the minority communities to secure a reasonable representation on all Committees. If, in the future, recognized parties come into existence in the Council, the method of nomination can be simplified, and probably the Party Whips will present agreed lists to the council for acceptance."

So that it was definitely contemplated by the Commissioners and by Lord Passfield that the minority communities should be able to find reasonable representation on all the Committees.

Lastly, Sir, Lord Passfield's Dispatch in recommending the acceptance of this Constitution is very relevant in view of the attitude of the minorities on this question.

"The scheme is a novel one and if adopted is admittedly in the nature of an experiment. At the same time, I think it is well adapted to meet the special difficulties of Ceylon where, as the Special Commission points out there is not only no immediate prospect of the appearance of a party system, but also there is a danger of the formation of groups based on racial or religious differences. The scheme proposed while allowing due weight to the majority will nevertheless secure on all questions of administration that the views of any important section will be able to secure a hearing."

His Excellency apparently knew of the existence of this passage, but the effect of all the observation he makes is this, that the existence of Members of the minority communities in the various Committees did not prevent the formation of a homogeneous Board of Ministers. What utter fatuity! If the presence of a few members of the minority communities did not prevent the formation of a pan-Sinhalese Ministry, that is, I repeat, not the fault of the Committee System. But their presence of a few members of the minority communities did not prevent the formation of a pan-Sinhalese Ministry, that is, I repeat, not the fault of the Committee System. But

their presence has not been completely ineffectual. I am sure Members of all communities in this House will say that the presence of Members of the minority communities in the various Executive Committees has been a means by which they were in several instances able to nip a number of schemes in the bud, that they have been able to influence if not conclusively at least to some extent the decisions arrived at by the Executive Committees.

Though attenuated in numbers, reduced to a position of complete subservience and of complete numerical inferiority within the Constitution, yet under the Committee System the Members of minority communities have been in a position to influence the decision of various Executive Committees. And His Excellency now wants to remove even that safeguard that is left to us. It is not a big safeguard. In fact, Sir, with the present strength of numbers it is about the only thing that is left to us, and His Excellency dismisses the whole question simply thus - that the presence of minority Members did not prevent the creation of the homogeneous Board of Ministers. His Excellency also makes this profound observation :

"If the minorities constituted a political party if they possessed an identity of interest, or if they exhibited a constancy of cohesion and liaison I might be impressed by this consideration"

-because he earlier observes;

"It is quite true that the presence on each of them of one or more minority members means that no item of business or deliberation can be undertaken without the knowledge of a Member of one or other of the minority communities."

This is what in logic is termed a *non sequitur*.

I cannot understand why the minorities should form a party. Why should the minorities form a party? Does not our present position support our argument, that the minorities though not a

political party have nevertheless a chance of finding a place in each of the Executive Committees and thus of preventing certain action being arrived at in the Executive Committees although they do not have a voice in the Government in preference to a Cabinet System. But in point of fact it will be found that the minorities have combined freely on a number of large and important questions.

His Excellency has been influenced in all his recommendations by one consideration - "By the consideration that the Cabinet System, somehow or other, must take the place of the present Executive Committee System." He says that in almost so many words, all his recommendations, all his proposals, flow from that one consideration, namely, that the Cabinet System must take the place of the Executive Committee System. I say, that this admission vitiates the recommendation of His Excellency because every single observation of his and every single argument of his is made to fit in with a conclusion he had already arrived at as an essential desideratum.

His Excellency the Governor, is an administrator of no mean ability. As I said earlier, His Excellency has been a benevolent despot in Malaya and Hong Kong. He has not been used to work with a responsible, vigilant democracy. In those places where he served, His Excellency has been able to come to quick decisions with a few people nominated by him. I have seen the nature of the deliberations in the Singapore Legislative Council: a whole Budget was voted upon in the course of one hour.

I can see that His Excellency wants to deal with the Board of Ministers only. He knows that now every single Member of this House has a share in the executive government. Every single Member of this House, every single back-bencher, has a definite voice in the executive government of this country. His Excellency the Governor is intelligent enough to know that fact. And in the matter of working smoothly, in the matter of coming to compromises, in the matter of

coming to decision speedily, the fact that every single Member has a voice in the executive government of this country must have been a curb on His Excellency and therefore he wants to replace this Executive Committee System by this precious Cabinet System of government. Then he can always invite the Cabinet to tea and tell them, "Look here my dear chaps, I want this done." And the Cabinet would consider it very good -humouredly and come to a compromise.

But who pays the piper? It is the back-bencher, because the threat of dissolution will be held against him, whilst the Cabinet would be bolstered up by 9 ministers and 9 deputies. And who is to decide on dissolution? It is His Excellency the Governor. He has to decide whether in the first instance, or in the second instance, or in the third instance, a dissolution should take place. If the Governor does not like the looks of a particular member of the Board of Ministers he could decide on a dissolution.

I do not say that the present Governor will do so, but I say that these things have happened in the past. We have known that Sovereigns, even Queen Victoria, had developed certain antipathies in respect of party leaders which antipathies she got over in her lifetime. While a sovereign like Queen Victoria got over her personal antipathies, a constitutional Governor in an outpost of the Empire might not be able to get over them in a hurry.

The whole Cabinet System is based, His Excellency says on co-operation and compromise. Decisions can be made behind the backs of the back-benchers, who would have to vote like machines or in the alternative face the possibility of dissolution. That is why I oppose the Cabinet System as recommended by His Excellency the Governor, quite apart from the fact that I definitely want the continuance of the Executive Committee System.

The various ways suggested for the selection of the Chief Minister by the Board of Ministers from time to time have gradually

been changing. In April, 1933, the suggestion was that the Chief Minister should be elected by the Council. But what was their demand in July, 1934, one year later? An alternative had appeared. It was that the Chief Minister should be elected by the Council or chosen by the Governor. And the Position in March, 1937, was that the Governor should definitely call upon the person with the support of the majority to be Chief Minister. Hon. Members will see that over a period of four years the proposed method for selection the Chief Minister has changed.

I say, that if the third proposal is agreed to we will be placing the representative of the King in a most invidious position, by allowing him to use his discretion to call upon a person to be the Chief Minister. Is there anything like similarity between the conditions here and the conditions that exist in England that enables the King of England to call upon a party leader to be the Prime Minister? Here the King acts almost mechanically. He has no discretion. Everybody knows which party in this country has a majority in this House, and who the leader of that party is. No King who values his Kingship, who values the traditions of constitutional government, would dare to send for anybody but the leader of the major party. In this country, with an everchanging, everfleeting, communal caucus, with no party delineations, with no economic policy, without leaders, with the Congress changing from day to day with the appearance of the Sinhala Maha Sabha, I sympathize with the Governor; I should not like to put him in that very awkward position. Of course, His Excellency the Governor would not like to put him in this very awkward position of having to decide for himself by a series of private conversations and by letters possibly of having to come to a conclusion as to who is the person who has the biggest following in this House and also in the country. The Hon. Member for Kandy even recommended that a plebiscite be held for that purpose. No Sir, all this is going definitely to bring down the reputation and the position, of the representative of the King.

The Governor will be placed in a thoroughly invidious position. His Majesty the King and the Imperial Government should not consent to place the Governor in that awkward position.

What is the next position? I say that the inevitable, the absolutely indispensable, *sine qua non* of the Cabinet System is a thoroughly well developed, well recognized party system in the country. Sir, till you have a definite Party System, well developed, cutting through the communities and having definite economic and political policies, you will not be able to have a Cabinet System functioning in the proper sense of the word.

Again, on this question, we have had the most amazing statement made by His Excellency the Governor. His Excellency seems to think that his proposals are going to act in a magical fashion, on the formation of parties, parties which have refused to be formed in this country for the last century. It is a thing that is very clear to anybody. Who understands the structure of society in this country. His Excellency seems to think that parties, which have not been formed even after a large measure of responsibility has been given to the people for the last seven or eight years, will directly emerge as a result of the translation into practice of the proposals made by him in this Dispatch. And he rather contradicts himself again.

In one part of his Dispatch he says that under the present system there is no room or opportunity for the formation of parties. I thought Sir, that the party system, party loyalties, party delineation did not depend merely on the possibility of coming into office or going out of office. His Excellency however says that parties have not emerged here because there was no room for the rise and fall of Ministries. That is judging human nature, even in this country, at a very low level.

In Paragraph 32 of his Dispatch, His Excellency the Governor earnestly hopes that a party system will emerge from his proposals.

Sir, those who have read the "Arabian Nights" would have read of genii emerging from clouds, from smoke and from other devices; in the same way, His Excellency hopes that from his proposals will emerge a full - fledged party system; but His Excellency himself realizes that his pious hopes will not materialize easily, because in a later paragraph he says :

"I am not however so sanguine or so blind as to anticipate that the introduction of a Cabinet System and the rise and fall of Ministries would have the immediate effect of dividing the country into two major political parties."

He is in favour of introducing the cabinet system and having political parties: but later on, after a process of elimination, he says that the formation of parties will take a long time. He says :

"For Years to come parties might be many and some of them wear a communal complexion, so that cabinets would probably be coalition Cabinets."

Sir, His Excellency has come along and given his imprimatur to the Sinhala Maha Sabha. The moment the Governor talks of parties wearing a communal complexion, he recognizes the existence and continuance of communal and religious parties. His Excellency the Governor anticipates that parties would be many and that some of them would wear a communal complexion; and quite unconsequentially and without giving any reason he observes:

"Nevertheless there must be a political basis for coalition."

I cannot understand why there should be a coalition with a political basis. Why should there be necessarily a political basis? It definitely contradicts his observation in an earlier sentence. And he says:

"Cleavages would ensue on other than purely inter communal lines."

All these are the pious hopes, honest hopes of His Excellency the Governor; and on those hopes, on those loose foundations, are to be built the Cabinet System, which is to usher in due course full responsible government for this country. I ask those who are persuaded, those who are sincerely persuaded that this move is in the right direction, that the acceptance of these proposals would mean an advance in the measure of self - government that has been enjoyed by this country, to consider whether upon half-baked ideas, whether upon the half-formed hopes of His Excellency the Governor, whether upon a Constitution built on insecure foundations, they can hope for party loyalties to develop or for leaders of parties to come into existence.

The Hon. Member for Galle gave the show away completely. He said that there is no party system in this country and that we must have Deputy Ministers to secure an artificial stability. I appeal - if it is not too late - to those Hon. Members who seem to be animated against me, who think that I am standing in the way of advance, to see for themselves whether these proposals, if examined without any preconceived notions, represent a real advance in the measure of self - government which this country enjoys.

Sir, I am sincerely persuaded, I am honestly persuaded, that they do not represent a real advance in self - government. The cabinet System does certainly facilitate the machinery of Government, does certainly afford an easy executive to get a move on. It will enable the Governor to get things done, but I am honestly convinced that it will not improve the conditions of the people as a whole in this country.

Where are we? To us the parliamentary system and the party system are foreign. We do not understand those systems. We have studied about them in text - books. When we go to England we see those systems in operation; we see them in operation in the Continent

of Europe and in America. But the two authorities we have on the matter - one is His Excellency the Governor and the other the Donoughmore Commission which had on it at least three Parliamentarians of high repute, namely, Lord Donoughmore, Sir Geoffery Butler, and Dr. Drummond Shiels - are diametrically opposed to each other in the conclusions they have arrived at. And what are we to do? To us the whole thing is so utterly strange, alien and foreign. The Governor has come to one conclusion and the Donoughmore Commissioners have come exactly to the opposite conclusion. The Donoughmore Commissioners say that before they can recommend the Cabinet System for this country or for any other country, parliamentary parties should come into existence, while the Governor holds the contrary view. Have you ever seen anything so absolutely opposed to one another as the conclusions arrived at by His Excellency the Governor and the conclusions arrived at by the Donoughmore Commissioners? The Donoughmore Commissioners say at page 41 of their Report :

“The parliamentary system of government is essentially dependent for its success on combined as opposed to individual effort.”

They refer to the existence of parties, and at page 44 they say :

“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.”

I think the Leader of the House said that we want something on the existing British model. Nothing new would suit him. The Donoughmore Commissioners, however, say that the existing British model is not suited to conditions in Ceylon. And why? Because they could not find the existence of anything like the party system

and because they could not possibly hope for the formation of parties in Ceylon; and yet His Excellency the Governor, after a brief sojourn of six months in this country has come to the conclusion that, given the Cabinet System, parties will come into existence.

And Sir, at another place he says something which has a very deep significance in view of the tendencies shown by hon. Members and in view of what the country has noticed recently.

On page 42 the Donoughmore Commissioners say this :

“..... 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 cast divisions.”

This is particularly for the ear of the Hon. Minister of Local Administration, not in his ministerial capacity but as President of the Sinhala Maha Sabha :

“We fear that it would be cleavages of this kind:

- that is, cleavages, based on race and caste and religion :

“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.”

This is from the gospel which certain Hon. Members accept namely the findings of the Donoughmore Commissioners. But His Excellency contemplates with equanimity, the existence, among others, of communal parties for a long while yet to come in this country. And the Cabinet System is to function with communal parties!

This is the most pregnant passage of the Donoughmore Commission Report on the question of the party system :

"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."

-the very foundation which His Excellency envisages :

"a parliamentary system of government purely on traditional lines,"

for two reasons. They say :

"... 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."

If there was to be a complete, a final indictment of the present tendency towards the formation and existence of parties, of a party particularly within the State Council which owes its origin and its cohesiveness to considerations of religion and race no better passage could be found than that, from the findings of the Donoughmore Commissioners. They definitely say that if parties on religious or communal lines were to be formed that would be the biggest obstacle to the proper functioning of parliamentary government and for the transference of true responsibility to the people. Those were their fears in 1928 - 29; they feared that when parties were formed they would be formed along those lines. Today we have seen - actually His Excellency has seen - the existence of the Sinhala Maha Sabha and yet he is prepared to face, to envisage the possibility of a parliamentary system with communal parties!

Although we are simple folk out in the East, to whom these parliamentary institutions and party systems are not native, to whom a parliamentary institution is foreign and which we are now trying to emulate; to us all this is bewildering and confusing when two authorities on the subject so completely contradict each other. Then obviously the appeal is to someone who will be able to judge as between the findings of His Excellency on the one side and the Donoughmore Commission on the other.

When the Sinhala Maha Sabha was first formed I thought they were Catos who gave their little Senate laws and sat attentive to their own applause. But I find today that the Leader and those who compose the Sabha have taken the fullest advantage of the present electoral system in this country. They find in this House a preponderance of Sinhalese and of Sinhalese Buddhists. The Hon. Minister of Local Administration is nothing if he is not alert to take advantage of that opportunity; and we have *de facto* the one real party composed purely on racial lines. This caucus is of very deep, sinister significance in the formation of a Cabinet under the new dispensation if it ever got translated into practice.

Supposing we had the present distribution of representatives of the various communities, with 80 per cent of the elected Members belonging to one community, in the next Council and if by that time the example, of three Ministers, the Ministers of Local Administration, of Education and of Communications and Works who now belong to the Sinhala Maha Sabha, is emulated by others, including the older folk - they will be forced to march in - I can quite visualize the position. The Governor would be forced to call upon the Leader of this Sinhalese *bloc* to form the Government. Suppose they keep out of it for the time being. I can envisage alternatives. Suppose they keep out of the Sinhala Maha Sabha which has a following in the House, shall we say of 35 - or even 30 - with the present composition if the present Leader of the House continues to

be a Member in the next Council and His Excellency the Governor calls upon him to form to Ministry he will be hard put to it to form a Ministry without the active support of the Sinhala Maha Sabha, or if he does it without their support the Sinhala Maha Sabha could turn him out the very first day he makes his appearance on the Floor of this House by a motion of no-confidence.

So that, definitely, we are faced with this position, that with the present distribution of political strength between the various communities within this House very definitely there could be formed - and this is particularly for the edification of His Excellency the Governor - there could be formed a purely Sinhalese Cabinet, under the auspices of the Sinhala Maha Sabha, if it commanded 30 votes, in the next State Council, with the present composition. He will be forced to accept it. His Excellency cannot take over the administration of this country. He cannot say, "No, I do not like the look of Mr. Bandaranaike." He will have to accept him willy nilly as Chief Minister.

His Excellency has failed to visualize the position, he has failed to appreciate the weakness of the present electoral system, and whether His Excellency likes it or not and whether the Secretary of State likes it or not the Leader of the Sinhala Maha Sabha with the strength anticipated by me must be called upon, and will be able, to form a Cabinet. And when he does form a Cabinet - I ask you what is there to stop him? - he will obviously have to form a Cabinet with Members of his own Sinhalese *bloc*. My Hon. friend invites me to join. My difficulty is this. A Sinhalese Christian can become a Sinhalese Buddhist but a Tamil cannot become a Sinhalese; that is a metamorphosis through which we cannot go.

Under the Committee System a pan - Sinhalese Ministry was brought into being after a great deal of manoeuvring and wangling. Under the Cabinet System with the present distribution

of political power between the communities Mr. Bandaranaike will be a full - fledged Chief Minister, Prime Minister - or call it what you will - whether His Excellency the Governor likes it or not. They would be so, because our present electoral system is so hopeless, is so insensible, it is so illogical, so unreasonable, in view of the distribution of communities and parties in this country.

And yet His Excellency persuades himself - by a process of suggestion - that the moment you have a Cabinet System the minorities need not fear anything whatsoever. Says the Governor, "They will be good boys and you will get something; even if you do not get something on the Cabinet the Members of the minority communities will at least number among the Deputy Ministers." That is adding insult to injury. I say to His Excellency that it is an insult to imagine for a moment that the representatives of the minority communities are only fit to hold the shoestrings or be the cupbearers - as the Hon. Member for Mannar put it - of the Ministers of the Sinhala Maha Sabha or any other Sabha that forms a Ministry in this country. That His 'Excellency should have so far forgotten himself, forgotten the history of my community and the other minority communities in this country, so far forgotten himself as to be guilty of these indiscretions shows once again that in the present state of things, His Excellency's recommendations cannot, and must not, be accepted.

Then again His Excellency seems to have persuaded himself of this, that the Royal Instructions contemplated by him would satisfy the minorities. This is very significant. I want Hon. Members, particularly minority Members, to note the portion in italics and within brackets - which will provide for "including so far as practicable members of important minority communities" among Ministers. What are, in fact, "important minority communities" I do not know. I will say this much, that these Instructions are taken over from the Government of India Act. But that His Excellency should have taken

the trouble to offer this sop to the minorities must be due to one of two reasons; either he is in ignorance of the way the India Act has worked in India, or with full knowledge but in the hope that the minorities will not mind it he offers it. What are the facts? If you are going to have a system of responsible government working under collective responsibility, even the Royal Instructions given to His Excellency, that, as far as possible, minorities should be included will become a dead letter, would be rendered completely nugatory. would not be worth the paper on which it is written.

That was proved conclusively by the Congress Prime Minister of Bombay, Mr. Kher, when the Governor intervened and said that some representation in the Cabinet should be given to the Muslim community. The Prime Minister turned round and said, "My Cabinet is one of collective responsibility. Your Excellency cannot possibly interfere with party loyalties. If I am to appoint a Muslim, I shall only appoint a Muslim I like, and that Muslim will not belong to the Indian Muslim League." And the Governor had to give in, he had no alternative. You cannot have the two things, collective responsibility of the Cabinet and gubernatorial interference with its composition.

The theory of collective responsibility and the theory of persuading the Chief Minister to include minorities in order that they may be kept on as good boys is too hybrid, too mongrel for acceptance by anybody. It would not work.

What is the attitude of Sinhalese leaders to the suggested Royal Instructions. The Congress - most of the Members of the Board of Ministers are members of the Congress, I believe - those gentlemen who have gone to the Governor and decried the formation of the homogeneous Board of Ministers have passed an amendment to His Excellency's proposals. I am sorry the Hon. Member for Balapitiya is not here-he was the mouthpiece at the last special session of the Congress. One of their amendments was that these particular Royal Instructions relating to the choice of Members of the minority

communities to be included in the Cabinet should be deleted and that amendment has been carried and I believe that the Leader of the House in pursuance of that policy has also tabled an amendment to that effect in this House. So that we are left with an extraordinarily interesting position. The Governor recommends something which has proved utterly illusory, utterly useless in the Government of India but the Board of Ministers and the Sinhalese Congress are not prepared even to support this bauble. And yet, Sir, we are assured and His Excellency the Governor is assured that a pan-Sinhalese Ministry is anathema to Sinhalese leaders.

In this connection, I want Hon. Members to bear with me for just another two minutes when I read a Dispatch sent out by Lord Irwin and the Committee on behalf of the Government of India shortly after the Simon Commission had gone back. There, in view of the existence of minorities, in view of the demand made by the existence of minorities, in view of the grave misgivings engendered in the hearts of the minorities His Excellency Lord Irwin, the present Lord Halifax, among others recommended that it should be the special responsibility of the Governor to select the Ministers, to form the Cabinet, that the Ministers should be his Ministers and that there should be no Chief Minister.

I could understand such a recommendation. Some Hon. Members may not like it. I can understand that purely from the point of view of the minorities; it was put down in the Instrument of Instructions, and in the White Paper issued just before the Government of India Act, it was found that it should be the special responsibility of the Governors of certain Provinces where minority feeling ran very high to choose his own Ministers - that there should be no Chief Minister at all and therefore there should be no question of collective responsibility.

Sir, if Hon. Members will bear with me for a few minutes, I will read this passage. It is rather interesting.

Government of India: Dispatch on Constitutional Reforms.
September, 1930. (Page 40).

"We do not contemplate leaving the selection of Ministers to a Chief Minister. The formation of the Cabinet must be recognized as a responsibility imposed by the Constitution on the Governor."

In this connection, I like to point out that there is a definite contradiction between one part of His Excellency Governor Andrew Caldecott's Dispatch and another. In one portion, he says the Governor will select the Ministers in consultation with the Chief Minister and in another place, it is said the Chief Minister will select his Ministers in consultation with the Governor. Those who have read the Dispatch will see these contradictions. This is where if you write a Dispatch using scissors and paste you will obviously have one portion contradicting another.

"We share with the Commission the expectation that there will be ordinarily a Chief Minister whom the Governor will consult before appointing other Ministers but the minority problem makes it essential that there should be no constitutional requirement for the appointment of a Chief Minister in all Provinces. The misgivings of the minorities would be immensely aggravated if the functions of the Governor were to be limited to selecting the Chief Minister and leaving to him the choice of his colleagues."

You can see a responsible person of the experience of Lord Halifax writing like this, but His Excellency the Governor thinks, it will be very undemocratic.

"In other Provinces where there are minorities public feeling may require that the selection of a member of the Cabinet patently rests with the Governor alone to be exercised after he has first informed himself of the state of political opinion and the relative position of the various parties in the legislature. In such Provinces we anticipate that Cabinets may for some years to come require to be formed definitely on coalition lines."

Sir, there you find clear, coherent thinking leading to certain conclusions, but in our case, His Excellency the Governor makes a hotchpotch of various recommendations made under the Government of India Act, accepting one part and leaving out another, he anticipates the formation of a coalition Government in a number of years to come. And, Sir, this is most extraordinary; His Excellency is so much of a Constitutional purist that he is indignant at the very suggestion that there should be adequate representation, that the Governor should exercise his rights in such a manner as to secure a percentage of representation for the minorities in the Cabinet. He will not touch it, he says, "With this suggestion I profoundly disagree". He does not tell us why. He says further, "Nor do I consider that it should be definitely laid down that the Cabinet must be representative of all communities." Even a bare convention that the Ministry should be representative of all communities is repugnant to His Excellency.

In this connection - it comes with a certain degree of tragic pointedness - I would refer to the letter addressed by Lord Runciman to Mr. Chamberlain, the Prime Minister, shortly before the last Czechoslovakian crisis when he was sent on a special mission to examine the question of maltreatment of the Sudeten Deutsch in one of the most advanced democracies in Central Europe, since deceased. Lord Runciman who is I think as big a Parliamentarian as any Governor that is likely to come out to this country definitely recommended a permanent seat for the Sudeten Germans in Czechoslovakian Cabinet. If any Hon. Member wants the citation I can give it, but to His Excellency the Governor, any convention based on the proper representation of the minorities in the Cabinet is repugnant,

I quite understand that Constitutional theory would require the non-observance of such a convention, but His Excellency has not by his other proposals created the conditions precedent to the proper functioning of a stable Cabinet in the parliamentary model. It

is easy enough to talk of collective responsibility. There seems to be a tacit implication, a tacit assumption, both in the memoranda of the Ministers and the Dispatch of His Excellency that there should be collective responsibility.

A lot of eyewash, Gentlemen - I am sorry, Mr. Deputy Speaker. Where is there collective responsibility? In France, collective responsibility is a rule of law. Ministers must resign together. What spectacle do you have? I believe the average length of life of a French Cabinet is nine months. Every succeeding Cabinet includes about 90 percent of the members of the preceding Cabinet. You have a rule of law. You translate it in practice and everybody sends in his resignation. The Prime Minister will become the Finance Minister and the Minister of Interior becomes the Prime Minister or something else, and so on. There are one or two additions one or two alterations and a new Ministry is formed. Is that what is wanted? Is that collective responsibility? Is that creation of responsibility? In the words of the Ministers, "there will be a body, a sanctified body, that will hold itself responsible for the good government of the country." A lot of sounding brass. Mr. Deputy Speaker!

Members of the Board of Ministers must know definitely that in the conditions prevailing in this country you cannot have collective responsibility in the true sense of the word. Collective responsibility if worth anything at all, must be a convention which has the force of law and not be a rule of law. It must come in by usage. I should like to see- I might be dead and gone, but I would like to see- in another century if you have Cabinet System from to -morrow whether you will have collective responsibility in the true sense of the word. It is impossible. It is no use toying about with things that do not fit into the scheme of things in this country.

Mr. Speaker, I was making some observations with regard to the Committee System in so far as it afforded some protection, though inadequate to the minorities in this country under the present

Constitution. I was also considering a possible Cabinet under the present alignment of parties and communities within this House. Before I proceed further I should like to draw the attention of the House to one thing and also commend it to the consideration of His Excellency who rather thinks that there is no united *bloc* of the minorities in this Council to constitute a *raison d'être* for the continuance of the Committee System as a protection to the minorities as such.

Members of this House, and certainly the public, are aware that over the Education Bill the Hon. Minister of Education gave in the course of an utterance on the Floor of this House a solemn undertaking that denominational schools would be protected and that they would find a place in the future educational system of this country.

There was a persistent demand that the undertaking of his should find a place in the Education Bill when it finally emerged from the Standing Committee. Now, Mr. Speaker, if in point of fact there was a Cabinet System in existence and the Education Bill had been sponsored by the Minister without the assistance of the Executive Committee of Education, I ask Hon. Members to ponder for a moment what possible hold this House or the minorities or the opposition - call it what you will - could have upon that Minister to make him implement an undertaking that he had given in this House. I think, Sir, that in considering the merits of the proposals before the House Hon. Members will do well to consider fully that one instance as affording an example of the protection that minorities, whether communal or political, have under the present Constitution.

Quite apart from that, Mr. Speaker, that is to say, quite apart from whatever slight protection under the present Constitution that might be afforded to minorities by the Committee System, I wish to place before Hon. Members the larger aspect of the question. There is so much talk in this country about democracy and about self-

government. There is so much talk of the masses, of the unlettered, of the non-vocal people who find it difficult to express their views or to have their opinions heard within this House as it is. I ask you Mr. Speaker, whether the development and evolution of democracy as seen in those countries which have adopted a party system and which have copied the English Cabinet System is of the very best. Is it not conceded on all hands that the party system and a Cabinet System based specially upon two parties is really an infringement, a curtailment of the fullest rights of a really vocal and alert democracy? I wonder whether Hon. Members who spoke of the rights of the people are aware that in a country in which a party system and Cabinet System based upon the existence of two major parties flourish, namely, in England, there has developed a dictatorship of the Cabinet. What we witness to-day is not an unadulterated democracy functioning but a dictatorship of the Cabinet. What is more, it is not really the dictatorship of the entire Cabinet but the dictatorship more often than not of an inner circle, hardly more than a triumvirate.

Sir, those are the various infringements, those are the various reductions of the democratic principle that we see working and actually in operation in a country like England. When Parliamentarians think that the party system today as an effective means of democratic expression in a country like England has become obsolescent, it is passing strange that Members of this House who have been elected on adult franchise should be contemplating the introduction of a Cabinet System based upon parties whether they exist or not. If democracy, Mr. Speaker, is to be broad-based, if the largest number is to be heard, if the Legislature is to be responsive to the demands and desires of a vigilant electorate, then I say a party system is likely to bring in its trail certain infringements and certain curtailments which would not be to the greatest good of the greatest number in the land.

I would particularly in this connection appeal to my Hon. Friend, Minister of Local Administration, because in 1932, when Mr. E.W. Perera introduced a resolution for the abolition of the Committee System of Government and the replacement thereof by a Cabinet System of Government, perhaps the most reasoned, the most cogent, and in some ways the most vehement speech for the continuance of the Committee System was made by the Minister of Local Administration. That was in 1932. Then he spoke of the rich and the poor working together for all sections of the people, standing for the country, not as one party working against another; then he compared us to the Romans, but today we are not Romans; we are not even Ceylonese, for in his vocabulary the word "Ceylonese" does not find a place.

Then, Mr. Speaker, the Minister of Local Administration was a back-bencher, knocking at the gates, knocking persistently at the gates, of the Board of Ministers. Today he is in that charmed circle. What is more, he is the leader of a Party. I ask my Hon. friend particularly to remember what he placed before the House as a *sine qua non* for the proper working of the Constitution. He not merely opposed the introduction of a Cabinet System, but he decried the creation, or the artificial stimulation, of a party system in this country. I ask, where are those ideals gone to, what has happened to his convictions? What has been the trend of events in the last five or six years which has made him completely go back upon those notions, upon the principles which he advocated with eloquence before the House?

Sir, in this country, fortunately, there is no party system. In spite of the animadversions of His Excellency the Governor, that the drive of democracy can come only if there are party loyalties, and party divisions, with party programmes, I will ask His Excellency the Governor and Hon. Members who might be persuaded against their will to consider the emergence of a party system, and thereby the

emergence of a Cabinet System, to consider whether the experience of the tyranny of party discipline on back-benchers is going to be tolerated in an infant democracy like that of Ceylon, when every Member of the House will be returned to vote not for the particular demands of a section of the people or of a locality or of the people as a whole, but to vote "Aye" or "No" so far as the party in power puts forward a particular measure. I ask whether the House is prepared to contemplate for this country the tyranny of party discipline, which is the *sine qua non* of a party system.

I ask them to consider whether in other countries, perhaps with greater traditions of true democracy than we have been fortunate enough to enjoy, the party system has not been discredited. In a place like America, the party system is working havoc. Let us also take into consideration the fact that in England there were peculiar conditions which assisted in the formation of parties. Parties in England are the result of seven centuries of evolution. The conditions prevalent in England do not exist here, nor even those on the Continent of Europe. The party system, as understood in England, does not obtain even in a country like France, England's closest neighbour. Even in England, today the party system stands discarded: the country has recently been governed by a form of National Government, first brought into being under the Premiership of Mr. Ramsay MacDonald.

I ask, Mr. Speaker, I ask Hon. Members to consider whether in the face of those lessons of history, this country is going to become the pawn of party leaders and the Members here are all going to become petty pawns on the party chess-board.

In this connection I want to refer Hon. Members to a few words of Mr. MacDonald, the Present Secretary of State for the Colonies. In his Dispatch in reply to the Governor's Dispatch, Mr. MacDonald says this:

"I recognize that the committee system was intended..." - I would ask Hon. Members to note the words,-

"I recognize that the committee system was intended, and has been held, in some quarters, to provide some safeguard for the presentation of the views of.... the minority communities. I doubt, however, whether it has in practice been of real efficacy in this direction....."

Mr. Speaker, I want the Right Hon. the Secretary of State to appreciate a point which I am sorry to say His Excellency the Governor has not appreciated, although he undertook to frame these proposals in his Dispatch. That what has been wrong with the Committee System, *apropos* of the opportunities contemplated to be afforded to the minority communities, has not been the System itself, but the inequitable distribution of political power within the State Council itself. If there were an equitable, reasonable, and more acceptable distribution in the representative strength of the various communities in the Island so far as the Legislature was concerned, if there was not a lop-sided majority, capable of exercising undiluted and unquestioned power, if there were not an unalterable majority, which in this case became coterminous with one particular community, capable of forming a Government, with the rest of the House left completely impotent to turn that Government out, then Sir, the Committee System would have afforded, particularly to the minorities, an opportunity for effectively expressing their views and shaping national policy which the Commissioners intended they should have in framing the present Donoughmore Constitution. Therefore, I say, Mr. Speaker, that the system itself has not failed; it has been the fault; that has been the difficulty, and I want, both His Excellency the Governor and the advisers to His Majesty at Whitehall, to understand that therein lies the fundamental weakness of the present state of affairs.

It is not the system which is at fault. Attenuated as the minorities have been in the matter of representation, in the present Council, I would ask Hon. Members to visualize a Cabinet System in which there was a homogeneous Cabinet, a homogeneous Sinhalese Cabinet. I ask you, Sir, would there have been any opportunity afforded to the minorities even for the expression of views - the opportunity they now have, within their respective Committees? That is a point which I want Hon. Members to keep in mind, and I also want Hon. members to appreciate the feelings of the representatives of the minorities when they eventually come to vote on this question.

Now, Mr. Speaker, I come to another aspect of the Cabinet System that His Excellency the Governor proposes. His Excellency that Governor has persuaded himself, for what reasons we have not been told, that with the inauguration, with the institution, of a Cabinet System of Government, we should have seen the end, the last, of a pan-Sinhalese Board of Ministers, or a pan-Sinhalese Ministry. Sir, I think those of us who are less informed than His Excellency the Governor, those of us with less knowledge and with less pretensions to knowledge in the affairs of Government, would have been thankful and grateful to His Excellency the Governor if he had told us exactly how he arrives at the absolute certainty that we had seen the first and the last pan-Sinhalese Board of Ministers. He has not vouchsafed that information to us, or his reasoning on the subject, and we are left, in fact compelled, merely to take the observation of His Excellency the Governor and examine it according to our own lights, and see whether there is any substance in it, whether there is any reason to agree with the pious hope expressed by His Excellency the Governor in this connection.

His Excellency the Governor, as Hon. Members will remember, says at paragraph 12 of his Dispatch:

“..... if Minority Ministers were elected as the result of a communal distribution of seats, the Board of Ministers could never be a consentaneous body; for they would be divided on the fundamentals of the Constitution.”

Mr. Speaker, one of the chief objections therefore, one of the chief difficulties apparently, in the way of His Excellency the Governor recommending a distribution of seats as demanded by the minorities, has been that in the formation of a Cabinet or Board of Ministers, there would not be consentaneity - apparently political consentaneity - so far as the Board of Ministers or Cabinet was concerned. Does he then contemplate - I think it is a perfectly logical and reasonable question to put - does he contemplate that immediately upon the inauguration of the Cabinet System of Government, without the balance in the matter of representation asked for by the minorities, there would be formed a Cabinet with political consentaneity?

I ask you, how does His Excellency the Governor persuade himself there would be political consentaneity, how does he reconcile that state of affairs, with his anticipation that there would no more be a pan-Sinhalese Board of Ministers? In the very scheme adumbrated, by His Excellency the Governor in his Dispatch, there would be definitely communal representation and representation of so many interests. As a matter of fact, he recommends the return of communal representatives to the new Council. If His Excellency the Governor is to be taken seriously, with regard to the desideratum of consentaneity in a Board of Ministers, then inevitably you are faced with the position that a Cabinet will have to be formed which cannot include minority representatives, because there could not be consentaneity for the reason that he gives; they would be divided on the fundamentals of the Constitution. What is the guarantee that it would be otherwise? In fact, does not everything tend to point in the opposite direction? Today, minority representatives can not find

a place in the Board of Ministers because they were not politically consentaneous on the fundamentals of the Constitution.

This was seen clearly as a result of the division on the last debate on the Ministers memorandum on Reforms in 1934. What is the reason which led His Excellency the Governor to hope or anticipate, that the minority representatives of the future would enjoy - if I may use that word - political consentaneity with the representatives of the majority community on the fundamentals of the Constitution? If anything, whether we are returned as communal representatives or as territorial representatives, there will be a very distinct cleavage between us on the fundamentals of the Constitution, and I would like His Excellency the Governor to tell us in his further Dispatches, and inform Whitehall how, and why, he hopes for this consentaneity which has so far been conspicuous by its absence.

Then, Sir, he justifies the present Board of Ministers as being consentaneous on the fundamentals of the Constitution. Whilst he justifies that, in the 23rd paragraph later he contradicts himself. In paragraph 35 he says:

“For years to come, parties might be many and some of them wear a communal complexion, so that Cabinets would probably be coalition Cabinets.”

What does that mean? Parties are going to be many, and some of them are going to be communal parties. Apart from the fact that His Excellency the Governor contemplates the inauguration of a Cabinet System of Government, with communal parties in the Council, which have been condemned outright by the Donoughmore Commissioners as undesirable and fatal to the successful working of democratic institutions in Ceylon, quite apart from that, is it not a complete contradiction of his justification of the present pan-Sinhalese Board of Ministers when he says that communal parties and other

parties, obviously groups, could form a coalition Cabinet, for in such an event there would be guarantee of consentaneity on the fundamentals of the Constitution or even on major political issues?

Where would consentaneity on fundamentals of the Constitution then arise? Does not His Excellency realize that he has completely contradicted himself in attempting to justify the formation of a homogeneous Board of Ministers?

Then, with regard to the Cabinet System as contemplated by His Excellency, I want with all due respect both to His Excellency and to Hon. Members of this House to point out that what is contemplated is not a real Cabinet System of Government, but what would virtually be government by the Governor's party.

Mr. Speaker, in the history of political evolution in the various parts of the British Empire there has never been a more sinister development than the premeditated, the calculated emergence of a party to be in power under the tutelage and with the assistance of His Excellency the Governor. I say this not merely out of regard for the interests of my country and my community, but I say it out of regard for the person of the King's representative. I am not concerned with the individual who may find himself for the time being in that position. But to drag the representative of His Majesty the King into the cockpit of partisan politics, would be highly undesirable. And in the fair name of Britain, in the name of impartiality, in the name of justice, I say we must resist, and resist to the utmost, this emergence of a government by the Governor's party.

Now Hon. Members might ask me how and where I discovered in the Dispatch a suggestion of a Governor's party. I discover it here. As I have understood it and as those who I dare say have followed the development of the Cabinet System of Government in various parts of the world must be already aware, Cabinets rise and fall according to whether they enjoy or do not

enjoy the confidence of the Legislature to which they are responsible. Either upon a vote of no-confidence or upon defeat on a major issue, the Cabinet has no alternative but to resign, except that in a highly developed country such as England, the leader of the major party, the outgoing Prime Minister, has the right to advise His Majesty the King as to whether the Leader of the Opposition is to be called upon to form another Government or in the alternative whether there is to be an appeal to the country upon a major issue.

But, Sir under the contemplated Constitution- and I would particularly commend these observations of mine to those who honestly believe, that this is a genuine advance - to those who are prepared to lead the country up the garden path, I have nothing to say - when a cabinet under the proposed dispensation is defeated, there is to be no dissolution, there is to be no appeal to the country, and there is to be no alternative Government except at the discretion of His Excellency the Governor.

At paragraph 16 of the Governor's Dispatch, with regard to dissolution, the discretion of His Excellency the Governor is to be the last word. With regard to the fall of the first Ministry after the general election, with regard to the fall of the second Ministry after the general election, His Excellency avers that there should be no dissolution as a general rule, but that if in his judgment there was a major issue to be placed before the country, he should advise, he should have the right to dissolve the Council. Mr. Speaker, can you imagine exactly the stage of politics in this country under conditions of that nature? And what is more, with a third defeat, that is, if a Ministry is defeated for the third time in one Council, the general rule is to be that there should be dissolution. But, again, if in the judgment and discretion of His Excellency there is no issue to go to the country, well, he will not dissolve the Council.

Can you understand to what extent the particular personal attributes of the person who enjoys the confidence of the Governor

as Chief Minister, how those personal attributes are going to be the deciding factors in the proposed system of democratic government under a Cabinet? Mr. Speaker, it is inconceivable that the custodians, the self-constituted custodians of the country's liberties and the country's political future, should be prepared to accept, and what is more, to recommend to us for its acceptance proposals of so highly mischievous, thoroughly dangerous and reactionary character.

There is another very significant thing. Is this to be a government of the people by the people's representatives, or is this Cabinet to be really, virtually and literally a cabal enjoying the confidence of His Excellency the Governor?

In paragraph 17 on whom does His Excellency contemplate calling upon? Not the person who can form a stable Government within this House, which ultimately and finally, I should say particularly for the edification of His Excellency, is the test, the only test, that is to say the Chief Minister must be the man who can form a stable Government and can enjoy for the time being at any rate the confidence of the majority with the House. But, no; His Excellency is to discover an ethereal virtue in the Chief Minister. His Excellency is to discover in the person of the Chief Minister a man in the possession of the greatest amount of public confidence. Now, Sir, I would ask His Excellency to give us the counterpart of this type of Chief Minister any democratic form of government known to the existing world. What does it really mean, Sir?

Paragraph 17 makes it perfectly clear that with regard to the choice of the Chief Minister there were three suggestions apparently put before His Excellency the Governor, which he has tabulated as (a), (b) and (c). Sub-paragraph (c) says that the Governor should on his own initiative and at his discretion send for the man who is likely in his opinion to command public confidence to be Chief Minister. And having discussed the merits and demerits of the suggestions

(a), (b) and (c), His Excellency says, "I..... therefore recommend (c)". Sir, I think the position is perfectly clear.

In paragraph 17 of His Excellency's Dispatch I see the words "the man most likely.... to command public confidence"; I see later on a reference to the same words "public confidence"; and I see the resolution of the Legal Secretary in which it is contemplated that the Chief Minister is the person who is likely in the opinion of the Governor "to command public confidence". It is no use our trying to be blind to facts. His Excellency wants to commend his proposals with a definite suggestion behind it that the person who will be called upon to act as Chief Minister would be a person commanding the public confidence. The words "public confidence" are of particular and deep significance to the minorities. The suggestion apparently is that the person whom His Excellency would be prepared to call upon to function as the Chief Minister would not be the head of a communal caucus, but a person who will be acceptable and *persona grata* to the various interests and communities in the Island.

What I do want Hon. Members to follow, to understand and to appreciate, what I want the country to appreciate is this, that before you get a Chief Minister to form a Cabinet in this House with a stable majority, you would have had the Governor interfering in the choice of the Chief Minister and bringing into disrepute, ridicule and contempt, if the public confidence was in any sense opposed to the majority view of this House, the position of the King's representative.

Well, Sir, if any section of the country - and I am speaking through this House to the country also - if any section of my people or any section of the other people of this country for a moment presume that there is any magic behind the words "the person commanding public confidence" I should like to say that eventually it could be rendered absolutely nugatory.

Only last evening, Sir, in a reputed journal a writer with a certain amount of flair for politics showed a complete misconception

with regard to the position of the Chief Minister and the manner of his choice. This particular writer precluded the possibility, however remote, of the leader of the Sinhala Maha Sabha Party in this Council being called upon to form a Government.

I definitely address this question to His Excellency and to others who are prepared to defend him: if in point of fact under a Cabinet System of Government the Legislature is so divided that a purely Sinhalese political party - call it the Sinhala Maha Sabha or by any other name: it smells as bad - commands a majority of this House, I say that His Excellency will then be left with only two alternatives. If he feels that such a Government would be against the public good, that it would bring the whole Constitution into danger, he will have to take on the government himself - and this I can - hardly contemplate - or call upon the leader of the majority party, be it communal or otherwise, to form a Government. Therefore, I want Hon. Members not to attach the slightest importance to these words "commanding the public confidence" It means nothing. It has no political counterpart or precedent in any country or Constitution in the world. It apparently emanated from the Constitutional genius of Sir Andrew Coldecott, and I feel that it will rest there unless he means to translate it by keeping in power under the threat of dissolution a Chief Minister who though in His Excellency's estimation commands public confidence does not in fact command the support of a majority in the Legislature.

If then the words "commanding the public confidence" would eventually become synonyms and conterminous with the Chief Minister who commands a majority within the House, what then is the position of the minorities? I am putting that question to Members of this House who plead for unity, who want self-government, who feel that we are in the way. I postulate the question to His Excellency the Governor and to His Majesty's advisers in Whitehall. With the present alignment, with the present distribution of political power within the Council, when the time comes for the formation of a Cabinet and no

other person but the leader of the Sinhala Maha Sabha has the largest following within the House, a Cabinet has to be formed by him: what is the position of the minorities under such a dispensation? What then is to happen to the functions, to the pious hopes of His Excellency the Governor that we have seen the first and the last pan-Sinhalese Ministry? I want definitely that question answered. If there is a communal party and more than half the House follows it, then a communal Government alone would be the result.

The future has a dark and sinister significance for us. I want Hon. Members and His Excellency the Governor in this connection to note particularly the change in the political attitude of the leader of that Party. I want Hon. Members to realize - this is nothing personal to the man but to the leader of that Party-that gentleman, in 1933, made a most impassioned plea against the perpetration of, against the tyranny of a party system in this country. The same person who was unequivocally against the introduction of the Cabinet System, that gentleman who introduced a vote for censure on the Board of Ministers for their temerity, in forwarding a memorandum to the Governor and to the Secretary of State suggesting the removal of the Executive Committee System and the introduction of a Cabinet System of Government, that person to-day has changed his entire attitude because of his party following, because of the potentialities of a communal party, and because of the possibility of forming the most stable party on communal lines. What then will be the position of the rest of those who form the population of this country? This is the sinister development.

This is a most sinister development in the political progress of this country; and I want His Excellency the Governor to say whether his proposal would meet such an eventuality.

I want also to refer to the extent to which a communal caucus, a communal party - call it what you will-can influence a major decision of this House. I want Hon. Members to recall the division and the

voting, on the question of the University site: It is well known that Members of the Sinhala Maha Sabha who had previously expressed themselves strongly against the building of the Ceylon University at Kandy had, after they had entered the ranks of that Sabha, forgotten their ideals, forgotten their previous professions, had definitely changed their views, and voted for the inauguration of the University at Kandy. That was a question that profoundly affected the minority communities. The inauguration of the University at Kandy and not in Colombo definitely affects the minority communities. That is a matter which was discussed in this Council, a matter which was very fully discussed in the old Legislative Council, a matter which I feel you yourself, Mr. Speaker, are personally aware of. It is not a matter into which I need go in detail. The only point I wish to make is that the final decision with regard to the site of the University was influenced by the Members of the Sinhala Maha Sabha.

Then Sir, take the question of Buddhist temporalities, to which I referred in another connection. The imposition of a levy on Buddhist temporalities for the administration of Buddhist temporalities was opposed *en bloc* by Members of the Sinhala Maha Sabha.

Then, Sir, with regard to the proposed abolition of the Executive Committee System of Government itself, it is most revealing that in 1932 when Mr. E.W. Perea wanted the system of Executive Committees abolished and the Cabinet System of Government introduced, I believe the one Member in the old State Council, who is also a Member of this Council, who supported that motion, was Mr. Goonesinha, the Hon. Member for Colombo Central. There is no one single Member of this House, who was also a Member of the old State Council, who supported Mr. E.W. Perera in his motion for the abolition of the Executive Committee System of Government. Every single member of the Board of Ministers, who was also a Member of the last Council - I have analysed the division list-voted under the inspiration of the then Member for Veyangoda, the Present Minister

of Local Administration, for the continuance of the Committee System; and that decision has not been reversed up to date. I think the Hon. Member for Veyangoda, who then led the opposition to the abolition of the Executive Committee System of Government, has now an inspired following within the Sinhala Maha Saba for the institution of the Cabinet System. Sir, the inference is perfectly clear. He now realizes that a communal party would definitely influence a final decision in Council and therefore the Executive Committee System of Government is not necessary for his purposes.

Mr. Speaker, in this connection I want Hon. Members to remember the interesting debate that took place in June, 1933, when the same Gentleman, the Hon. Minister of Local Administration, moved a vote of censure on the Board of Ministers; and for what? The gravamen of the chief charges he placed at the door of the Board of Ministers was this - of course, then he had not entered the charmed circle - that they had the temerity to address a memorandum on the question of Reforms without having the prior sanction of this House, that their Reforms proposals were kept secret and that the House was kept in the dark with regard to that matter. And what is more? Not only had the Ministers submitted a memorial without the express sanction and approval of the House but that they had gone along and varied in material detail some of the proposals accepted by the House in the matter of Constitutional reforms, more especially with regard to the proposal for the introduction of the Cabinet System and the manner in which the future Board of Ministers was to be elected. Mr. Speaker, that was a matter of deep concern to him then. He realized then that the Executive Committee System gave a chance to an able freelancer to get into the Board of Ministers. Then he was concerned with the continuance of the Executive Committee System.

With the permission of the House, I would like to read certain passage from the speech of Mr. Bandaranaike condemning the action of the Board of Ministers.

This is what the Hon. Member then said:

“Remember this, that when this House passed resolutions in a matter of national importance, the Board of Ministers who are the representatives of this House sent up a memorandum to the Secretary of the State, but not through this House. In the first place, I am not satisfied with regard to the sending of that memorandum. The Board of Ministers were entitled to send a memorandum but they sent it without consulting this House. The contents of that memorandum - a secret memorial - were not available to the members of this House, and not a single Member knew of it until it was dispatched. Is that playing the game by this House?”

Might I fling that question back at the Hon. Minister? Has he played the game by every section of this House after he found his way into the Board of Ministers? Has he since he became a Member of the Board of Ministers put his foot down and told his senior, but less wise, colleagues in that Board that they had no business to send a Ministers' memorandum - not once but twice - to the Governor, and through the Governor to the Secretary of State without the approval of the House? Was he not aware that there had been an express undertaking given by the Leader of the House that there would be a debate on the memorandum before the Secretary of State first framed the proposals? Did he see that undertaking was honoured? I am asking you Mr. Speaker, whether he has acted in fairness or to use his own words, whether he has played the game by every Member of this House since he became a Member of the Board of Ministers. He goes on to say:

“But in this matter of importance they thought it fit to take the action of sending a memorandum without any consultation with this House. In the first place, the decision to send a memorandum should have been submitted to this House.”

I put that question to him again. When the Board of Ministers sent a memorandum in 1937 and 1938 was a decision taken from this House on the matter? And he goes on;

“They are the representatives, no doubt, but in a matter of such importance, taking action with regard to the resolutions passed by this Council, why did they not consult us?”

I am asking him that same question; Why did you not consult us?

“Why did they, in the first place, decide that the best course was to send a memorandum; and, in the second place, to send a memorandum without any consultation with us?”

He repeats himself, as he sometimes does:

“That anyway is enough to create the gravest suspicion in the minds of Members.”

Sir, the Hon. Member for Veyangoda, as he then was, a back-bencher who was jealous of the right of every Member, was prepared to haul over the coals the Board of Ministers who had the temerity to frame a memorandum upon resolutions which in fact had been passed by the House. But we are supposed not to have the right to question the Board of Ministers for framing a memorandum out of their own imaginations, because no questions of Reform have ever been discussed by the present State Council. The Hon. Member for Veyangoda went on to say:

“They were very far-reaching and one of them referred to the election of Ministers”

I want Hon. Members to mark these words. Hon. Members will understand his concern when he was a back-bencher with regard to the method of election of Ministers. That is a thing of the past with him now. He goes on to say:

“They were very important and far-reaching in the sense that it was stated that with regard to the former, while the Board of Ministers were recommending that the Chief Minister should be elected by the House he should free to select his own Ministers.”

And he puts the question categorically, why did they make that recommendation in the memorandum? He was then definitely opposed to the proposed method of election of Ministers. When the Hon. Member for Veyangoda was opposed to it, it was considered a sign of political wisdom; but when a minority Member expresses misgivings with regard to the suggestion to form a Cabinet, it is regarded as rank communalism. He proceeds to say:

“Now, Sir, this House turned down the proposal of the Hon. Member for Horana with regard to the abolition of the present Committee System and the establishment of the Party System. They were not prepared to support the Party System. Most of them voted against the Hon. Member’s motion What right.....”

Indignantly, the Hon. Member asks:

“What right has the Board of Ministers to make any such far-reaching proposal, which I may say in passing is the most preposterous I have heard, without any consultation with this House? To entirely alter this Constitution, who gave them permission to do that? Did a single Member of this House express that opinion? Without any consultation with a single Member of this House is a proposal of such a far-reaching character for an alteration of the Constitution to be made?”

He asks a rhetorical question and answers it himself. That is when he sat as the Hon. Member for Veyangoda, when he was a back-bencher who was jealous of the rights of back-benchers, the rights of the representatives of the people. To-day, the soporific effect of belonging to the Board of Ministers, and perhaps owing to the almost certain conviction that as the leader of a party the method

of electing Ministers is a matter of not even academic interest, the Hon. Gentleman has persuaded his entire following to give up considering the question of the machinery of Government, to give up their demand for the continuance of the Executive Committee System of Government in this country. Therefore, I say, there is an added sinister significance to us by the coming into existence, and by the continuance in being, of a Sinhalese political party within this House.

Mr. Speaker, I go on to the next question, namely, the question of the Public Services. On the question of the Public Services, I want to express beyond doubt the position of the minorities, particularly of those of us who feel that the Executive Committee System must continue.

Hon. Members are aware that perhaps the chief defect of the Executive Committee System has been brought about by certain Articles in the Manual of Procedure by which appointments to and the personnel of the Public Services have been subjected to the consideration and deliberation of various Executives Committees, In this connection, I was rather surprised to read the following passage in the Dispatch:

"I wish to record at the outset an opinion which is shared by every deputation and every individual with whom I have discussed Constitutional reform. That is that in the event of a continuance of the system of Executive Committee, Public Service Regulation 13 which requires reference to them on matters of appointment and personnel must be cancelled."

Mr. Speaker, I am very happy to note that everybody who had established contact with His Excellency before he wrote this memorable Dispatch expressed himself as opposed to the continuance of the system of consultation with various Executive Committees in the matter of appointments to the Public Service. In

point of fact, I am surprised to find that His Excellency should have been satisfied enough to have written that without having gone more fully into the trend of public opinion as manifested in this House.

In that connection, I might say, that as far as the minorities are concerned they definitely feel that while they are committed to the view that the Executive Committee System of Government must continue, that all matters relating to appointment, disciplinary action, control, transfer, and dismissal of Public Servants must never be left to the consideration of Members of Executive Committees. That is our view. His Excellency the Governor who thinks that is the view of every section of the population in this country has definitely not taken into account the important resolution sponsored by the Hon. Member for Balapitiya on February 10, 1937. The resolution reads thus:

"That in the opinion of this House, appointment of Public Servants should in no case be referred to Executive Committees, and Public Service Regulations Nos. 13 and 27 in the Ceylon Government Manual of Procedure and any other relevant law or procedure should be accordingly amended."

Sir, as a result of that debate, when that matter went to a division, not a single Sinhalese Member in this House supported the hon. Member for Balapitiya. Except the mover of the motion, not a single Sinhalese Member voted for the motion. The only four or five votes he obtained in support of the motion were those of the minority Members. I will refer the House to pages 278 to 330 of HANSARD of 1917 to show that not a single Member of the Sinhalese community supported the Member for Balapitiya in that resolution.

Whilst I am on the question of the Public Services Commission I want also to refer to a development that has taken place within the Constitution, which is perhaps one of the undesirable

features of the Constitution and upon which I am sorry to say that His Excellency has not made any observations; that is to the constitution of what are known as Selection Boards for the selection of various candidates for various important appointments in the several Departments in the Public Service.

I do not know how it came into being but I find that one of the grievances, misgivings that has been engendered in the minds of those who have not been fortunate enough to be in direct control of the country's Government, is the constitution of Boards of Selection in which Ministers and Heads of Department are associated. I find that in no country in the world is there anything like a counterpart for the vicious practice of Ministers, either highly qualified academically or not at all qualified serving on Selection Boards. I do say that the most highly qualified Minister should not find a place in a Board of Selection which is to determine the personnel or the calibre of those who are to occupy places in the Public Service of this country. And yet I am surprised that in spite of the controlling influence - and I will lay this charge at the door of the Secretary of State for the Colonies - that in spite of the controlling influence of His Majesty's advisers in Whitehall, in spite of the repeated protests of the representatives of the minority communities this Constitution has been allowed to be completely vitiated by the iniquitous, undesirable, and thoroughly indefensible existence of Boards of Selection, and I do hope that whatever machinery of Government this Council will ultimately have, whatever machinery of Government the Secretary of State will be prepared to recommend for this country, that we will have seen not only the first and last of a pan-Sinhalese Ministry but also the first and last of the present Boards of Selections for the making of public appointments in this country.

That takes me, dealing with the Public Service and the Committee System, to the Public Service Commission itself. With regard to the Public Service Commission itself there is at least verbally

and academically a consentaneity - a happy word of His Excellency's - between various sections of this House and that is that there should be an independent and non-political Public Services Commission - a very laudable thing. And, if I may say so on behalf of the members who have spoken and those who will support me - those who are going to follow me - Members of the minority communities - we will definitely welcome a Public Services Commission which is independent of this House and which is definitely non-political. Now I would like someone to discover such a body.

What has been demanded, as far as the Ministers are concerned - this is what they said in their first memorandum in April, 1933. There was no alteration supposed by them regarding the Public Services Commission. But according to their memorandum - I want Hon. Members kindly to record this and keep this in mind;

"..... but we consider that the powers vested in the Governor in these matters should be administered by a Public Services Commission."

This was in April, 1933. There they sowed the seeds of the ultimate growth which we witness in the Governor's Dispatch, namely, of a Public Services Commission which is to be no Commission at all but which if His Excellency is to be understood correctly will be a Department of Government, definitely a Department of Government under the Principal Secretary to the Governor, and to whom the whole question of establishments, salaries and cadres will be relegated. In 1944 - and this is particularly for those Members who feel that all progress lies with them and all reaction lies with us - the Board of Ministers, had suggested that the Public Services Commission should be in a position to administer those powers vested in His Excellency the Governor.

I am surprised that in the face of very definite precedents which we can follow in India, in the face of the recommendations of

the Commission presided over by Viscount Lee of Fareham when this whole question of the Public Services was gone into, in the face of an actual Commission of that nature functioning in India under the last Act, under the Montague-Chelmsford Act there was a Public Services Commission for the whole of India, and under the Constitution granted to the various Presidencies under that Act the various Presidencies could have brought into being various Public Services Commissions; in point of fact the Madras Presidency acted in virtue of those powers and brought into being a Public Services Commission - in the face of these things, it is passing strange that the representatives of the people, the so called progressives in this country, should have asked for a Public Services Commission of the nature which they suggest.

The composition recommended by the Lee Commission in India was this that there should be five men and they should be whole time men two of whom should have held high administrative positions under the Government of India for no less than ten years; and that if they had served as Members of the Public Services Commission they should find no place in the service of Government in any part of India except as Members of another Commission in any other Province or as Chairman of their respective Commissions. That is, a Public Services Commission really independent of politics and really independent of the Legislature. But in this country there is to be an unofficial Public Services Commission. And might I know who is to recommend the personnel of this Commission? Is it to be again. His Excellency using some mystic formula - going about as he would trying to discover a person with the highest public confidence - trying to discover persons to fill places in the Public Services Commission?

With the Council constituted as it is, with the present distribution of political strength between the communities, the minorities view with grave concern the selection of unofficial nominees-call them by whatever name you like. Definitely these

nominees who are selected by the Governor would be the nominees named by the Chief Minister or the Board of Ministers. Therefore whilst we definitely would support and would want an independent Public Services Commission, we want it really to be independent of the Legislature, and till such time as the Board of Ministers can represent truly all sections of the of this country and are the representatives of only one section of the population - till such time the Board of Ministers should have nothing to do with the Public Services Commission. Nevertheless, as I said, we support a Public Services Commission which is entirely independent and non-political - and not one as contemplated by His Excellency the Governor.

Mr. Speaker, I shall now proceed to examine the position of the Officers of State.

I believe the Leader of the House in a moment of political exhilaration once said, soon after the publication of the Donoughmore Report, that this country had got seven tenths of self-government the other three-tenths being represented by the Officers of State. I think that ideology, still continues and he thinks that with the removal of these three Gentlemen and the substitution thereof of people of his ilk they would have ten-tenths of self-government.

I will take the most innocuous of the advisers contemplated by His Excellency, namely, the Legal Adviser. It has been the charge - not merely today but for the last seven or eight years - of our native section of the Board of Ministers that these three Gentlemen - the Officers of State - are really Ministers with executive functions who are not responsible to the Legislature! and their presence on the Board takes away the representative nature of and the responsibilities that should attach to the Board of Ministers. I ask you, has the Leader of the House really persuaded himself and the rest of the Board of Ministers, that the removal of these Gentlemen from these chairs and their preservation elsewhere - in a more congenial

atmosphere is likely to increase the responsibility of the executive to the people of this country and to this House?

If advice need be given, if honestly the Leader of the House wants an increase of responsibility, then I ask you how is he reconciled to the position of a Legal Advisor advising the Governor on Constitutional questions but behind our backs? I honestly feel that if the Legal Secretary were asked his own personal opinion, if he were asked whether he would like to continue - that is on the assumption that he would continue as Legal Secretary - if you ask him personally whether he would like to continue here as Legal Secretary as he now is or whether he would like to be removed from the House, he would say - "I would like to be outside the House." Their position is not to be envied; they are here the target of criticism. Questions are put and we elicit some kind of information and on the footing that they are all honest men we are at least informed somewhat of what they are doing and we get to know something of the nature of their transactions. Remove them from the precincts of this House and place them beyond our reach and then they would find their positions most acceptable. But what is most extraordinary is that the Board of Ministers are satisfied with the recommendation of His Excellency.

I shall prove by internal evidence in this Dispatch that His Excellency had certainly, with regard to the question of the far more important officer, the Financial Secretary and Adviser, the dual peripatetic personality contemplated in this Dispatch, definitely put it to the Board of Ministers and that they had acquiesced in this illusive dual personality that is being created in the name of self-government, and of an increase of responsibility.

The Board of Ministers can obviously make the assertion that His Excellency has stated something not true or not correct. But on the face of this Dispatch I will prove my point with regard to the

contemplated Financial Adviser that His Excellency had the support of the Board of Ministers.

What is the present position? I have dealt briefly with the Legal Adviser. There is no reason at all why he should not be outside this House and why the Members of this House should not know the advice he gives the Board of Ministers or His Excellency. So that in removing the officers of State as they are today and setting them up as advisors outside the Council you are doing something which is retrograde, which is definitely an infraction of the powers and privileges enjoyed by the back-benchers of the House and all this in the name of democracy. This must be resisted.

The Financial Secretary very often has the boldness to express himself as opposed to various doubtful ventures, say, of the Minister of Agriculture. The members of the House can get to know the financial implications of these measures; we are in a position to question him, to interrogate him, and at the end perhaps of a tedious debate we might have some idea of the financial implications and whether the Treasury as such is prepared to commend a venture which might be of more spectacular value than of economic assistance to the people.

But under the new dispensation as adumbrated by His Excellency there would be no Financial Secretary in the State Council. But there will be a Financial Secretary outside this House and that Financial Secretary occupies a position, believe me, Mr. Speaker, the like of which cannot be found within the political constitutions of any part of the Empire. I say that because I have never seen its counter part in any place. The Financial Secretary is to be Financial Secretary and Financial Adviser.

"As Financial Secretary..."

- and this is where the Ministers have been consulted and they have acquiesced. In paragraph 26 this is what His Excellency says :

"The Ministers have however impressed upon me their view that the Financial Secretary should in addition to his functions as an independent adviser exercise an executive and responsible control. This would of course place him in a dual relationship to the Finance Minister."

I think the English language is perfectly simple and this I repeat - it must be clear to the meanest intellect in this House - that the Board of Ministers had been told by His Excellency that he was going to recommend the appointment of a Financial Adviser to the Governor and the Cabinet who would also partly perform the functions of the Head of the Treasury, because he says :

"The Ministers... impressed upon me their view that the Financial Secretary should in addition to his functions as an independent adviser exercise an executive and responsible control over the Treasury under the Finance Minister."

What do those words mean?

"The Ministers have... impressed upon me..." Take those words in juxtaposition with; exercise an executive and responsible control over the Treasury."

I say with the fullest sense of responsibility that if those words mean anything at all they mean this, that His Excellency the Governor with the acquiescence if not the active approval of the Board of Ministers has recommended the creation of this political monstrosity a Financial Secretary and Adviser as he calls it. In the picturesque phraseology of the Member for Veyangoda as he then was "He is to be all things to all men." He is to be the Head of the Treasury, Financial Expert, Adviser to the Governor, and Adviser to the Cabinet. He is to have independent access to the Governor, independent access to the Cabinet and he is to have independent access to the Finance Minister. If we permit this we will be creating a political monstrosity. He is going to exercise powers and functions

that nobody inside or outside the Board of Ministers will have. What is more eloquent, what is more significant is that these Constitutional purists, the advance guard of the political movement who have pronounced a benediction on the words of His Excellency, are to be relied on. He goes on :

"The Ministers, while appreciating the objection that dualism of this character can lead to misunderstanding and possible friction..."

That is to say they are walking in with their eyes open.

"dualism of this character can lead to misunderstanding and possible friction, contend that 'a strong Treasury' is a paramount necessity."

What a confession of faith! "A strong Treasury is a paramount necessity." Therefore they are prepared to perpetuate a dualism of the worst kind. Hon. Ministers who in season and out of season have inveighed against the bifurcation of the executive authority of this Council, who have considered the presence of these three Officers of State in the institution of what in actual effect is a diarchy. These Gentlemen are prepared to ask for and accede to a dualism of a much worse kind under the proposed Constitution.

Whilst I am on this point I would state I was struck by the incongruity of these observations of His Excellency and the words of the Leader of the House when he spoke to us. I believe this is what he said :

"The Officers of State are removed but retained outside the Ministry. We are opposed to this because it detracts from full responsible government."

I can see Ministerial nods, but can Ministerial nods explain away this definite passage of His Excellency the Governor? It is no use. We cannot be gulled by Ministerial nods, not even by Ministerial assertions in some cases in the face of a definite statement of fact.

The financial Secretary is to be the normal Head of the Treasury. I thought that he would be the Head of the Department. Later on in the paragraph it is said that the Deputy Financial Secretary is to be the Head of the Department. So the Financial Secretary is to be the Head of the Treasury with another Head of the Treasury, because these are the words :

“The title of the officer in operative charge of the Treasury should remain as at present. “Deputy Financial Secretary...”

So that the operative Head of the Treasury will still continue to be the Deputy Financial Secretary but some other kind of a Head of the Treasury shall be the Financial Secretary who would also be the Financial Adviser. That is absolutely bewildering. It is a dualism of the worst possible kind.

Then again these Gentlemen are to be the advisers to the Governor - paragraph 27-and to the Cabinet; not, however, advisers to the State Council. No, Mr. Speaker, In the name of anything you like to call it, I would sooner have these Gentlemen advising the State Council and letting us have the benefit or otherwise of their advice than letting them have little kus-kusu kootams with the rest of the Cabinet that is proposed to be formed.

I do not know whether any person who is jealous of the rights and privileges of the people would acquiesce for a moment in the perpetuation of something which is likely to retard the progress of the country as a whole. His Excellency further remarks with regard to the control of the Treasury begin identified with the Financial secretary, “these sentiments of the Board of Minister are very practical and prescient considerations”. There you are. Mr. Speaker! So much then for the protestation of the Board of Ministers that they are opposed to the creation of a Financial Adviser.

Now, I come to that other person outside the Constitution namely, the Principal Secretary to the Governor. As I said, I do not envy

the position of any of these Gentleman-Officers of State-within this Constitution where at least we definitely have access to them. But Mr. Speaker, the Principal Secretary to the Governor is going to be the head of the most important Department. This is the recommendation:

“The whole office and staff of the Controller of Establishments should be put under the Public Services Commission.”

Nominally, yes; but under the Chairman of the Public Services Commission contemplated? The Treasury which has been in complete control of establishments, which accounts for I believe 60 per cent. of the recurrent expenditure of this counter, is to relinquish control, and establishments are to be put under the Public Services Commission. The thing is absolutely ridiculous. It is without precedent; and yet the Board of Ministers-well, I do not know whether the Board of Ministers have accepted that. There is nothing on the face of the Dispatch to show that the Board of Ministers have accepted it, but if they are likely to treat it as a joke I think the shoe is on the other foot because they have not up to now taken this Council or the country into their confidence and said, “Look here, these are our minimum demands. Without them we propose to reject the scheme” They have not done that.

To continue my remarks with regard to the Principal Secretary to the Governor, I ask you, why has the Governor done this? In this instance I should like to say that the Governor has been most concerned with the Public Services which, of whatever colour or complexion they may be, represent after all a very small fraction of the people of this country, but he is not nearly so concerned with the rest of the people. That is what is absolutely staggering, that His Excellency the Governor could have persuaded himself to recommend this innovation and yet that he should not have been able to accede to some other request on the part of the “depressed” section of the people of this country as being retrograde and repugnant to progressive ideas.

But with regard to the Principal Secretary being in charge of the Public Services Commission, a most interesting situation arises because he is to have a complete Department and be in charge of salaries, cadres and establishments generally. Now, then what happens to the measures affecting salaries and cadres which definitely must concern the Finance Minister? It is most interesting, Mr. Speaker. His Excellency has a way of not attaching, shall we say, any importance to complete contradictions. Here is the Principal Secretary in complete charge of questions of establishments, and yet in a later paragraph this is what the Governor says;

"Advice regarding salaries, cadre and all the other Subjects listed under the heading 'Establishments' in the present subjects and Functions of the Financial Secretary would come to the Governor through the Finance Minister....."

I do not know whether I have made the position clear. The whole subject of establishments, office control and administration would be in the hands of the Principal Secretary to the Governor, but advice on these very subjects would come to the Governor through the Finance Minister. This is really ironical. It would be laughable but for the tragedy lurking behind it; and no protest has been raised against this, that the Finance Minister should give advice to the Governor on subjects dealt with by the Principal Secretary. Can anybody accept that advice? He is not in charge of that Department and yet the Governor says that the Finance Minister is to give him advice on salaries and cadres.

I would say this particularly to that section of the House which is worried about the expenses over the increase of seats. To-day the Financial Secretary is an executive officer, and is the Head of the Treasury, but under the proposed new dispensation there will be four men, the Finance Minister with a Deputy under him, a Financial Secretary and a Deputy Financial Secretary to do about half the work after Establishments have been transferred to the Public Services

Commission. So instead of two officers, the Financial Secretary and his Deputy, as there are today, we are going to have four officers doing about half the work. To that section of the House which is enamoured of Deputy Ministers and who feel it an enormous expense to give a few seats to minorities I would ask, are we really giving sops to show what big fellows we are? We have a Finance Minister, a Deputy; a Financial Adviser and a Deputy Financial Secretary. What great big fellows we will be under the new Constitution! We can afford these trappings, these trumpery luxuries, but when it comes to remedying the grievances under which the minorities are suffering they say: that will too expensive for this country.

I come now, Mr. Speaker, to an entirely different point that is the question of the Indian franchise. On the question of Indian franchise I have been rather disappointed by the attitude of one or two Members who have spoken already. I can only hope, Mr. Speaker, that there is some misapprehension in the minds of those Members and that ultimately - I say this without meaning any offence to all: I am addressing particularly the Members of the European community, the Nominated Members of this House - I hope by the time this debate is over they would have understood the position, misapprehensions would have been removed and they would once again take up the position they have taken in the past, and that is not to discriminate against British subjects in this country.

Mr. Speaker, Gandhiji one observed after his experience of South Africa, that the treatment of Indians in South Africa was the retribution for by the manner in which the Indians themselves in India treated the "depressed" classes. I ask you whether any section of this House, any section of this country, is prepared to treat a people endeared to us by every tie that can sanctify humanity or human relationship who had come here at tremendous inconvenience to themselves who have been responsible for the economic development his country, as an excrescence on the body politic, to be relegated to

ghettos only to be sent away when their masters have no use for them or when this country can replace them. I say, if an economic question is to be treated in that manner, I think we will be definitely giving room for others better placed than ourselves to treat us and our nationals in other parts of the Empire as we are treating Indians here. I ask you whether the ill-treatment of Indians in Kenya, Zanzibar, and South Africa does not rouse the indignation of every Oriental person; and yet how can we expect the white sections of the Empire to treat our people any better than they treat a section of theirs. Conditions here are, in fact, sometimes worse than those offered to them in South Africa. Governor Stanley in his Dispatch to Lord Passfield said:

"In some quarters notably among the Europeans, there is a strong feeling that there ought to be no derogatory discrimination against British subjects who, although they may not be Ceylonese in the usual acceptance of the term, have contributed so greatly by their labour to the economic development of Ceylon. Nor should it be overlooked that many of the labourers classified as Indians were born in Ceylon and have never lived elsewhere."

Mr. Speaker, I have every sympathy for our Sinhalese brethren who may have fears that the infiltration of Indian labour into this country is likely to lead to a situation which politically would be difficult for them in the future. But, as much as I can understand that fear I cannot understand the European attitude as expressed by my friend Mr. Villiers. Speaking for those who are concerned with this question, those of my own community, I should like to state that our demands do not go to the extent of asking for the Indian Tamils dual rights—protection from the Indian Raj and at the same time the enjoyment of political rights here. But the position is this that in the majority of cases, people who are under the dispensation of the Minister of Local Administration, people who are denied civic rights in local-government elections, are also people who have given up all connections with India.

They are not protected by the Indian Raj in any manner whatsoever. Now, Mr. Speaker, what is suggested and what we definitely demand is what was recommended by the Donoughmore Commissioners in that Bible which has been accepted by Sinhalese leaders. That is, that the test of five years' residence should be accepted as a sufficient test of domicile.

I repeat that the test of a five-year residence should be treated as a sufficient test of domicile, but not something which is only of legal significance, and which is likely to give a certain amount of latitude in the matter of interpretation. The requirement of domicile is likely to be abused executively and administratively, has worked hardship, is working hardship and is resented.

In this connection, it will be interesting for me to recall the attitude of our Sinhalese brethren, particularly the leaders, on this question. I believe, at one time it was fashionable in Congress circles to state that they were prepared to treat Indian Tamils who come here as brethren provided they are not birds of passage, but would settle down here when they would be prepared to give them all rights. That was then. But we see a practical effect given to that pious hope in the Land Development and Alienation Ordinance. If those expressions were really sincere, then, I ask you, how would you defend the Land Alienation and Development Ordinance that was going to discourage, as it is discouraging, the permanent settlement in every sense of the word of Indians who have made Ceylon their home. This policy of antipathy to Indians reached its high-water mark with the new Village Communities Ordinance.

So that, the whole attitude of Sinhalese leaders with regard to the presence of Indians in this country has gone through a practical and revolutionary change. How is this change motivated? It is my solemn conviction that it is political and not economic. I would be the last person to advocate or to defend the policy that when the nationals of one country are deprived of their livelihood, that people

should be brought from outside to take their places. I do not want to go into this question at length. It must be admitted that the Indians are employed in cases where the Ceylonese either do not want to enter a service or having entered it are found to be unfit.

With regard to the teaching profession, there is already an edict issued by the Education Department. There is a question of conflict of economic interest, of Indian teachers taking the places of Ceylonese. That has been stopped. There has been an order passed by the Education Department against the employment of Indian teachers.

I am now talking of a far bigger question of the hundreds of thousands of Indians who are working on estates and the Hon. Minister of Agriculture and Lands knows precisely what I am referring to. That is not a thing of to-day, it is not a thing of yesterday. What happened when universal adult franchise was recommended by the Donoughmore Commissioners to all sections of the people of this country including the Indians; what was the reaction as far as the Sinhalese representatives were concerned to the granting of that franchise to the Indians? They suggested the literacy test. Why the literacy test, I do not know; but they said "Let us have the literacy tests as far as the Indians are concerned." Obviously their one idea was to evolve a means of restricting the grant of the franchise to Indian Tamils in this country.

Governor Stanley said in his Dispatch to Lord Passfield:

"Nor do I believe it to have been the intention of some of those who voted for the test as a means of preventing the immediate wholesale enfranchisement unconditioned by any requirement other than that of literacy."

He anticipated that if the literacy test was conceded thereafter there would be a clamour for a restriction of the conditions attaching to enfranchisement on some other ground. He goes on to say:

"I feel convinced that, if the literacy test were established, it would not be long before a demand for the imposition of some further limitation on the admission of Indian labourers to territorial electorates would be advanced and pressed."

He understood clearly, very clearly the cause - urging Sinhalese leaders to agitate for the imposition of certain restrictions on the enfranchisement of Indians. I commend this passage, if I respectfully may, to His Excellency the Governor as from one Governor to another.

"In the interests of internal harmony, in the interests of the economic development of our natural resources in which Indian labour plays so great a part, in the interests of our future good relations with the Government and people of India, it seems to me of the highest importance that this question should be faced and, if possible, settled before it becomes acute."

Mr. Speaker, that is a considered and statesmanlike pronouncement of Governor Stanley. Compared with that what does His Excellency Sir Andrew Caldecott say? He treats the whole thing purely as an executive matter. as a question that only needs to be dealt with by the "tightening up" of certain regulations. The future economic relations between India and Ceylon thus find no place whatsoever in the considerations that seem to have weighed with His Excellency.

That is what Sir Andrew Caldecott says :

"It has however been represented to me that these regulations have not been properly implemented; that is a question not of Constitutional Reform but of tightening up procedure, and as such it will receive my careful attention."

We have heard definite complaints made that in the executive functioning of these regulations the Indian labourers have been

discriminated against, that in point of fact a fair application of the regulation obtaining under the Order in Council would lead to the enfranchisement of a considerably bigger number than at present. But His Excellency would be prepared to tighten up regulations as a matter of administration. That is all the statemanship displayed by His Excellency with regard to the question.

With your permission, Mr. Speaker, I wish to advert to one point which because of the interruptions of the Hon. the Legal Secretary and of the Member for Matale I missed, and that is with regard to the Chief Minister being the man who enjoys public confidence.

With regard to the dissolution of the Council I say this. Supposing the Cabinet has been formed, and there is an adverse vote of the House or a threatened adverse vote of the House and if it is known that His Excellency will even in the first instance dissolve the House and order a general election, it would mean the perpetuation of a particular Cabinet with the Chief Minister acceptable to the Governor kept in power and maintained in power, though in fact a majority of the House may not want him. That was the point that I was developing and which because of the interruptions I was prevented from completing.

I was dealing with the question of the franchise when we adjourned Mr. Speaker. In so far as it affects the other communities I wish to put forward a point of view which I feel will commend itself to all Hon. Members. What was the position under the Donoughmore Commission recommendations? The electoral areas were demarcated on the strength of the population within their boundaries. Roughly for population of 5,000,000, 50 electoral areas were demarcated, making an average of 100,000 for each electoral area. As a matter of fact, the maximum numerical quota, suggested by the Donoughmore Commissioners was about 90,000 to an electoral area with a minimum list of 70,000 and an extraordinary minimum of 50,000 under special circumstances.

Now, Mr. Speaker what is the connection between that numerical quota recommended by the Donoughmore Commissioners and the disfranchisement of very nearly 80 to 90 per cent of the Indian population within this country? Now I am not talking on sentimental grounds or because of the ties that unite us - I mean the Ceylon Tamils - with the Tamils from India. 800,000 to 900,000 Indians went to swell the population figures and thereby enabled the demarcation of electoral areas to the extent of about 10 upon an average between 70,000 and 90,000. There are therefore, about 10 electoral areas now in existence in this country which owe their existence purely to the strength of the Indian Tamil population on the estates. When you disfranchise 80 to 90 per cent. of that population which goes to the creation of electoral areas, the result is, you have immediately a weightage given to the major community. I do not know whether I have made the position clear. Take any single constituency in the Upcountry. Suppose there is a population of 50,000 to 60,000 Indians, with the addition of about 30,000 Sinhalese you can form an electoral area. If 80 per cent. of those Indians are disfranchised, then you place the Sinhalese in a majority. And as I said, they have thereby gained an accession of strength by about 8 or 9 seats. Otherwise purely on the basis of population the Indians would have been entitled to about six more seats. They are now getting only two seats. The difference goes to the major community. That is a matter, Mr. Speaker, which we brought very clearly and lucidly before His Excellency the Governor. Yet His Excellency has not thought it fit to consider that question in any manner whatsoever.

So much, Mr. Speaker, for the question of the Indian franchise. I shall now very briefly deal with some of the observations made by Hon. Members, some relevant, others irrelevant. In so far as you have allowed them to make those observations. I think you will permit me to meet them. I want to meet the argument of the Hon. Member for Gampola. I told him at tea time that I was going to deal with his arguments and I specially asked him to be in his seat; and now he is not here. I will deal with him later.

With regard to the remarks of the Hon. Member for Balapitiya, most of which I have dealt with on another occasion. I want to deal with one important and salient point, and that is this. His remarks go clearly to prove that in this country there is to-day a volume of public opinion with a definite following in the country which demands Ceylon for the Sinhalese. He had in fact said that he was trying to make out a case against the Sinhala Maha Sabha. He was unable to quote the exact words of the leader of that party. But his observations are clear on the point. Coming as it does from a senior member of the Sinhalese community who has been associated with various political bodies, its sinister significance the authorities both here and in England will have to take due regard of.

Now, Mr. Speaker, I find that the hon. Member for Gampola is here. I have a certain amount of affection for the Hon. Member for Gampola as he himself will tell you. He has been in lots of instances more sinned against than sinning. One cannot recall without regret the fact that having spent a number of his youthful years in the service of the Congress he was confronted with the dismal spectacle of the leaders of that body supporting his opponent who was never a Congressman. Whether he was animated by that feeling, or not, he expressed himself in precise terms upon a motion I introduced in March, 1937 against any representation that Ministers and the Speaker proceeding to England for the Coronation might make to the Secretary of State or the Members of Parliament on the reform of the Constitution. On that occasion the Hon. Member for Gampola said :

“I for one have always been”

Mark the words, Mr. Speaker.

“I for one have always been right through a supporter of the Committee System”

Two years have not passed. Mr. Speaker, and he has become a Member of the Sinhala Maha Sabha, in fact an influential member of the Sinhala Maha Sabha, under the influence of his leader he is no longer a supporter of the Committee System. What a striking contrast, Mr. Speaker, to the person who delivered himself of these sentiments : “I have been right through a supporter of the committee system”! It is due to party discipline, I am told. That is what we are up against. The party discipline, of a communal caucus even divests Members of the type of the Member for Gompola of their own discretion and bring about a state of events which would certainly be resented by the minorities. That same party discipline. Mr. Speaker in set terms the leader of that Sabha himself, had condemned.

Then the member for Gampola stated :

“I do not know whether any single party has considered the question of Reforms and placed any definite programme before the country.”

He said that certainly as far as the Sinhala Maha Sabha was concerned, the question of Reforms was not put before them and it was not considered by them.

That was the stage at which the Minister's memorandum went. Today he is prepared in so many words - that is the amazing thing - even to accept the dictatorship of the Minister of Agriculture and Lands.

“For forms of government let fools contest : What'er is best administered is the best”

That is the attitude of the Hon. Member, To him, democracy does not count. Hon. Members who speak in highfalutin terms about democracy and the rights of the people are today prepared to accept the Hitler - like actions of Ministers.

“If I am convinced that even a Hitler in the Board of Ministers can be good for the country, I will accept him.” He said that in his

speech. That is an extraordinary phenomenon due to the disposition and alignment of communities and the distribution of political power in this Council. The Hon. Member, I believe in a flight of oratory pointing to the Member for Jaffna said : "Why should the member for Jaffna go all the way to Jaffna to get a seat? Cannot we give him a seat here?" I'm surprised at the temerity of the Hon. Member who just managed to get in at Gampola by a narrow margin in telling this to the Tamils who are not wanted anywhere south of Elephant Pass. Might I remind the hon. Member of one event, namely, the Balangoda by election. The two contestants were estimable men and both are good friends of mine. I cast not the slightest aspersion in the Balangoda by - election Mr. Walopillai, a Tamil gentleman who had lived there for years, who had been the Chairman of the Urban District Council and a philanthropist, was defeated by a complete outsider from the metropolis. In that by - election the communal cry in the most unabashed form was raised, the cry being "Down with the Tamils who have been the bitterest enemies of the Sinhalese from the time of Elara." The Hon. Member for Gampola said :

"..... the leaders of the Congress and the country did not win the confidence not only of the minority communities but also a great many of the Sinhalese people themselves."

That was in March, 1937.

I am glad to hear that. Then, he said that the Sinhalese should not be made a perpetual minority. Mr. Speaker, he is an Advocate, I believe, of no mean eminence. He should have understood the meaning of that motion which I sponsored, and that is that no single community should be in a position to dominate over the others. We do not, if Hon. Members want to have it categorically, contemplate the relegation of the major community into the position of a minority. That must be made perfectly clear. So much, Sir, for the hon. Member for Gampola,

Now, Mr. Speaker, I come to the hon. Member for Galle, a gentleman who must have a special place in the hearts of the Sinhalese people for all that he is doing for them. I say that ungrudgingly and with feeling. But, might I say that the generosity that impels him to fight for his community might in passing stimulate him to consider the demands of others? When he talks as a nationalist, when he talks for the people of all sections, he might try and take a detached and impersonal view of things. Is it the sort of thing that you expect to hear from a true nationalist that the *raison d'être* for the demand of the minorities for balanced representation is some proof of active oppression? Some proof of domination, Sir! What kind of proof does he want? An analysis of the votes, recurrent and extraordinary, for the last seven years and the manner in which they have been distributed in the Northern and Eastern provinces and the rest of the country, the continuing, languishing state of the tobacco industry on which the Tamil community depends, the tremendous problem of unemployment in the North, the scant attention paid to colonization and to the production of paddy and to food production both in the Northern and Eastern Provinces, the rejection of the scheme of the Director of Irrigation to spend Rs. 3,000,000 for food production in Kalmunai in the South of Batticaloa, the finest paddy - production district in Ceylon - these things alone, if any proof is needed, will justify the demands of the minorities, quite apart from communal grounds but on the ground that those who are in charge of the distribution of money in this country do not know the needs of the dry zone which fortunately or unfortunately are inhabited by the minorities.

Then, the Hon. Member for Galle was greatly worried about the increase in the number of seats. The Hon. Member seems to think that the number of seats if increased beyond 60, would give weightage to the Sinhalese. Look at the tender consideration for the minorities of the Hon. Member for Galle. Here the minorities are asking for increased representation, but he says, "If you go and

increase the seats beyond 60, you will be immediately giving greater representation to the Sinhalese." Mr. Speaker, we are not children in a dreamland. We know precisely what we are asking for. We are asking for an increase of seats in certain provinces and where weightage comes in for the Sinhalese we want that removed. He and the body which he represents say, "Do not do anything to remove that anomaly." And today we hear rather belatedly the cry, "Do not increase the number of seats because you will be giving a further increase of seats to the Sinhalese?" *Timeo Danaos et dona ferentes!*

Then, Mr. Speaker, I come to my Hon. Friend the Member for Kandy. I have always been in a difficulty, because I have not known where to place him. I am saying this in all sincerity.

The Hon. Member came out with the fact that the Tamils boycotted this Council. I say that it was a very foolish step, a step which was almost tantamount to political suicide, a step taken without the approval of the Tamil community, a step which was the result of a *coup d'état*, a step where a few people who were ready to hand over their nomination papers were jockeyed into a position whence they could not retreat. But quite apart from that, how was the boycott justified after the event? Can any person deny that throughout the length and breadth of the Peninsula when the so-called leaders of the community were charged with absolute ineptitude that the only defence that was forthcoming was this: "We had 9 Members in a council of 37 elected Members: today we are relegated to the position of 4 or 5 in a council of 50 elected Members. What is the use of our going to the Council? That is why we have boycotted it. I want Hon. Members to realize that -

that was the only appeal, the only intelligible appeal, that went down with the community, Therefore the boycott continued for some time till some of us realized that it was utterly fatal. The boycott was started because the rank and file of the masses were convinced that a few representatives of the Tamil community would be

completely ineffective and that they could not have that voice in the Government of the country which they had in the past.

The Hon. Member went on to say :

"Having lifted the boycott they came to put obstacles in the way of real work."

I think the Hon. Member said that in a flight of oratory not quite understanding what he said.

Then, driven to a position where he could not establish that the Tamil demand was disunited, he said :

"Parts of Jaffna are not behind the Member for Point Pedro."

How very concerned, how solicitous my Hon. friend the Member for Kandy and some other Hon. Members of this House can be with regard to the Tamil position when they find that there is the completely united voice of the community making these demands! Then my Hon. friend discovered the bogey of the Youth Congress. Would it be surprising to him to know that in that estimable group of half a dozen youths some of whom I count among my friends - and all of whom have passed the age of 40 - there is not one person who is a supporter of the proposals of the Ministers? They are idealists, and there must be idealists in every community. But none of them has set his face against our demand for balanced representation. There is not one resolution passed by them decrying the demand of the Tamil leaders. I want Hon. Members to realize that there is complete unanimity as far as my community is concerned on the question of balanced representation and that it is no use trying to draw a red herring across the trail.

The Hon. Member for Matale presented what I thought was an unanswerable case for the continuation of the Committee System. He gave us every reason, very good reasons too, for the

continuation of the Committee System. And he came to the most extraordinary conclusion that the Committee System should go. Go for what? Because it cannot work up an opposition to the Ministers, as he really deluded himself into believing that under the proposed new Constitution we would be able to work up an opposition which would remove the Ministers from office. No, Mr. Speaker the threat of dissolution as I said earlier, would be the sword of Damocles hanging over the heads of the back - benchers and that would prevent them throwing the Cabinet out of office, quite apart from the fact that that Cabinet, in the words of the Hon. Member (Mr. Villiers) will be buttressed and supported by sinecures in the persons of Deputy Ministers and by loyalists in the persons of the Nominated European bloc. Mr. Villiers, speaking before the Planters Association said, "We want a stable Government. We will support the Board of Ministers because we want a stable Government; we as Nominated Members will support any Government in office." Therefore, the Cabinet in power with the support of the Deputy Ministers and the Nominated Members will be unalterable. There will thus be formed an irremovable caucus in power in this Council - that is how I see it - if these proposals are accepted.

Then on the question of representation he delivered himself of a sentiment with which I am in complete agreement. He says that representation must be consistent with our past political history, or with the actualities of the situation. I am perfectly content to let it rest at that. The past political history of the Tamil community and the other minority communities, and the actualities of the situation completely justify weightage for minorities, and balanced representation. I thank the hon. Member for having given vent to that utterance.

Now, Mr. Speaker, I come to the philosopher from Colombo South, who having pronounced the most withering, the most devastating indictment that could ever have been made against the

Board of Ministers, did not forget, strange though it may seem - could not forget - that he was a Sinhalese. He went on to tell us what medicine was good for us. Our demands, he said, are not in the best interests of all minorities with all the eminence he possesses, with all the qualification he has for prescribing nostrums for political and other ills, might I ask him to leave the prescription for our ills to ourselves? The minorities are not the creatures of yesterday or the day before. Several of them had taken an active part in the public life of the country long before my hon. Friend was thought of and we know precisely what we are asking for - our demands are the demands of our elders, as I pointed out at the start, beginning with that Nestor of Ceylon politics, the late Sir Ponnambalam Ramanathan.

Driven to a corner in a search for argument, the hon. Member for Colombo South tried to point out how exemplary the conduct of Sinhalese leaders has been by saying, "Look at the Burghers; look at the number of Burghers on the Supreme Court Bench, the number of Burghers employed in the Judiciary." May I ask the hon. Member for Colombo South whether the present Board of Ministers or even any section of this House had anything to do with the appointment of Burghers to the Sureme Court Bench, or to the Judiciary? Yet he put that argument forward to prove how impartial, how non - communal the Sinhalese can be.

The Hon. Member for Colombo South referred, Mr. Speaker, to the Educated Ceylonese seat and to the election of Sir Ponnambalam Ramanathan to that seat in 1911. That, is another old chestnut. The hon. Member knows that in the electorate for that seat in 1911 there were as many as 1,300 Tamil voters to the 1,700 Sinhalese voters. In spite of the disparity of the population the strength of the two communities, leaving the other communities out-the Muslims and the Indians - as between the Tamils and the Sinhalese - 400,000 Tamils to nearly 3,000,000 Sinhalese -

I come now to the Hon. Leader of the House. He first of all delivered himself of the wish that they must have a Cabinet System which must conform to the usual type. I would ask him this : when making the demand for a Cabinet System, had he considered whether the conditions precedent, the conditions necessary, for the proper functioning of a cabinet System exist in this country? The suggestions and the recommendations of His Excellency the Governor apparently find favour with the Hon. Leader of the House, but will they eventually bring into being a Cabinet of the "usual" type, as he calls it? Quite apart from the non - existence of a two - major - parties system, which is a condition precedent to the proper functioning of the Cabinet System, there is everything in the country which will not be conducive to the proper functioning of a Cabinet System. Whilst you may have in name a Cabinet System, in point of fact, you will have nothing more than the dictatorship of a communal oligarchy.

With regard to the demands of the minorities for the last seven or eight years for a scheme of representation acceptable to them, all that the Hon. Leader could vouchsafe was the statement that any reasonable scheme that would be put forward by a Delimitation Committee would be acceptable, "provided however" - that is the point - "provided however that the total number of elected seats is not more than sixty." The Hon. leader himself has not vouchsafed to us an explanation as to how he arrived at the figure sixty, nor told us anything more than what the Governor has told us. Why the increase should be ten and no more, we are not told. The Governor asserts definitely in his Dispatch that no Delimitation Committee that is appointed to go into the question of the redemarcation of electoral areas would be in a position to recommend any thing more than ten additional seats. Is it not then clear and obvious that the assertion of His Excellency the Governor and the asseverations of the Hon. Leader of the House have a common source?

Then, Mr. Speaker, with regard to the two European Nominated Members - Mr. Villiers and Major Oldfield - I find, that in a more recent utterance, made after his speech in Council, Mr. Villiers has said that he keeps an open mind on the question of an amendment which I have put down asking for a balanced scheme of representation - that the number of electoral areas belonging to the majority community should not outnumber all the other electoral areas plus the nominated seats. In so far as the Hon. Member is keeping an open mind on the subject - and I have been assured by Major Oldfield that he himself would be prepared to consider my proposal favourably - I would do no more than commend to them a passage from the presidential address of the President of the European Association made last year or the year before, in which he says :

"The Ministers in the absence of Parliamentary opposition would appear to have acquired a perpetual status in the nature of the divine right of Kings.... It is a matter of extreme concern to a great many that the Ministry can continue on the lines it does at present. As everyone knows, in Britain the opposition of today may be the Government of tomorrow, but..."

and these are the most important words, Mr. Speaker; I commend them with all respect to the members of Mr. Kerr's community who are in this Council.

".....but until a balanced representation of seating in the State Council is achieved this cannot take place in Ceylon..."

That is exactly the position.

"..... and the Ministry is in a permanency for five years at any rate. In any other country, the outcry from all quarters as to the iniquity of last year's increase in the taxation and the obvious necessity for a revision of financial policy, would have resulted in the overthrow of the Government, but here the flouting of public

opinion seems to be part and parcel of the scheme of affairs, which we really must demand should be remedied."

I particularly wish to remind Hon. Members representing the European community who would be voting on this question that the acceptance of the Cabinet System of Government, one would have thought from the declaration of those who enjoyed a representative character in the community, was preconditioned by an electoral arrangement and a scheme of representation which the minorities have been pleased to call a balanced scheme of representation under which no single community would be in a position to dominate over the others. And I specially appeal to the European Nominated Members at the moment to extend to us the support that they have extended to us in the past for balanced representation, because as far as they are concerned, I want to know how possibly it can affect them if the minorities, the indigenous minorities, demand a balanced scheme of representation, if the European Nominated Members are really concerned in making the people of the country unite, in wanting the people to go ahead, and in making the people progressive they ought to support our demand. As the condition precedent to a national unity is the demand made by us, I ask them to place themselves in the position of arbiters and finally decide to support a balanced scheme of representation.

One more point with regard to the Dispatch of His Excellency the Governor, His Excellency, having made his various proposals, deals in one paragraph with the demand by certain sections of the people for a Commission of Inquiry. This is what the says :

"... If one (a Commission) were appointed I would suggest that it should not invite or accept further representations, but work and find on those already received...."

Mr. Speaker, I am stupefied, I am stunned, to find that the Head of the Government, the representative of the King in this

country, and the practical Head of the administration, should suffer from a completely closed mind on this subject - so much so that he cannot contemplate a Commission receiving further representations, asking for further evidence before they come to a final conclusion.

Certain sections of the House feel - that the appointment of a Commission would be a waste of time. I would ask Hon. Members who feel that way to put themselves in the position of those who have not been able to convince His Excellency the Governor. It is all well and good, because they found the Governor to be in sympathy with their demands; it is all well and good when the Governor has completely scouted the demands of the minorities, to adopt that attitude. If the boot were on the other foot, if the Governor had conceded the demands of the minorities, would not they have been against the Governor? Would not every Sinhalese be prepared to denounce the Governor from the housetops?

Let Hon. Members search their own hearts and say - I am speaking to Members of the Sinhalese community and asking them if they can honestly search their own hearts and consciences and say - that if the Governor's recommendation had been otherwise, they would not have denounced them as fervently as I and every Member of my community have done. I am perfectly convinced that if the Hon. Member were a Tamil, as he is a Sinhalese, if the present position were reversed - I am sorry to see that the hon. Minister of Education is amused when I am making this most fervent appeal to them. I say I know the Sinhalese community, and I say that the best man among them, if he were a Tamil as he is a Sinhalese, if the position of the Sinhalese were the position that we Tamils are placed in, I am sure he would have put up the very fight that I am putting up before this House.

That is the highest compliment I can pay to my Sinhalese friends. I know the community, and I am sure members of the community would have put up even a more bitter fight. Let us not

cultivate that habit of mind which thinks that seven Sinhalese from a homogeneous Board of Ministers but seven Tamils or seven Members of the minority communities constitute a major conspiracy. No, sir, we have an equal stake in the country, and I say that if hon. Members of the Sinhalese community were faced with recommendations which did not meet with their approval, they would have been the first to denounce those recommendations.

What is wrong in our asking for an impartial inquiry into the whole question? His Excellency the Governor, within the very short time at his disposal and with the equipment that he possesses has made certain recommendations - and if the governor were asked personally whether he claims for a moment that he has the parliamentary knowledge and the experience of parliamentary institutions and parliamentary procedure to be able to enunciate in set terms, in irrevocable language, a scheme of Reforms that would be acceptable to the country, I am sure he himself would admit that he makes no such claim.

In those circumstances, may I commend to Hon. Members of the House the procedure adopted with regard to India. In India, before every instalment of Reforms, there has been a Parliamentary Commission sent out. They make a comprehensive survey and submit a Report which is not the last word on the subject. That survey is examined critically by a Joint Committee of both Houses of Parliament, does not make its *ipse dixit* the law for India. They send out a further Committee. After the Montagu - Chelmsford Commission, there was the Southborough Committee which went into the question of territorial arrangements. After the Simon Commission reported, there was the Lothian Franchise Committee which was sent out to report. Even on the question of delimitation of electoral areas, we saw that Sir Laurie Hammond was sent out and in association with two Indians formed a Delimitation Committee.

Mr. Speaker in this country. where the demands of a section of the Sinhalese is for full responsible government, when there is a persistent cry on the part of the minorities that they have been neglected, that their position has become utterly intolerable, is it too much to ask, to appeal to Hon. Members to appeal to their generosity, if there is any generosity left in the Sinhalese community, to consent to an impartial examination of the whole question by an outside authority, with sufficient equipment and knowledge of parliamentary procedure and institutions? I sincerely hope that that appeal would not fall on deaf ears.

In this connection, I would commend to the House two passages, one from the Montagu - Chelmsford Report, and the other from the Simon Commission's Report. On page 212 of the Montagu - Chelmsford Report we find this :

"We regard it as essential if the terms of the announcement of August 20, 1917, are to be made good that there should from time to time come into being some outside authority charged with the duty of re-surveying the political situation in India and of readjusting the machinery to the new requirements..."

Then Mr. Speaker, the Simon Commission in their Report (Volume, I, page 120) say this :

"It is our desire to revive the process by which the affairs of India were periodically subjected to searching review by investigating bodies appointed with the approval of Parliament itself; and we propose, therefore, that the further course of constitutional development in the country together with the other matters just enumerated, shall from time to time be similarly investigated at intervals of twelve years, a period which represents the life of four councils under the existing regulations."

As a matter of fact, it is part of the Government of India Act of 1919 that a Statutory Commission, that a Parliamentary Commission, should go out at stated periods of ten or twelve years to India to re-survey and make recommendations.

But here, when there is a persistent and united demand on the part of 2,000,000 of His Majesty's subjects – Mr. Speaker, the total population of Tamils, Indians, and the Muslims amount to 2,000,000 – when there is a persistent demand from these people for an impartial examination of the question the Governor with a closed mind says that if a Commission is appointed let them not take any further evidence, or hear any further representations!

I hope, Mr. Speaker, that this appeal, made with all the fervency at my command, to my Sinhalese brethren, will not fall on unresponsive ears. What have they to lose, if their demands are just and if our demands are unfair? What is it that they hesitate to place before an impartial tribunal? Particularly with the history of what we lost by the recommendations of the Donoughmore Commissioners staring us in the face, we yet say, "Let us have an impartial Commission;" and the very people who benefited by the findings of the last Commission fight shy of an impartial scrutiny by a Parliamentary Commission! That speaks volumes for itself.

I have been asked how, under our scheme of representation matters would turn out. Some Hon. Members are really exercised in their minds as to how this balanced scheme of representation would work. Mr. Speaker, if the various sections of the people of this country are to develop the virtues of compromise and co-operation, one condition precedent to that development is a feeling of interdependence, a feeling that any single community by itself will not be able to administer the Government of the country. Under a balanced scheme of representation, we do not for a moment contemplate, I repeat, relegating the Sinhalese to a minority. At the worst, in a council of 68 Members, they would have 34 Members.

Now, what would that mean? Thirtyfour Members belonging to one community united by a common language, united in most cases by a common religion, united by a common culture and a common tradition, as opposed to another 34 Members, consisting of a number of thoroughly heterogeneous groups – of Tamils, Indians, Muslims, Burghers, and Europeans – and Malays. With the assurance given by the European Nominated Members, that the European nominated bloc would stand for a stable Government, would stand by and support a stable Government, I ask you, "What have the Sinhalese to fear?"

When we had balanced representation under the last Constitution, had they anything to fear? Was there a single occasion when the minorities joined together to barrack them or to defeat their aims? No, Mr. Speaker, If honestly what is intended is complete unity, if what is wanted is the evolution of a party system, a party system on inter communal lines, then the condition precedent to that would be the existence of a state of affairs in which one community could not form a communal party and be able to assume power: That is the position. The moment there is a balance in the matter of representation, people who think alike on political and economic questions – of all communities – will get together.

The diehards, the conservatives, the no-changers will get together. The extremists will get together, and there would also be a centre bloc of fairly progressive people. This is what would happen. But as long as you do not allay the fears of the minorities, as long as you have this lopsided, utterly impossible system of representation, you will never get the formation of parties, that is to say, on the assumption that parties on political lines are desirable.

Would there be any harm done, if a trial is given to this form of balanced representation, to the Sinhalese? I ask, if they want the communities, if they want the country to proceed together is it any

harm to give this a trial for a few years and see whether the Sinhalese community will lose anything whether the country as a whole will in the least bit lose anything?

No, Mr. Speaker, I repeat that under that system the Sinhalese will be the most dominant, the most cohesive, the most powerful section in the House, and they will have the most dominating voice in the Government of the country. There are some who feel that democracy means government by the majority. Yes, government by the majority indeed, but not government by the majority community. In no case, in no place, has anybody been so bold as to enunciate the principle that democracy in any part of the world would mean government by the major community of all other communities.

I will give the very passage, Mr. Speaker, I think I have read that passage in another connection, where it is said that the Board of Ministers advocate a change in the method of election of Ministers. They say that under the system adumbrated by them the Chief Minister will nominate his colleagues on the Board. The minorities would be better off because, they said, the Chief Minister would doubtless take into account the claims of such representatives of the minorities as would deserve recognition. Now, Mr. Speaker, if the Chief Minister is to take into consideration the claims of the minority representatives is it for a moment suggested that the Chief Minister will be anybody but a Sinhalese?

Mr. Speaker if there is any delusion in the mind of His Excellency the Governor or His Majesty's advisers in Whitehall that the Governor's powers are likely to be even remotely a protection to the minorities, I wish to state here and now that we have no delusions on the subject. The Governor's powers, be they of whatever nature, and however comprehensive, do not form and cannot be a protection to the minorities.

On that question, there is an essential difference in the Governor's powers here and the Governor's powers in India. There

you find a definite chapter devoted to what are among the reserve powers of the Governor for the protection of the minorities. The Governor's powers here are not, as far as the minorities are concerned, accepted as a protection for the minorities. Besides the veto which is normally a power of the Governor cannot be regarded as an instrument of Government. It cannot be utilized in all instances. Nor will the minorities be so foolhardy as to expect the representative of the King to bring himself continually into conflict with the majority of the representatives having a communal *bloc* in Council.

This proposal for the removal of the Committee System, if I may say so, is an added argument for the restitution of the balance. The Committee System of Government has been assumed on all hands (including the Donoughmore Commission) to be a safeguard. Whether the good intention of the Commissioners has miscarried or not, the Committee System was the pivot of the Constitution and it was expected to protect the minorities. If that is removed, I say it is a further argument for the restoration of the balance which the Commissioners removed and replaced by the Committee System in the year 1931.

I would in this connection, Mr. Speaker, appeal to Members, to the leaders or the representatives of the Sinhalese community to remember the actions and utterances of great statesmen elsewhere. It seems tragic for me to refer to a significant and pregnant statement of President Masaryk, when he was President of Czechoslovakia. He said that the problem of democracy was the problem of the protection of the minorities.

I would commend to Hon. Members an observation of Lord Samuel made recently, in December last year, just a few days before the publication of the Governor's Dispatch. When England was confronted with the problem of the Arabs and Jews in Palestine, Lord Samuel, who everybody must concede in as good a democrat as you can find, said that in countries where there are definitely

divergent and heterogeneous populations it is no use working out a scheme of representation based only on numbers. There is no particular magic attached to numbers or territoriality. He said that representation must take into account the fact of the existence of two different communities. In this connection I should like to refer to the demand of the Jews in Palestine. They definitely demanded parity in the matter of representation even though they were in a minority, and were prepared to concede parity to the Arabs if by immigration they, the Jews, became a major community.

Mr. Speaker, with regard to the Dispatch of Sir Andrew Caldecott, his attitude as far as the minorities are concerned has been, "Close your eyes; open your mouth and see what you get". I cannot express in precise terms my keen sense of disappointment at the recommendations of His Excellency on this, what I consider a major question on the political horizon of this country. His Excellency must know that true democracy cannot be maintained by unilateral dictation, that the *ipse dixit* of administrators cannot take the place of the consent of the governed, that the proper stability and foundation for any form of democratic Government is the consent of those who are governed.

His Excellency might have taken some pains, Mr. Speaker, to discover the way in which this point has been met in India and in other countries. The principle of supporting a rising interest and of depressing a fallen one, might have been the key to diplomacy in the eighteenth century, but in the twentieth century, with an Empire which is fast becoming a liability, not an asset, I would commend to His Excellency that it is a ridiculous policy to follow and in a country with heterogeneous populations you cannot evolve a Constitution and leave the question of minorities to footnotes and appendices.

Generally there has been a remarkable difference in the manner in which the minorities have been treated in this country as compared with the minorities in India. The treatment of the minorities

of India for about half a century has been motivated by a desire to honour pledges. Every pledge given by those who spoke for His Majesty the king, either in the person of the Viceroy or the Secretary of State for India, had definitely been honoured. But pledges given by secretaries of State and administrators in this country have been completely forgotten. I ask, Mr. Speaker, is it wrong for the minorities to ask His Majesty's advisers to follow a consistent policy, not to confuse them, not to leave them with a feeling of resentment? In the words of Mr. Montagu you can place an almost intolerable burden upon the abiding loyalty of a peaceful people.

His Excellency refers to sectionalism today as being found only in the political field. I differ from him in his opinion. Assuming without conceding that the Governor is correct, Mr. Speaker, it is ironical that His Excellency should feel that such a state of affairs is something to be happy about. Does he really feel that concessions can be given to the minorities only when sectionalism and communalism become rampant not only in the political field but in other fields as well? Does he feel that the disaffection, the discontent, the distrust that is growing apace must be allowed to rise, not merely to rise, but to boil over, before he can intervene and make recommendation that are likely to allay our fears and satisfy the minorities?

His Excellency has also said that it is the most intelligent course of action for the people today to vote on communal lines. He has definitely said that. His Excellency must be aware of the reference by Lord Harlech in his Dispatch in which he said that selected changes could not produce good results unless they were adopted with the general consent of all important interests in Ceylon. I ask you, Mr. Speaker, could His Excellency in his most optimistic moments have thought that the recommendations he has made particularly in respect of the minorities would be acceptable to all sections of the people? Has His Excellency forgotten that Lord Harlech in that

Dispatch definitely refers among other things to the representation of the minorities? Nevertheless, His Excellency is presumably satisfied with his recommendations.

Mr. Speaker, His Excellency has revealed a complete absence of a sense of proportion in saying that he has not interfered with the Donoughmore Constitution except where it was absolutely necessary. In point of fact, with his recommendation for the removal of the Committee System, he has removed in everything but name the Donoughmore Constitution. Nothing of it is left. And yet His Excellency persuades himself into the belief that he has interfered with the Donoughmore Constitution as little as possible.

The fact of the matter is that His Excellency had made up his mind to recommend the Cabinet System, and in his own words, "Most of the recommendations I have made are dictated by the necessities of the Cabinet System" What he was motivated by was not necessarily the consideration of the devolution of greater responsibility upon the representatives of the people, but by a consideration of the trappings of government, namely a Cabinet System which would enable him to carry on the Government of this country with less difficulty than he is confronted with under the present system."

Then, Mr. Speaker the most important thing that vitiates his scheme is the fact that a Governor who calls himself a constitutional Governor, who calls the Ministers his Ministers and constitutional advisers should have thought of these recommendations as final recommendations. I will ask Hon. Members to read paragraph 6. He says :

"I shall not be in a position to appoint such a Committee until I know whether this scheme meets with your approval."

It is clear from the Dispatch - and there is ample internal testimony in the recommendation of His Excellency to show - that he

never contemplated a discussion by members of this House or even by the country of his proposals for Constitutional reform. What he contemplated was that having received a few deputations and read a few memoranda he was fully equipped to frame proposals which were to receive the approval or disapproval of the Secretary of State. There was no question of this House being consulted.

I say, Mr. Speaker, that His Excellency who could have worked himself into a frame of mind which did not think it necessary to consult the people's representatives, particularly in view of the composition of the Board of Ministers all of whom belong to one community, has forfeited the right to be considered by all sections of the people in the matter of Constitutional reform as being the best authority.

Mr. Speaker, I support what I am saying, that what was definitely expected was not discussion by this House but the imprimatur of Whitehall, by a reference to a speech made by the Minister of Local Administration in December, 1938, before the Village Committees Conference. He said :

"I must say I was disappointed when I read the Sessional Paper on Reforms, the Governor's Dispatch, the contents of which of course many people have known for some time. But we thought that the proposals of the Secretary of State based on this Dispatch and other representations made to him would be placed before us."

The Ministers enjoyed the confidence of His Excellency the Governor. The Governor has said in set terms that he had shown the Dispatch to the Ministers. He consulted them freely all along the line, and what the Ministers therefore anticipated must have been with the full knowledge of what was in His Excellency's mind, and that was that the Dispatch would go to Whitehall, and when it came back it would not be merely his Dispatch but a Dispatch giving the

final findings of the Secretary of State. There is disappointment in the Ministerial ranks because what has come back is not the Dispatch of the Secretary of State but the return of the Dispatch of the Governor.

I would appeal once again. Mr. Speaker, to those who enjoy the confidence of the majority community in this country to consider the utterances of Hindu leaders, the leaders of the National Congress; I shall ask them to imbibe a fraction of the spirit that has animated the leaders of the Congress movement in India. I would ask them even to emulate if possible the conduct of a person who has been called a communalist in India, Mr. Fazul Huq, Premier of Bengal, who had openly and deliberately torpedoed the proposals of the Round Table Conference and yet who on being called upon to form a Government in Bengal with himself as Premier, gave Hindus and Moslems, irrespective of their numbers, an equal number of Ministers in the Cabinet. I will ask them also to consider the action of Mahatma Gandhi over the question of the "depressed" classes when the communal award was definitely amended by the Poona Pact and the "depressed" classes were given almost twice as many seats as were reserved for them under the communal award. That was statesmanship, Mr. Speaker, that is how Indian leaders conducted themselves.

I will commend to their notice the action of the leaders of the Muslim community in Egypt over the representation of the Copts. The Copts being Egyptian Christians. When the Copts demanded weightage, their representatives were sent for, their demands heard, and every single demand of theirs was conceded by the Wafdt party. And the result was a united Egyptian nation.

Mr. Speaker, the final word has not been said on Constitutional reforms, on the future Constitution of Ceylon. Parliamentary systems must each in its own way be governed by local conditions. It is no use introducing a hothouse plant. There is

nothing that would be intrinsically wrong in amending the form of representation and making a democracy function properly.

I appeal to those who really want a united nation, I appeal to those who prate about democracy, I appeal to those who want to leave a legacy, a heritage of which we can be proud, I appeal to those who want unity, to consider reasonably the demands made by the minorities. I appeal to the National Government which stands panoplied in unparalleled parliamentary power, I appeal to England which throughout the history of the world has been the palladium of liberty, to England which has fought the causes of small nations and small communities, to England which fought the last war for the principle of self-determination of small nations, to England which instituted a national home for a persecuted minority, the Jews, to England which intervened in regard to the demands of the Sudetan Germans in Czechoslovakia, to England which has been the mentor and foster-mother of new States since the last war, to England which has always interested herself in the position of minorities - minorities not necessarily within the boundaries of her own Empire but outside them - to give the representations made by the minorities in this country due consideration and a measure of justice.

The foundation of the British Empire, in the words of Macaulay "has been the trust and faith of those governed in the justice of England." I appeal to the feelings that animated the founders of the Empire to make as far as Ceylon is concerned, our Parliament - this House - not a congress of ambassadors of conflicting and hostile interests, but a deliberative assembly comprising the representatives of all sections of the people who will be animated by one desire, and that is the good of the people of Ceylon as a whole.

Thank you. I have done.



An Examination of The Soulbury Constitution Proposed for Ceylon

The Tamil Minority Case

INTRODUCTION

The decision of His Majesty's Government to offer to Ceylon a Constitution on the general lines proposed by the Soulbury Commission, which also conforms generally, excepts as regards the Second Chamber, with the constitutional scheme put forward by the Ceylon Ministers comes as a shock to the Tamils, the most important minority in Ceylon, constituting more than a quarter of its population.

This Memorandum which attempts to survey the present political situation in Ceylon and analyses the Soulbury proposals in the light of existing facts is submitted in the fervent hope that His Majesty's Government and Parliament, in the plenitude of its power, will see that justice is done to nearly two million of the people of Ceylon, by material modifications in regard to the proposed Legislature and Executive. The **Tamil Demand** is that in accord with recognised precedents in other parts of the Commonwealth with a heterogeneous population, the Tamils should receive such **weightage** as will give them 33% of **Representation**

and as assured proportion of portfolios which can be held by their trusted representatives in a **composite Cabinet**.

The Soulbury Commission Report is clear in depicting the political scene in Ceylon as it is – the familiar Eastern plural society of antagonistic communities wherein the principal problem of Government is the protection of minorities. Its findings on facts are unexceptional, but when it passes from fact-finding, to recommendations, the Commission unaccountably throws over and disregards its own facts and puts forward a Constitution which will result in still further oppressing the Tamils and other minorities.

The Second Chamber which His Majesty's Government considers was designed by the Commission to be one of the principal minority safeguards will, it is feared, neither in its composition nor in its powers be so in fact. It is a delaying body that might only help to minimise any conflict that might arise between the Governor and the Lower House.

HISTORICAL BACKGROUND

The British occupation of Ceylon was confirmed by the Peace of Amiens in 1802, by which the Dutch ceded it to Britain. The unoccupied central portions were transferred to Britain by the Convention of 1815. By an order in Council of 1833, Executive and Legislative Councils were constituted.

With an area of 25,000 square miles and a population of six millions, the Island is peopled by the Sinhalese who number four millions, the Tamils (Ceylon and Indian) who number over a million and a half, the Muslims who number about half a million, the Burghers (the descendants of the Dutch settlers) who number about thirty thousand, and the Europeans who number about ten thousand.

It may be noted that of the Indian Tamils numbering over 750,000 more than 80 per cent have either been born in Ceylon or are permanently settled there.

Of the Minorities, the Tamils form the most important entity; they were the original inhabitants and rulers of the Island who established independent Kingdoms and even exercised sway over the entire Island over a long period of years. They remember with pride that the Kings of the Sinhalese were largely of Tamil extraction and that for quite a century till the British occupation, the ruling dynasty was wholly Tamil. They impressed their culture and policy on the Sinhalese and have been, in the main, responsible for the political advancement of the country. In the economic sphere it was British capital and Tamil manpower that came over from South India that have contributed very largely to the development of the land in the plantation industries.

Ceylon's contribution to the War Effort in supplying much of the tea consumed in the United Kingdom and a large part of the natural rubber needed by the United Nations can be attributed to the same source.

The fine natural harbour and naval base at Trincomlaee situated in one of the Tamil provinces has been the springboard of the S.E.A.C. for the reconquest of Burma, Malaya etc.

THE GOVERNMENTAL SYSTEM

The form of Government from 1833 to 1931 was the Crown Colony System with executive functions performed by Government Officials.

The Tamils, treated as a major community, had one Tamil member to one Sinhalese member from 1837 to 1889.

From 1889 to 1910, there was one Tamil member to two Sinhalese members. From 1910 to 1921, there were two Tamil members to three Sinhalese members, with one elected seat for the educated Ceylonese who also happened to be a Tamil. In 1921, territorial representation was introduced. The Sinhalese nearly swamped the Council. The Tamils protested and the constitution was withdrawn. In 1923, a new constitution reintroduced the ratio of one Tamil to two Sinhalese, and embodied the principle of balanced representation, under which no single community could outvote a combination of the others in the Legislature. In the Legislative Council, from 1923 to 1931, there were 37 unofficial members of whom 18 were Sinhalese and 19 minorities; the latter never combined against the former, cordiality prevailed among the communities and national unity was being developed.

The principles of representation were based on the realisation that:-

- a. The people of Ceylon were not a single entity.
- b. The population was heterogeneous.
- c. The social structure was founded upon a communal basis.
- d. The needs of the various communities differed widely.
- e. Pro forma territorial representation would in fact be communal representation.
- f. Under territorial representation, important communities would not be represented at all or be most inadequately represented.

- g. Under such a system, the Sinhalese would obtain an overwhelming proportion of electoral power, even more than their numbers would warrant, and reduce all the other communities severally and collectively to political impotence.

THE DONOUGHMORE CONSITUTION

Sir High Clifford, Governor, felt that the Legislative Council enjoyed a great deal of power without a commensurate responsibility, and in 1928, asked for a Commission to examine the working of the Constitution. The Donoughmore Commission was accordingly appointed, and it recommended "the transfer to 'the people' complete control over the internal affairs of the Island" subject to certain safeguards in the background.

The most daring features of the Commission's proposals were negatively:-

1. the complete abolition of communal representation.
 2. the removal of the ratio of one to two in the representation of the Tamils and the Sinhalese.
 3. the denial of a scheme of balanced representation between the Sinhalese and the Minorities, and positively:-
- (1) the grant of universal adult franchise, thereby converting a 4% electorate into a 100% electorate.
 - (2) the inauguration of a system of government by Executive Committees under which the 50 elected and 8 nominated members divided themselves by ballot into seven Executive Committees each of which

elected as its spokesman, a Chairman, who was thereafter appointed a Minister by the Governor. The Committees themselves were to be responsible for the administration of the Ministry in their charge.

To complete the balance of the scheme they suggested as safeguards

- (1) The appointment and retention of three permanent officials in charge of:-
 - (a) Defence, External Affairs, and the Public Service.
 - (b) Law.
 - (c) Finance,

to be called the Chief, Legal and Financial Secretaries, to be Ministers without vote in council and to be responsible only to the Governor. These three officers along with the seven Chairmen of the Committees constitute the Board of Ministers of which the Chief Secretary is the Chairman. The three Officers of State by themselves form the Public Services Commission to advise the Governor on all questions of appointment, promotion, transfer, and the dismissal of public servants.

- (2) The 'pro tanto' increase in the powers of the Governor to be held in reserve.

THE WORKING OF THE DONOUGHMORE CONSTITUTION

(A) COMMUNALISM

With the abolition of communal representation which the Commission described as "a canker on the body politic", it hoped that:-

- a. Communal tension would disappear.
- b. A corporate consciousness and a community of interests would manifest themselves.
- c. The fears, of the minorities would prove unfounded.

The history of the last 14 years shows an alarming increase of suspicion and distrust between the various communities. The influence of religion on politics is evidenced by the fact that three of the present Sinhalese Ministers are recent converts from Christianity to Buddhism. Direct appeals have been made to arouse communal passions and mass intimidation against Tamil voters have been resorted to. Governor Sir Reginald Stubbs deprecated

“the spirit of narrow sectionalism rampant in the country... and the tendency manifested in most constituencies to pay regard to considerations of race, caste or religion”.

His successor, Governor Sir Andrew Caldecott, deplored that “communalism is so unfortunately rampant in the country.”

Unlike in the pre-1931 Council debates and divisions in the State Council on important issues and on a number of occasions reveal a sharp majority – minority communal cleavage. The fear of the Donoughmore Commission that racial parties would emerge, has been speedily realised by the enthronement of one community in power. The most powerful party among the Sinhalese today is the Sinhala Maha Sabha – which is exclusively Sinhalese and predominantly Buddhist, with the Minister for Local Administration, who

recently acted as Leader of the House as President and commanding the allegiance of more than half the Sinhalese members of the Council. The Ceylon National Congress calling itself “national” is today only an older addition of the Sinhala Maha Sabha; not a single member of any of the minority communities, belongs to it.

Our submissions are borne out by the following conclusions of the Soulbury Commission arrived at after a survey of the working of the Donoughmore Constitution.

- a. “There is abundant evidence to show that the hopes of the Donoughmore Commission that communal tension would eventually disappear as a result of territorial representation have so far not been realised”.
- b. “The elimination of communalism from political life under the Donoughmore Constitution was purely formal”.
- c. “When political issues arise, the populace as a whole tends to divide, not according to social and economic issues... but on communal lines”.
- d. “It is abundantly clear to us that no alignment of the communities on party lines has yet emerged to take the place of communal division.”

The Tamil complaint is that the Soulbury Commission, having fully appreciated that the hopes of the Donoughmore Commission had not been realised and their fears proved too true, has suggested nothing in its

recommendations to remedy or even to mitigate the obvious evils.

THE WORKING OF THE DONOUGHMORE CONSTITUTION.

B) REPRESENTATION:

In recommending the abolition of communal representation, the Donoughmore Commission hoped that:-

- a. "the election of candidates would be irrespective of communal bias" and that
- b. "a member of one community may be supported for his ability and character by members of other communities".

In fact, today there is not one European or Burgher elected member and only one elected Muslim member, and these three communities have had to obtain representation by nomination by the Governor. The Commission was also "certain" that the Tamils would obtain "a substantial number of territorial seats" when they decided to remove the ratio of one Tamil to two Sinhalese seats. In fact, the Ceylon Tamils who returned 7 out of 23 elected members before 1931, continue to return 7 out of 50 elected members in the present State Council.

The Commission based all its expectations on the hope that "the consolidation of the people into a single territorial electorate will ultimately militate against the recording of votes merely on communal lines".

The **Soulbury Commission**, however, has come to the **conclusion** that "the electors undoubtedly tend to vote on racial and to some extent on religious grounds".

The extent of the political submergence of the minorities is seen by the fact that while the Muslims with a population 400,000 and entitled to five members, on Proportional Representation, return one member and the Indian Tamils, with a population of over 750,000 and similarly entitled to ten members, return only two members, the Sinhalese with a population of about 66 per cent. secure 78 per cent. of the elected representatives. This is a case of weightage for the majority. It would be difficult to find a parallel in any other part of the Empire.

Our submission is that Territorial Representation under the Donoughmore Scheme, based on geographical divisions carrying a fixed numerical quota of population, has **amounted, in fact, to the worst form of communal representation favourable to the majority.** This view is supported by the **Soulbury Commission** which says:

"To call the representation territorial was merely to disguise the fact that it was fundamentally communal".

The Soulbury Commission also sums up the situation aright when it says that:-

"territorial representation tends to become simply numerical representation and it seems to us that to that extent and in the light of results, the recommendations of the Donoughmore Commissioners have pressed too hardly upon the minorities".

The Tamil Complaint is that the **Soulbury Commission**, while appreciating and assessing the facts clearly and correctly, has failed to devise a scheme of representation of its own which would prevent the permanent enthronelement of a racial majority in the seat of power.

THE SINHALESE MINISTERIAL SCHEME OF REPRESENTATION

Under the Declaration of His Majesty's Government of May 1943, the Ministers drew up a Constitution for Ceylon without the approval or knowledge of the minorities, incorporating therein a scheme of representation with which the one and only Tamil Minister on the Board would not agree.

When the Soulbury Commission was appointed, affording to minorities an opportunity to make their representations, the Ministers withdrew their scheme and did not appear before the Commissioners either to defend or elucidate its numerous provisions. We are told in the **Soulbury Report** that the Commissioners had "several valuable private discussions" with the Sinhalese Leader; what the purport of those discussions was, neither the Tamils nor the public knows.

In the explanatory memorandum of the **Sinhalese Ministers** we find two very **valuable admissions**. They agree that:-

- a. "no system of territorial representation would ensure that all sections of the community would be adequately represented."
- b. "the minorities ought to have additional weightage in representation."

They claim to achieve this purpose by adopting a two-principle scheme of representation; one is purely numerical representation, the other is the allocation of one seat to every thousand square miles of area; the latter they call giving "weightage to areas". As there are large sparsely populated Sinhalese Provinces, their device of giving "weightage to area"

applied uniformly throughout the Island, will be found to result in giving more representation to the already over-represented Sinhalese majority.

Under their scheme, the Tamil Provinces of the North and East which today return 7 members (all Tamils) in a Council of fifty elected, will return 16 members (12 Tamils and 4 Muslims) in a council of 95 elected; so that the Ceylon Tamils will get relatively less under this scheme than they have been today.

Outside these Tamil Provinces, the only minority which can return elected members will be the Indian Tamils who may obtain a maximum of 7 members in the Central and Uva Provinces, although they will be entitled on Proportional Representation to 12 or 13 seats. Similarly the Muslims who would be entitled to 7 seats will return 4 or 5 members.

The net result is that the Tamils (Ceylon and Indian) who are more than a quarter of the population and would be entitled to a minimum of 25 seats in a council of 101 will get only 19, the Sinhalese who are about 66 per cent of the population will get a minimum of 75 per cent of the elected seats and 70 per cent of the entire Legislature.

It will thus be seen that the seemingly generous device of the Sinhalese Ministers will in operation result not in giving the minorities additional weightage, nor even in ensuring that all sections of the population are adequately represented, but in assuring to the Sinhalese a continuance of their present overwhelming predominance.

THE SOULBURY RECOMMENDATIONS ON REPRESENTATION.

The Soulbury Commission was admittedly aware

- a) of the growing dissatisfaction of the minorities with the representation they received under the Donoughmore Constitution,
- b) that the scheme of Reforms drawn up by Governor Sir Andrew Caldecott proved unacceptable because of the "failure to agree on the question of increased representation for the minorities."
- c) "that the problem of representation is of fundamental importance particularly when the electorate is not homogeneous but like the electorate of Ceylon is composed of a number of communities differing from each other in race, religion, tradition, culture, education, customs, habits and language."

The Commission had also come to clear conclusions that

- a) communal tension has so far not disappeared,
- b) on political issues the people divide on communal lines,
- c) there is no alignment of the communities on party lines,
- d) electors vote on racial grounds,
- e) territorial representation today is numerical representation pressing too hardly on the minorities.

The Commission then goes on unerringly to state that "in the present circumstances of Ceylon we see no satisfactory way of **securing a reasonable proportion of seats for the minorities except by a method which combines territorial and communal elements.**"

The **Tamil Complaint** is that the Soulbury Commission has nowhere stated what in its view is "a reasonable proportion of seats for the minorities," and that the Commission has allowed itself to be contented with the hope that

"the additional weightage which (The Sinhalese Ministers) proposed to give to the minority communities may reasonably be **expected to diminish the present disparity between the majority and minority groups.**"

The Commission instead of making a definite award "to secure a reasonable proportion of seats for the minorities" and "to diminish the present disparity between the majority and minority groups" and thus settle this question of the most vital importance to the minorities, leaves it in a highly unsatisfactory and speculative state, with the professed hope that with slightly wider powers of reference to a delimitation commission:

"a figure approximating to the estimated (by the advocates of the Sinhalese Ministerial scheme) result could be achieved."

TAMIL DEMANDS ON REPRESENTATION

In England by reason of a common nationality, common political traditions and a common language, population is a satisfactory basis of representation; but in a country like Ceylon with the population divided by every form of heterogeneity, this basis of representation will lead to a negation of representative government.

A growing consensus of current political thought holds that in a sharply divided plural society, the majority

community should not be placed permanently in a position of complete and unqualified dominance over the minorities. It is essential that where unfair policies are pursued, the minorities should be able to obtain some redress. This would not be possible even under a scheme of Proportional Representation in Ceylon as some of the minorities will go completely unrepresented and the others very inadequately so, leaving the Sinhalese to have an absolute majority in perpetuity in the Legislative over the other groups.

Fair and reasonable dealing can be assured only if the minorities receive some **weightage in representation**. This principle in the representation of minorities in a plural society appears to have been accepted by His Majesty's Government in respect of

- a) the French Canadians under the Act of Confederation of North America, 1867,
- b) the smaller original states in the Act of the Union of South Africa,
- c) Tasmania vis-à-vis the Commonwealth of Australia,
- d) the Maoris in New Zealand,
- e) the Muslims in Cyprus,
- f) the Muslims in India under the Morley-Minto Reforms, 1909,
- g) the Muslims and Sikhs under the Montague-Chelmsford Reforms of 1919,
- h) the Muslims, Sikhs, Indian Christians and others under the Government of India Act, 1935.

Under this Act, the Muslim minority in Madras and Bombay gets twice the number of seats it would be entitled to on its numbers, and the Sikh minority in the Punjab also obtains a hundred percent weightage. In the composition of the Federal Assembly for British India, it is laid down that the Muslims (who are 22% of the population) are to get 82 out of the 250 seats, i.e., 33% representation, while the Hindus (who are about 72% of the population) are to get 105 out of the 250 seats, i.e., about 43% representation. It will thus be seen that while the minorities in India are given very heavy weightage in representation the representative strength of the Hindu majority is so reduced as to prevent it being an absolute majority in the Legislature.

In Ceylon where communal divisions are as wide and communal antagonisms as deep seated, it is submitted that the **major community** should be given a **"relative majority"** and not **an absolute majority** in the Legislature. The weight of the difference may be distributed among the minorities. **The Tamils (Ceylon and Indian) who are more than 25% of the population may be given such weightage as to receive one-third (33%) of the seats.**

Such a scheme will have the following **advantages**:

- a) the majority community will be deprived of a primary motive to perpetuate communalism,
- b) it will encourage and expedite the formation of parties on western lines,
- c) it will make an alternative government possible where it is impossible today,
- d) it will prevent domination by any particular community, placed in a permanent racial majority and unalterable by any appeal to the electorate,

- e) it will free the minorities from feelings of complete subservience and frustration,
- f) it will be a natural evolution of the form of government in existence from 1833 to 1931,
- g) it will make self-government a reality for 11 communities in the Island.

THE DONOUGHMORE EXECUTIVE

The Committee System

The Donoughmore Commission and His Majesty's Government considered that the Committee System would serve as a protection for the minorities and to some extent compensate for the abolition of communal representation. They hoped that some of the Chairmen of Committees would be minority representatives and that the Board of Ministers would thus be a composite body. They also hoped that the minorities would be present in sufficient strength in every one of the Committees as to influence its decisions. In order to prevent the Committees from becoming the instruments of a "communal caucus," the Secretary of State, Lord Passfield, devised a scheme of restricted voting, by which each member of the House could vote for only three out of a possible eight members in each Committee. Even this device was of no avail against the Sinhalese numerical preponderance; the worst fears of the minorities were justified when in 1936 after the second General Election, the Sinhalese leaders with 39 out of 50 elected members, packed everyone of the Committees with an absolute majority of five or six Sinhalese out of eight members and captured the

Chairmanship of every one of the Committees. The Sinhalese leaders proclaimed publicly that they had deliberately planned to exploit the machinery of the Constitution to achieve homogeneity – racial homogeneity – to the complete exclusion of all the minorities. This All-Sinhalese Board of Ministers has displayed a remarkable unanimity only on one subject – the demand for constitutional reform along lines that would give a further accession of power to the Sinhalese.

This racially homogeneous Board of Ministers functioned from 1936 to 1942 when they secured a pliant Tamil to join them as a Minister, but even he would not support the scheme of representation drawn up by the Sinhalese Ministers.

The Donoughmore Commission while desiring to transfer responsibility for the management of the internal affairs of the country to the representatives of the people recognised that in the complete absence of a Party System, a system of government by Executive Committees would assure to all sections of the people an adequate share in the government of the country.

THE FUTURE EXECUTIVE

The Donoughmore Commission transferred responsibility in matters of internal civil administration to the people of Ceylon, but refused to recommend responsible government on the traditional British model because of

- a) the complete absence of a Party System,
- b) the fear that communal and racial parties would emerge,
- c) the harm that such parties would inflict on the social structure of the Island.

Its worst fears have been realised by the emergence of an exclusively and predominantly Buddhist body – The Sinhala Maha Sabha – with the Minister for Local Administration and Acting Leader of the House as President. It claims that Ceylon belongs to the Sinhalese and demands the right to rule. The Soulbury Commission adverts to this in the following words:

“some of the speeches of the Sinhalese members delivered inside and outside the State Council emphasizing the solidarity of the Sinhalese and threatening the suppression of the Ceylon Tamils strike us as singularly ill-advised.”

The **Tamil Complaint** is that the **Soulbury Commission** has suggested nothing for the future that would prevent a racial party so overwhelming in number and unchangeable by any known parliamentary method from carrying out its present declared intentions.

The impossibility of the formation of an alternative government is the chief defect that has revealed itself in the working of the Donoughmore Constitution for the past fourteen years. This factor has made the Sinhalese Ministers collectively and individually to be autocratic and irresponsible. The three examples that follow will illustrate this:-

a) The Bracegirdle episode: here the Ministers having approved of the personnel and terms of reference of a judicial commission, which subsequently found against the Chief Minister defied the findings and continued in office without resigning. The motion condemning the Commission's findings was passed by 34 votes (32 Sinhalese and 2 minorities) to 14 (all minority representatives).

b) The Mooloya incident: here the All-Sinhalese Board of Ministers conscious that an obedient communal majority would effectively prevent the formation of an alternative government or the functioning of the constitution, brought about a deadlock by resigning in a body on a point of disagreement with the Governor who had anyhow to run the government for nearly a month without Ministers. Thereafter, they got themselves re-elected to the Board.

Their good intentions miscarried because the Sinhalese majority swamped the territorial electorate.

The **Tamil Complaint** is that the **Soulbury Commission** while it professes a desire to give the minorities “an adequate voice in the conduct of affairs” and while it appears to recognise the desirability of a composite executive, recommends the abolition of the Committee System, but attempts to devise no substitute to give the minorities an effective and adequate share in the government of the country.

c) A Minister and War Contributions: in 1941 on a message from the Governor to the State Council that he would disapprove of any measure which was a denial of any undertaking given by His Majesty's Government to India, the Leader of the House moved its adjournment “without transacting any further business”; on a division, 30 voted for the motion (29 Sinhalese and 1 minority), 13 voted against (the entire block of minority members present). The minister for Local Administration and recently acting Leader of the House carried on a campaign of protest by getting his Committee to disapprove of local bodies making war contributions, and by addressing public meetings in which he asked the masses to boycott the Governor and refuse war contributions. On being called upon by the Governor to

reconcile his conduct with his oaths of office, he got the motion rescinded in his Committee but continued in office.

These three examples carry their own lesson for those clamouring for parliamentary government on the British model for Ceylon.

The British Parliamentary system, it is submitted, depends for its success, *inter alia*.

- a) the existence of clearly defined parties agreed on certain fundamental concepts of the State but differing on broad lines of policy,
- b) the existence of a sound public opinion and the good sense of the party in power which sets a limit to despotic action,
- c) the absence of a permanent, irremovable and irresponsible majority in power,
- d) the realisation by the Government that the opposition is an alternative government ever on the alert to assume power by constitutional means,
- e) the obtaining of a clear mandate from the electorate at a general Election for the political and economic programme of Government,
- f) the consciousness of the opposition that the minority of today may become the majority of tomorrow.

In Ceylon everyone of these factors is conspicuous by its complete absence. This view is supported by the following clear findings of the Soulbury Commission that:-

- a) the hopes of the Donoughmore Commission that communal tension would disappear have so far not been realised,
- b) no alignment of the communities on party lines has yet emerged to take the place of communal divisions,
- c) "Unless and until parties in Ceylon become divided on social and economic in place of racial lines, a minority will have no reason to rely on the swings to the right or left that occur in western democracies, and consequently will have little expectation of taking over the reins of government."
- d) on political issues the people divide not as in England but on communal lines,

The Commission goes on to observe that:

"It is this factor more than any other which makes difficult the application of the principles of Western Democracy in Ceylon."

The Tamil Complaint is that in the light of these findings and observations it would be very difficult to justify the Commission's endorsement without any modification whatsoever, of the Sinhalese demand for the British Parliamentary system of government.

The very apex of the Executive pyramid in the scheme accepted by the Commission is the Prime Minister who without the check of a party system, but with the obvious backing of a pliant Sinhalese majority is to have unfettered control in

- a) the choice of the other Ministers

- b) the distribution of portfolios
- c) the appointment of Parliamentary secretaries and presumably to have the right to demand a dissolution on the threat of an adverse vote.

The results in a plural society such as that of Ceylon will be that

- a) the Prime Minister would become virtually a communal dictator.
- b) all the other Ministers may well be drawn from the same racial group.
- c) the same racial group will be in power at every change of Government (if indeed there can be a change of government.)
- d) Sinhalese supremacy would become a prescriptive right.
- e) the minority representatives would become "mutes and audience" in the legislature.
- f) the country would for ever remain divided and national unity will not be achieved.
- g) any opposition that might tend to emerge would be stifled by the threat of a dissolution.
- h) the creation of Parliamentary Secretaries would artificially buttress a Cabinet in power.

By way of a **solution** the **Soulbury Commission**, merely exhorts the Sinhalese majority not to give cause for any suspicion of unfairness, and strongly advises the leader of the majority group:

"in forming a government to offer a proportion of the portfolios to the representatives of the minorities, and in selecting those representatives to consult the elected members of the group or groups to which they belong."

The Soulbury Commission thus clearly **concedes** the desirability and necessity for the formation of a composite cabinet to include the trusted representatives of the minorities.

The Tamil Complaint is that instead of suggesting a definite solution on which one could rely, the Commission merely asks the minorities to rely for the future on "the qualities and attributes of statesmanship" of Sinhalese leaders. These qualities have been singularly hard to seek in Sinhalese Ministers and members in the last fourteen years as is evidenced by the following:-

- a) the deliberate planning and formation of an All-Sinhalese Board of Ministers in 1936 which the Soulbury Commission itself describes "as an act of singular lack of statesmanship."
- b) the drafting of a constitution for Ceylon by the Ministers without even consulting the minorities.
- c) the withdrawal of the Ministerial scheme on the appointment of the Soulbury Commission to afford opportunities for consultation with the minorities and the statement of the Sinhalese Leader in Council that the Secretary of State in doing so "had tricked and by-passed" them,

- d) the boycott of the official proceedings of the Soulbury Commission by the Sinhalese Ministers and by the two exclusively Sinhalese bodies viz, the National Congress and the Sinhala Maha Sabha,
- e) the rejection by the Sinhalese members of Council of a suggestion by Governor Sir Andrew Caldecott that the future Constitution of Ceylon should incorporate a Royal Instruction to the Governor to "use his best endeavours..... to appoint..... those persons including so far as is practicable, members of important minority communities....." In the cabinet.

TAMIL DEMANDS FOR THE EXECUTIVE

Till genuine parties emerge, the future Executive must be so constructed as to assure to the minorities **an adequate and effective share in the Government of the country.** In the circumstances of Ceylon minority representation in the Cabinet cannot be left to convention as in Canada or Switzerland. A direction to the Governor by way of Royal Instructions as under the Government of India Act of 1935, has proved to be almost completely futile and ineffective in operation. Hence only **a mandatory provision** in the Constitutional Instrument **reserving for the minorities a specific proportion of the portfolios** on equitable lines can secure for them this vital right.

The majority being a permanent communal majority and not a political majority, there can be no justification for a variable presumption that a Committee of the majority group

is necessarily entitled to form the whole government. **The Cabinet should derive its mandate both from the majority and from the minority in the Legislature and should reflect the composition of the Legislature.**

This could be effected in the following way:-

- a) The prime minister to be elected by the House and thus enjoy its confidence
- b) The Ministers to be elected by the House on a system of proportional representation by means of the single transferable vote.
- c) The Ministers belonging to the minorities in order to enjoy their confidence to be selected by them in the first instance.

THE FRANCHISE

The elective principle was first introduced in Ceylon in 1911 on a high educational franchise. This was somewhat extended in 1921 by the inclusion of income and property qualifications. It may be noted that from 1911 to 1931 the number of Tamil voters was a fairly close approximation to that of the Sinhalese in spite of the disparity in their populations.

The Donoughmore Commission recommended the introduction of universal adult franchise to Ceylon on a qualification of five years residence as a test of abiding interest. The Sinhalese made the acceptance of the Constitution conditional on the Franchise of the Indian Tamil workers being arbitrarily restricted by the requirement of domicile as a standard test. The suggested discrimination was communal and calculated to increase the numerical preponderance of the Sinhalese majority.

The Soulbury Commission admits that this material alteration regarding the Franchise, translated into the Order in Council has had and still has

“an important effect on the enfranchisement of a substantial section of the population” (Indian Tamil.)

The Elections Order in Council of 1931 was amended in 1936 by removing the requirement of an application by a voter for registration. This amendment which was intended to increase the numbers on the Electoral Rolls has been manipulated against the Indian Tamil worker by virtually making the Registering Officer the *de facto* objector to all of them, thereby throwing the onus of satisfying the complex legal test of domicile on the mass of the Indian Tamil voters.

The Indian Tamils have been reluctant to obtain “certificates of permanent settlement” in order to exercise the franchise as they were liable to be treated as inferior to those registered under the standard domiciliary test and thereby afford justification for the acts of legislative and administrative discrimination to which they have been subjected.

It is surprising that in the face of the declared intentions of Sinhalese leaders to eliminate the Indian Tamils from Ceylon and the series of legislative and administrative measures adopted by them, the Soulbury Commission should feel sure that there is a desire to assimilate the Indian Community and make it part of a single nation.

The Tamil submission is that the Sinhalese objections to the enfranchisement of the Indian Tamil workers have been inspired by communal and political motives and not by economic considerations. **The Soulbury Commission** rightly points out that

“the franchise itself is only a means to an end and the end is to give people such a share of political power as may enable them to redress their grievances themselves.”

The Commission goes on to observe that

“the distribution of political power between the various communities is determined by the extent of the franchise (with which is connected the question of emigration).”

It may be noted that the question of emigration is totally irrelevant, and the issue is in respect of Indians already lawfully admitted into Ceylon under governmental assistance and encouragement and on assurances of equality of civic and political status with the rest of the population of the Island.

The Commission also points out that

“any decision of the Government of Ceylon upon the conditions of the enfranchisement of the Indian unskilled worker will have an important effect on our recommendation regarding the terms of reference of the Delimitation Commission.”

The Commission has failed to offer a just or reasonable solution even to this limited problem which has been a fruitful source of annoyance to the peoples of Indian has resulted in the progressive deterioration of the relations between India and Ceylon for the last fourteen years.

The Tamil demand is that the Indians should be allowed to qualify for the Franchise on the same terms as

the rest of the population especially as recruitment of labour from India has been discontinued for over ten years and India herself has placed a ban on the emigration of unskilled workers since 1939.

THE PUBLIC AND JUDICIAL SERVICES

For self-Government to be good government the purity of the Judiciary and the efficiency and impartiality of the Public Service must be ensured; this can be achieved only by the complete independence from political control and influence of these services.

The Soulbury Commission has found that under the present Constitution

“the Ministers have used their influence..... in support of candidates for public appointments where they could.”

The Commission also appreciates the realities of the situation when it says of the future Public Services Commission that

“it will be doubly necessary that the deciding authority in Ceylon should be immune from accusations of partisanship.”

The Tamil Complaint is that the Commission accepts the Sinhalese demand that the Governor in appointing the members of the Public Services and Judicial Services Commissions shall do so after consulting the Prime Minister whose advice he is not bound to accept.

Any advice that the Prime Minister may give to the Governor about these appointments will inevitably lead to

the loss of public confidence in the independence of these Commissions and to a suspicion of political patronage.

The Tamil demands are

- a) that the Governor shall appoint the members of the Public Services Commission in his absolute discretion and that two out of the three members shall have held high administrative office for a minimum period of ten years under the Crown,
- b) that the Judges of the Supreme Court shall be appointed on the advice of the Judicial Committee of the Privy Council,
- c) that the Judicial Services Commission shall consist of the Chief Justice and two Judges of the Supreme Court acting annually in rotation.

SAFEGUARDS FOR MINORITIES

The Soulbury Commission contemplates two kinds of safeguards in respect of legislation that may adversely affect the minorities.

- A) By prohibition under the Order in Council of any legislation discriminatory of persons of any community or religion.

It may be noted that this provision exists under the present Constitution; nevertheless, over a period of nearly ten years, the machinery of the State has been utilised and the general tax-payers' money expended on the administration of the affairs of Buddhist temples. On this question being raised as an act of discrimination the Commission came to the conclusion that *prima facie*.

"it affords evidence against the Sinhalese majority in the Council of partiality"

- B) By reservation by the Governor for His Majesty's assent, of any Bill which has evoked serious opposition by any racial or religious community, and which in the opinion of the Governor, is likely to involve oppression or serious injustice to any such community.

It may be noted that this provision also exists under the present Constitution but has been of no avail when some or all of the minorities seriously opposed such Bills as the Land Development and Alienation Ordinance, the Village Communities Ordinance, the Anuradhapura Preservation Ordinance.

The Tamil submission is that the first safeguard will be totally ineffective in practice, unless the Supreme Court is empowered to adjudicate upon such legislation as *ultra vires*; and that the second safeguard will be even of less avail in the future than it has been in the past, and that it would be placing a constitutional Governor in an invidious and embarrassing position, if he is called upon to interpose himself against a united communal Ministry supported by a substantial majority in the Legislature.

CONCLUSION

The Donoughmore Commission after investigating the political situation in Ceylon in 1928 recognised the heterogeneity of the population and the suspicion and distrust of the various elements that composed it. The complete absence of a Party System and the fear that communal and racial parties would emerge convinced it that the English Parliamentary system of Government would be totally

unsuitable to conditions in Ceylon. By abolishing communal representation and forcing the people into a single territorial electorate it felt assured that the "canker of communalism" would disappear. The result has been a complete miscarriage of its good intentions. Its aim of devolving on the people, responsibility for the management of their internal affairs has resulted in all the transferred power and authority being concentrated in the hands of one race. Instead of the evolution of democratic government, the Constitution has brought into being an undesirable oligarchy based on race and religion.

The Constitution has failed because it rested on vain hopes and expectations instead of providing proper remedies for the realistic requirements of a plural society.

The Soulbury Commission investigated the position after the Constitution had been in operation for fourteen years. It frankly admits that the hopes of the Donoughmore Commissioners that communal tension would eventually disappear have so far not been realised, and that contrary to the Donoughmore Commission's expectations the electors vote on racial grounds. It has found that the fears of the Donoughmore Commissioners were well-founded and that communal parties have actually come into existence. In short, it must have realised that all the conditions and prerequisites which the Donoughmore Commission thought would be necessary for the successful functioning of English Parliamentary institutions are still non-existent. It professes to appreciate the difficulty of applying of Western Democracy to Ceylon.

It also admits that the prospect of transplanting British institutions to Ceylon with success may appear remot.

Nevertheless, because it fears that modifications of the British form of Government may not prove any more successful it recommends for Ceylon a method of Government of which it "knows something about" and which is a "result of very long experience." The obvious reply to this is that the British method of Government today is the result of the experience of centuries of its working by the British people and adapted to their particular and peculiar genius. To recommend such a Constitution for Ceylon in the face of the experience of the minorities for the last fourteen years in the anticipation that certain hopes and expectations will be realised will amount to the handing over of the future welfare of a large section of the people of the Island to the unfettered control of a permanent communal majority.

The recommendations of the Soulbury Commission might have proved more acceptable to all sections of the people of Ceylon if it had realised and proceeded on the footing that

"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 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."



What this book is about

“.....This enormous void left by the (Ramanathan and Arunachalam) brothers had to be filled, and G.G. Ponnambalam did so. He evolved his political credo not from them, but from Sir William Manning's warning of the need for non - domination. The outcome was balanced representation, known as the “fifty - fifty” formula... there was no doubt that he was shaping the all - Sinhalese Ministry of 1936, which he characterised as the homogenous Board of Sinhalese - speaking Ministers - much to the embarrassment of the latter...”



“.....In a marathon speech in the State Council, the longest on record at that time, Ponnambalam spelled out in the fullest and the most ample language why he was pressing hard for his solution (the speech is published in full in this book). By 1940, it was clear that Ponnambalam was acknowledged as a leader by the Northern Province members of the State Council, among whom were members of the distinguished Arunachalam - Ramanathan family...” Outside the State Council, Ponnambalam received support from S.J.V. Chelvanayakam, Dr. E.M.V. Naganathan and the prominent Colombo solicitor, S. Siva Subramaniam. At first, not all of the Tamil political class, especially in law and other professions, readily accepted Ponnambalam, but he proved an aggressive and bold leader and successfully silenced his critics. By 1940, he had won over the major conservative Tamil political organisations in Jaffna.... for a man just turned forty, this was unusual in a society embedded in tradition...”

- Excerpts from

“Srilankan Tamil Nationalism” -

By the Late Professor Jeyaratnam Wilson.