

The Crew- Mcallum constitutional reforms of 1910 show some distinct features.

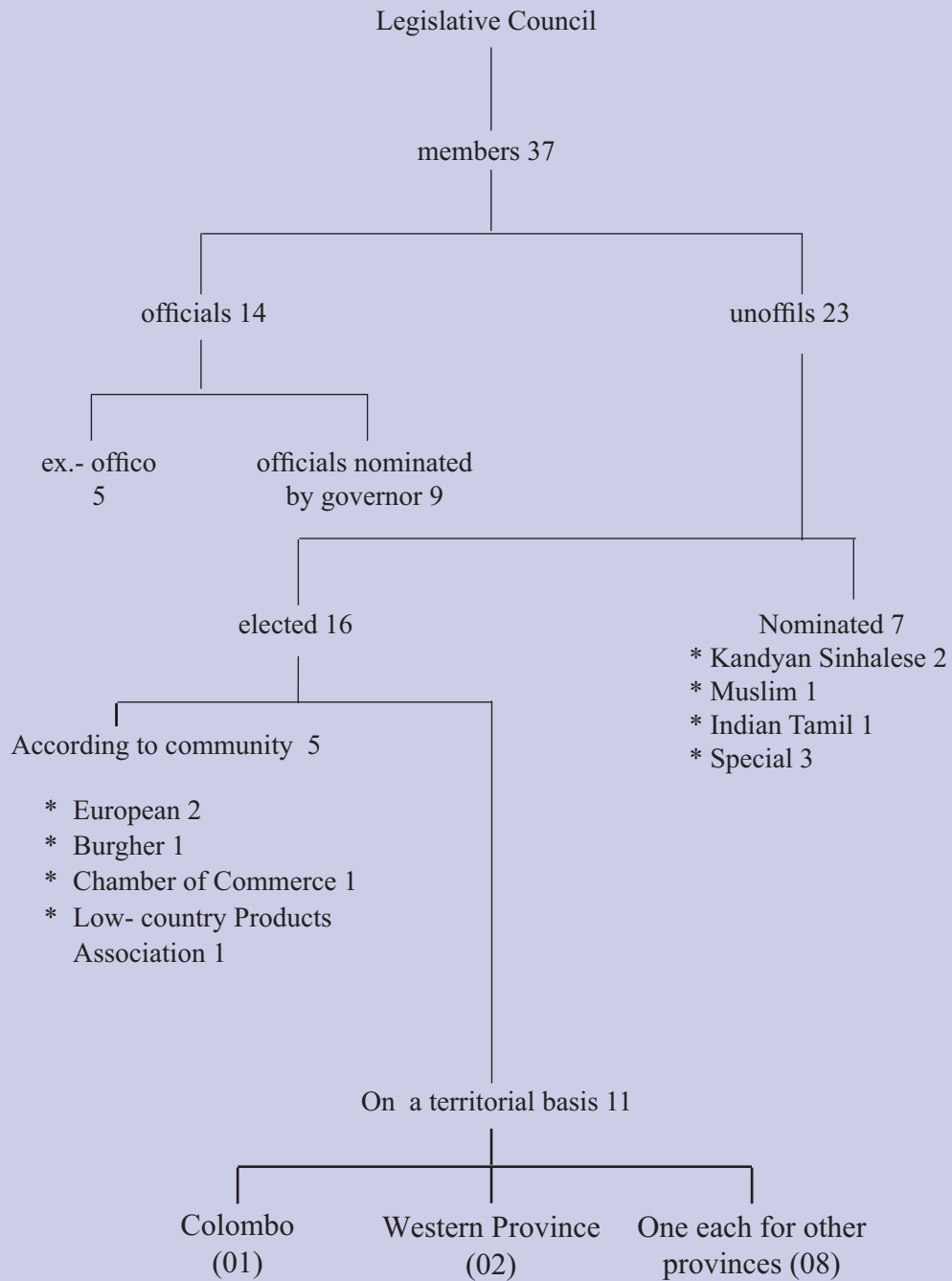
- * In the history of the constitutional development of the country, for the first time the principle of electing members to the Legislative Council was introduced.
- * However communal representation was not abandoned.
- * A seat was allocated to the educated Sinhalese. It was an indication, that they hoped to grant more power to the local population in the future.
- * The officials continued to be the majority in the Legislative Council.
- * The powers of the Legislative Council were extended.
- * The Executive Council continued to consist of only official members.

Although the constitutional reforms did not provide a constitution answerable to the people, it paved the way for a step forward in the path to independence. On the one hand an opportunity arose for the appointment of members to the Legislative Council by exercising a limited vote, which was an important feature.

The Manning Constitutional Reforms (1920).

The Sri Lankans were not satisfied with the nominal power granted by the reforms of 1910. Therefore in 1919, they formed the National Congress and began to agitate for systematic constitutional reforms. In response to this in 1920, once again the Legislative Council was reconstituted. Accordingly the council consisted of 37 members, of them 14 were officials and 23 were unofficials. Sixteen of the unofficials were to be elected on a limited territorial basis. The other seven were nominated by the Governor. On this occasion the franchise was extended further than in 1910. However the right to vote was granted only to a small fraction of the population.

The Constitutional Reforms of 1920

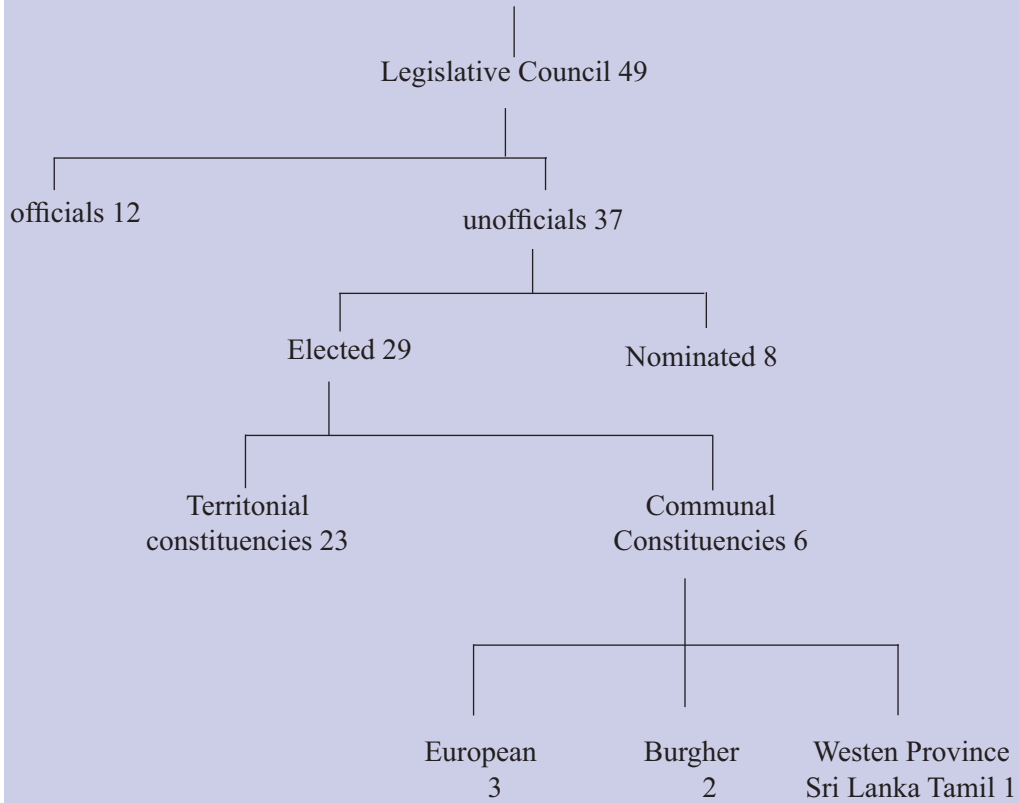


The special features of the constitution of 1920

- * For the first time in the history of the Legislative Council there was to be an unofficial majority.
- * However the 14 officials and the 7 nominated members could be loyal to the Governor. Therefore the Governor could be further ensured of a loyal majority.
- * The introduction of the system of electing members on a territorial basis was a very important feature.
- * The 1920 reforms extended the franchise further than what was granted in 1910. Since the right to vote depended on education and wealth it was limited only to 4%.
- * Communal representation continued to be implemented.
- * Women did not have the franchise although they had fulfilled the necessary requirements.
- * The powers of the Legislative Council were widened.
- * The Governor continued to hold the responsibility of conducting the administration of the state.

The Governor's powers were not reduced even through these reforms. He possessed a number of veto powers. Therefore the leaders who demanded for amendments were not satisfied. Meanwhile on behalf of the Ceylon National Congress which was the organization of those who were clamouring for constitutional reforms, Sir James Peris, submitted proposals to Governor Manning.

The Manning -Devonshire Reforms of 1924



Student Activity

Study the Constitutional Reforms of 1920 and note down the important features that you can identify.

The Special Features of the Manning - Devonshire Constitution

- * More than half the members of the Constitutional Council were those elected by popular vote. Even though it was after the passage of a long period of time from the establishment of the Legislative Council, this position gained by Sri Lanka, was a significant landmark in the development of the constitution of Sri Lanka.
- * The Governor continued to hold the responsibility of administering the state.
- * A distinct weakness of the constitution was the division of power and responsibility, due to the fact that the total responsibility of government was with the Governor, while the majority in the Legislative Council were people's representatives.
- * Communal representation still continued. This led to adverse consequences in the future; that is the emergence of suspicion and competition for power between the Sinhala and Tamil communities.
- * Three unofficial members were included in the Executive Council.

Student Activity

Study the Manning Reforms of 1920 and the Manning - Devonshire Reforms of 1924 and make a list of their important features with regard to communal representation.

The Donoughmore Constitution 1931.

The Sri Lankan educated middle class was not satisfied even with the Manning - Devonshire Constitution. Due to the division of power and responsibility many difficulties arose in implementing this constitution too. Thus even the Governor acknowledged that constitutional reforms should be effected again. Therefore in order to review the existing constitution and recommend a more suitable one in 1927 a commission was appointed under the leadership of Lord Donoughmore.

The Donoughmore Constitutional reforms were a long stride in the process of the march towards independence of Sri Lanka. This came into operation in 1931.

The following are some of the main features of the Donoughmore Constitution.

- * The extension of territorial representation.
- * Grant of universal franchise.
- * The establishment of the State Council.
- * The setting up of the Executive Committee System and establishment of a cabinet.
- * Curtailment of the Governor's powers.
- * Communal representation was done away with.

Let us examine, the grant of universal franchise and the establishment of the State Council, which are two of these recommendations.

Universal Franchise

From the time of the Crew-McCullum Reforms Sri Lanka had been granted franchise to a certain extent. However it was very limited. The right to vote was confined to the educated Sri Lankans and they had to attain a certain level with regard to wealth and income too. In addition they had to have a specified level of educational achievement. In 1910, only 4% of the population had the right to vote. Females were not entitled to vote. The Donoughmore Commission believed that, granting the franchise only to a small segment of the population was an injustice. They held that this was a reason for the lack of interest of the common people in the administration of the country.

The Donoughmore Commission granted the franchise to all males and females above 21 years irrespective of their education, wealth or gender.

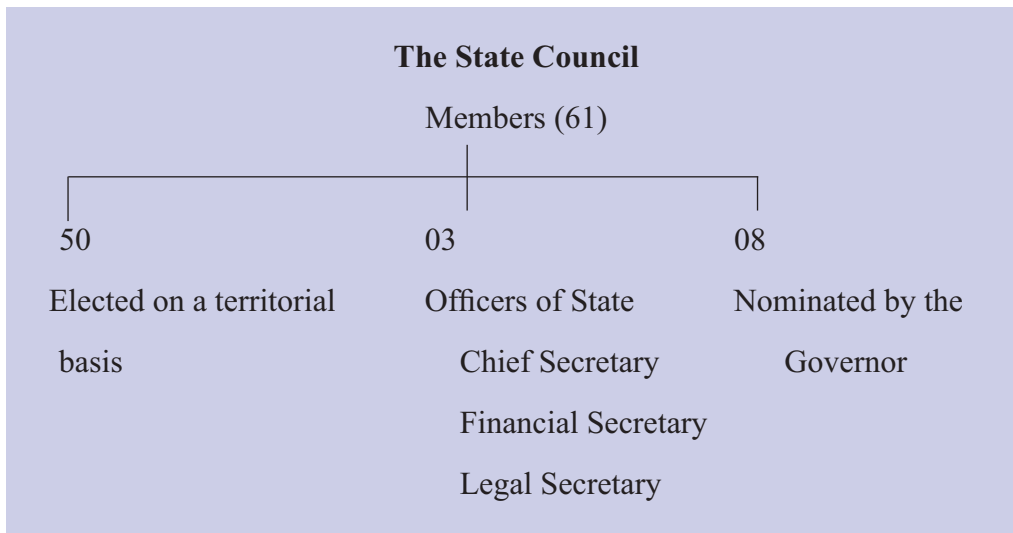
It is a feature worthy of note that the British citizens too were granted the franchise, only in 1928, the same year that the Donoughmore Commission made this recommendation for Ceylon.

Student Activities

- * Briefly state 4 reasons why the grant of universal franchise was a great stride in Sri Lanka's march towards independence.
- * Hold a class debate on the theme- 'The granting of universal franchise, which was a special feature of the Donoughmore Constitution was a suitable/ not a suitable step.'

The State Council

Until 1931 when the Donoughmore constitution came into effect there were two separate institutions known as the Legislative Council and the Executive Council. Therefore there was no relationship between the framing of legislation and their implementation. The Donoughmore Commission which regarded this feature as a main weakness that had existed so far dissolved these two institutions and recommended one institution called the State Council.



The Speaker who was elected by the members of the council was its Chairman. In his absence a Deputy Speaker held the office.

The State Council was vested with legislative as well as executive powers. The State Council was divided into 7 executive committees.

The following were the Executive Committees.

- * Home Affairs.
- * Agriculture and Lands
- * Local Administration
- * Health
- * Education
- * Transport
- * Labour Industry and Commerce

The powers of these committees were in the hands of the elected representatives. The Board of Ministers was formed by the seven Chairmen of the Committees and the three officers of state. Departments were organised under the ministers other than the three officers of state. These officers of state did not have the right to vote in the House of Representatives.

The Sri Lankan leaders opposed the vesting of the powers of the state as well as the important ministries in the Governor and the Officers of state. They began to agitate for the curtailment of the powers of the Governor and for the handing over of the three important ministries of the Officers of State to local ministers.

A result of this agitation, was the appointment of the Soulbury Commission in 1944, towards the end of the Second World War.

Given below in brief are the amendments that were effected to the Legislative Council. set up under the Cole-brooke Commission in 1833.

Year	Name of Commission	The Number of members in the Legislative Council	Number of Officials	Number Elected	Number Nominated by the Governor	Number of Unofficials
1833	Colebrooke	15	09	00	06	06
1910	Crew McCullam	21	11	04	06	10
1920	Manning	37	14	16	07	23
1924	Manning Devonshire	49	12	29	08	37
1931	Donoughmore	61	03	50	08	—
1947	Soulbury	101	—	95	06	—

The Soulbury Constitutional Reforms of 1947

The Donoughmore Constitution which was in operation from 1931-1947, did not satisfy the aspirations of the Sri Lankans. They continued to clamour for a fully responsible government or dominion status.

As a result the Soulbury Commission which was sent to Sri Lanka in 1944 proposed a new constitution.

Its main features :-

- * The position of Governor was abolished and it was replaced by a position of Governor General.
- * A bicameral legislature with a House of Representatives and Second Chamber or Senate was introduced.
- * The appointment of a Cabinet of Ministers with the Prime Minister as its head.
- * The establishment of the Public Service Commission and Judicial Service Commission.

Accordingly Sri Lanka was awarded a Parliamentary System of Government by the Soulbury Constitutional Reforms. Under this constitution, the executive powers were entrusted to the cabinet headed by the Prime Minister. The Governor General appointed as Prime Minister the person who was able to get the support of the majority of the members of the House of Representatives.

- ✱ The cabinet was selected on the discretion of the Prime Minister.
- ✱ Two or more of the members of the cabinet had to be appointed from the senate, and the Minister of Justice had invariably to be a senator.
- ✱ The other ministers had to be selected from the House of Representatives and the portfolios of Defence and External Affairs were to be held by the Prime Minister.
- ✱ In August 1947, a general election was held in Sri Lanka under the new constitution. D.S. Senanayake, the leader of the party which won the majority of seats became the first Prime Minister of Sri Lanka. Sir Henry Monk Mason Moove became the first Governor General.

According to the Ceylon (constitution) Order in Council of 1947, which proclaimed the Soulbury Constitution, the Queen of England was to be accepted as the head of Sri Lanka. The Governor- General was to be appointed by the Queen. The Cabinet of Ministers was entrusted with the task of carrying out the executive functions, the Governor- General had to perform on behalf of the queen.

The House of Representatives consisted of 101 members. Of them 95 were elected through universal franchise. Nominated 6 members for base of minor communities. The Senate consisted of 30 members of them 15 were elected by the vote of the House of Representatives and the other 15 were nominated by the Governor General on the advice of the Prime Minister.

The Prime Minister was the head of the Cabinet of Ministers. The ministers were appointed by the Governor- General from the elected members on the recommendation of the Prime Minister. The government of the country was carried on by the Cabinet of Ministers. The Governor- General appointed the Chief Justice and the judges of the Supreme Court. A Judicial Service Commission was set up under the Chief Justice. This Commission controlled the affairs of the judges in the judicial system.

A Public Service Commission was also appointed. Functions such as the appointment ,promotion and dismissal of state officers were performed by this commission.

A fund with regard to the financial matters of the island called the Consolidated Fund was established.

Student Activity

Write short notes on the following.

01. The Governor-General
02. The Senate
03. The Government Consolidated Fund
04. The Cabinet of Ministers

The Administrative System

(From 1796-1833)

We have discussed the constitutional reforms that were effected in Sri Lanka during the period 1796-1833. It appears that some mention should be made here of the administrative system that prevailed during this period.

The British administration of Sri Lanka began with the capture of the Maritime Provinces by the East India Company. The administrative system that was in operation in the areas under the British in India, was introduced to the Maritime Provinces of Sri Lanka too. The British who were not aware that there were vast differences between Sri Lanka and India, although they were in close proximity to each other, began to administer the Maritime Provinces of Sri Lanka through officers sent from India. The administrative centre was the kachcheri, which functioned until recently.

From the time the Maritime Provinces of Sri Lanka became a colony of the British Empire, the administrative system was formulated in the same way as that of the other colonies of the empire. A Civil Service headed by the Governor was also introduced.

At the head of the administration was the Governor and below him was the Chief Secretary. Next were the departmental heads and the “collectors”, who were in charge of the regional administrative affairs. A separate Civil Service was inaugurated for the areas under the British rule in Sri Lanka. The Governor was responsible for appointing, the apprentice civil servants known as “writers” sent

from England, to suitable jobs, promoting them, and also for their discipline. The Governor was entrusted with all administrative matters.

The Sinhala System of Government which was carried on in accordance with the Kandyan Convention of 1815 was changed only after the natives lost the struggle for independence between 1817-1818. The British took away the power of the Sinhala chieftans and introduced the civil service administration that was being carried on in the Maritime Provinces to the Kandyan Kingdom.

After the struggle for independence was suppressed, the British government issued the proclamation consisting of 56 clauses on 21st November 1818. This is known as the Kandyan Declaration of 1818. It was not a treaty but a proclamation. (issued by the British unilaterally) From 1818-1833 the Kandyan Kingdom was governed according to the system of administration mentioned there in.

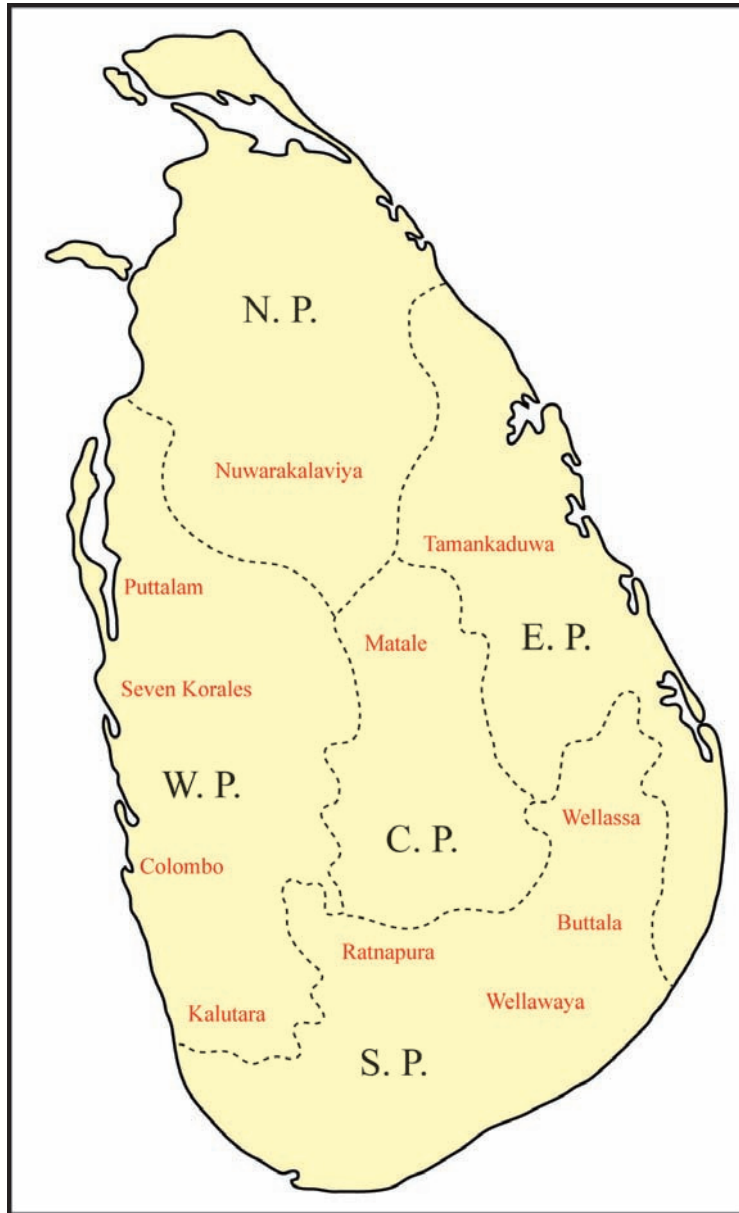
The first decisive reforms with regard to the administration as well as the constitution were introduced in 1833.

Administrative changes under the reforms of 1833

(From 1833-1948)

- * The unification of the administration of the two areas which existed so far as the Kandyan Kingdom and the Maritime Provinces
- * Making arrangements to bring the Kandyan Kingdom and the Maritime Provinces under a unified administration
- * The reorganisation of the Civil Service. In order to reduce expenditure pensions were abolished. To compensate for it Civil Servants were given the opportunity to engage in private enterprise. The Civil Service which was highly disciplined degenerated after the reforms of 1833
- * In order to cut down expenditure the number of provinces were reduced and the whole country was divided into 5 provinces. An Assistant Government Agent was appointed incharge of each province
- * The development of education was to be undertaken by the government in order to recruit local employess to the lower grades of the government service
- * Steps were taken to develop English education
- * The abolition of the compulsory Rajakariya system

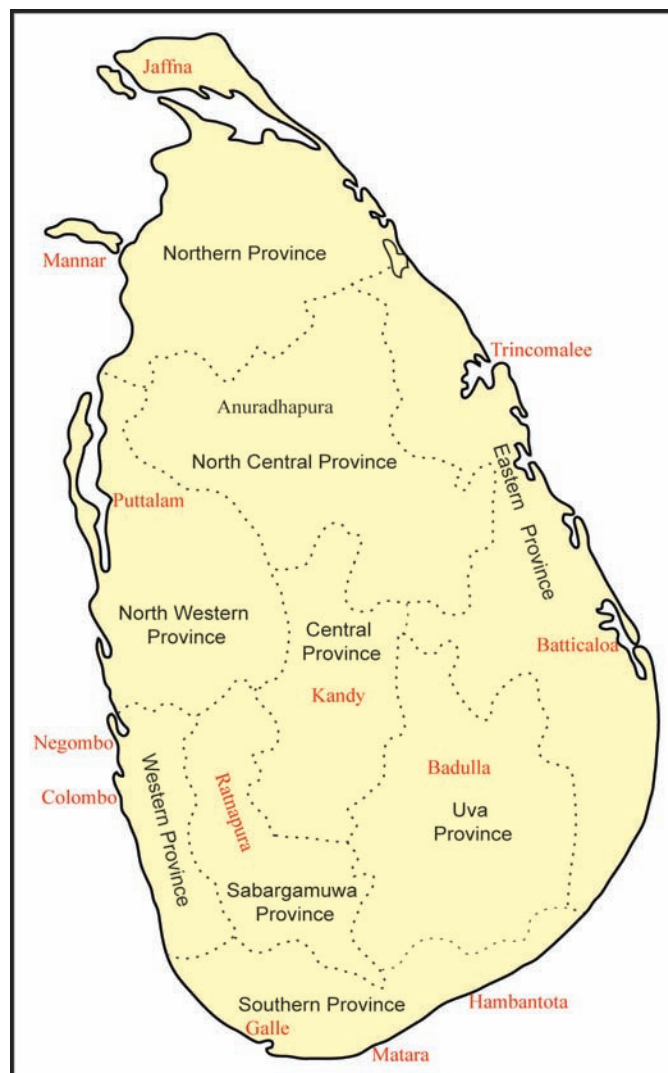
With the reduction of the number of provinces to five, the responsibilities of the civil servants increased to such an extent that they found it difficult to cope.



Map 1.1 The map showing the five provinces under the reforms of 1833

In order to strengthen the regional administration new provinces were demarcated from time to time, and by 1900, the number of provinces had increased to nine. Accordingly the North Western province was established in 1848, the North Central Province in 1873, Uva in 1886 and Sabaragamuwa in 1889.

- * Towns began to emerge as a result of the development of plantations and various enterprises associated with them. Consequent to the increase in population in these urban areas, the need for a special administrative structure to cater to their requirements arose. This resulted in the establishment of Municipalities.



Map 1.2 Sri Lanka increased upto nine provinces
Source: Educational Publications Department, History 11,1995

Municipal Councils

Municipal Councils were established in Colombo in 1865, and Kandy and Galle in 1866. Officials as well as people's representatives worked in these councils. In some towns Local Boards were set up.

The majority of the members of these were elected by the people. By using their vote at the elections of these local bodies the people got an opportunity to get a training in participating in the administration.

The fact that those who gained experience in the local administration in this manner, were those who subsequently participated in the administration of the central government, bear evidence that the Sri Lankans gained practice in these institutions.

Gam Sabha (Village Councils)

From ancient times there existed in Sri Lanka a system of village administration which fulfilled the needs of the people. These institutions were known as the Gamsabha.

However in 1856, in order to rejuvenate the Gamsabha system an irrigation ordinance which assumed the form of the Gamsabha was introduced. The Government Agent of the area functioned as the Chairman of the Gamsabha.

In 1871, the old Gamsabha system was once again revived. This Gamsabha consisted of people's representatives. The Government Agent was the Chairman. The Gamsabha was given the power to punish those who violated the accepted traditions.

By an ordinance issued in 1924, the opportunity to appoint people's representatives as the chairmen of the Gamsabha was given. Mr. S.W.R.D. Bandaranaike, who was the Minister for Local Government widened the powers of the Gamsabha and strengthened them in 1933 and 1938.

Until the gaining of independence in 1948, the structure of administration of the Central Government and the Local Government institutions functioned without any significant change.