

Sri Lanka After Independence



Let us study the changes in Sri Lanka in the economy and political fields after gaining independence.

Parliamentary democracy has been put into effect in Sri Lanka after gaining independence in 1948. While concentrating on the party system and the cabinet of ministers necessary in the implementation of parliamentary democracy, it is necessary to study the constitutions of 1972 and 1978.

We shall study the new trends in the fields of education, agriculture, government enterprise, industries, health, transport and communication of independent Sri Lanka along with welfare services from 1948-1977.

Let us collect information on the parliamentary democracy effective after independence.

Democracy

Democracy is a very popular system among modern governments. According to Abraham Lincoln democracy is “A government of the people, for the people, by the people”.

Sealer - a political analyst says “ Democracy is a government which protects the rights of everyone”.

Direct Democracy

Direct democracy is supposed to have begun in Athens of Greece. All citizens were said to have gathered at a place to discuss their daily management problems, and decisions were taken and implemented accordingly, by everyone together.

Representative Democracy

Representative Democracy is a system where representatives selected by the people are appointed to govern the country on their behalf. At present this is the system implemented in many countries. Direct democracy cannot be implemented due to the increase in population and the complex variety of needs of people. Representative democracy is an alternative for such a situation.

Two basic facts are needed for the success of democratic governments, These are freedom and equality.

Freedom

Freedom is the right for everybody to live as human beings with dignity

Equality

Equality is the right for all human beings to enjoy basic human rights.

Two basic requirements to ensure a Successful Democracy

1. Universal franchise
2. Periodic holding of general elections.

Party System

The political party system can be introduced as the main instrument of representative democracy. The two are bound so closely that no discussion on democracy can take place without mentioning the political parties/political party systems. Political parties were started in the 17th century in England to carry on the parliamentary system of government. By now it has become a thing of dire necessity in the democratic parliamentary system of government.

Each political party submits its policies to the people in order to obtain the political power to be appointed as the ruling power in the country. Their policies spell out the programmes they hope to implement in the political, economic, social, cultural, foreign affairs and social welfare fields.

People use their precious vote to elect a party based on these programmes or policies. The ruling party and the opposition are appointed based on the number of valid votes.

Dual Party System

The Dual Party System means a situation where a country has only two effective parties. In England at the beginning, where the party system started, there were only two political parties. At present there are other parties; however even today England is ruled mainly by either the labour party or the conservative party, hence it is regarded as a country with a bi-party system. The United States of America (USA) too has two powerful parties which come into power alternatively. Therefore, even there it can be said that the bi party system is effective.

Multi Party System

The multi party system is a system where more than two parties are effective. France, Germany, Italy and a few other European countries and many Asian countries like India and Sri Lanka have the multi party system.

Cabinet of Ministers

The Cabinet system of government was introduced to Sri Lanka in 1947 under the Soulbury Constitution. The Prime Minister is the Head of the cabinet. All executive responsibilities reside with the cabinet. Financial control, proposals of laws, regulations to implement policies and the responsibility of plan implementation lie with the Cabinet of Ministers.

Collective Responsibility of the Cabinet of Ministers

Collective responsibility is accepted as a compulsory principle of the Cabinet of Ministers for the successful implementation of the parliamentary government.

- * Any minister has the opportunity within the Cabinet to forward his ideas and criticisms on any Act, the government is planning to implement.
- * However, once a decision is taken after the Cabinet discussion, all ministers are collectively responsible for such a decision.

- * In theory even if there are differences of ideas and opinions among ministers on an accepted Cabinet policy, in practice they should not make any open criticism. If such actions are taken, they will harm the integrity of the entire cabinet of ministers and bring disrepute to the Cabinet.
- * If a minister feels he cannot agree with a collectively agreed upon decision he can leave his post or resign.
- * Criticising Cabinet decisions in public is totally against the basic principles. If a minister acts against this principle, the leader of the executive has the right to dismiss him.
- * According to the constitution, the Cabinet of ministers is responsible to the Parliament. The Cabinet of ministers rests on the foundation of collective responsibility.

"The cabinet of ministers rests on the foundation of collective responsibility
You will understand how important collective responsibility is from that
sentence.

The Composition of the Cabinet

- * The Prime minister has been the head of the Cabinet of ministers in all the Cabinets that have been effective after independence till 1978. The power to appoint ministers on the advice of the Prime Minister was with the nominal executive. While the Governor General had been the nominal Executive from 1948-1972, from 1972-1978 the nominal Executive Head had been the President.
- * As according to the constitution of 1978, at present the Head of the Cabinet is the executive president.
- * The power to appoint ministers to the Cabinet too lies with the President.

Student Activity

Activate a model Cabinet of ministers to show the duties of the Cabinet. Organise the activities of 3-4 ministers including that of the Prime Minister.

History of the Political Party System in Sri Lanka after Independence

Although a large number of movements had sprung up in the struggle for independence, they were not organised as political parties suitable for the implementation of the system of Parliamentary Democracy.

The Labour Party was started in 1932 under the leadership of Mr. A.E. Gunasinghe

Leftist Parties

Those who had received an education within the system prevalent under the British and had proceeded to England for higher studies could get some experience about the Parliamentary Democratic system of government that prevailed in England at the time. On returning to the motherland the Lanka Samasamaja Party was launched in 1935 for the successful implementation of the activities of the leftist movement. The leader of the Lanka Samasamaja Party was Dr. N.M. Perera, and it was well organised by the time the elections were held in February 1936 for the selection of members for the second State Council. However, the party split into two due to a conflict of opinions within the party. As a result of this, the Lanka Communist Party was born in 1943 under the leadership of Dr. S. A. Wickramasinghe.



Figure 6.1 Dr. N.M. Perera

- * In the same year, the Bolshevik Leninist Party was started under Dr. Colvin R.de Silva.
- * By 1947, the leftist leaders had founded several parties comprising the Lanka Samasamaja Party, the Bolshevik Leninist Party, the Communist Party and the Labour Party. By the time of the general election of 1947, the organization of the Left Movement into several such divisions was a special feature in the development of the political parties in the country.

The United National Party

- * The educated and wealthy classes also set about founding a political party to face the General Elections of 1947. Accordingly, after discussions held among the Ceylon National Congress, the Moors League, the Muslim League and the Sinhala Maha Sabha, the United National Party was established under the leadership of Mr. D.S. Senanayake.

The Tamil Congress and the Ceylon Indian Congress continued as separate organisations.



Figure 6.2
D.S. Senanayake

The Birth of Other Parties

It is obvious that from the beginning itself, with the General Election of 1947 founded on political parties, a multi party system has been effective in Sri Lanka.

- * After the General Election of 1947 Philip Gunawardene left the Lanka Sama Samaja Party and formed the Revolutionary Sama Samaja Party.
- * In 1949 the Federal Party was founded under the leadership of S.J.V.Chelvanayagam. It is important to note that this was the first party to be formed on a communal basis in the country.

- * In 1951 S.W.R.D Banadaranaike resigned from the United National Party and formed the Sri Lanka Freedom Party in 1952.
- * Those who had benefitted from free education as well as ‘the five-fold forces’-the Pancha Bala Vegaya -Buddhist monks,Ayurvedic physicians,Teachers, Farmers and Workers rallied round the SLFP.
- * In 1971 the Janatha Vimukthi Peramuna (JVP) came into being under the leadership of Rohana Wijeweera.
- * The formation of the United Left Front (ULF) with the following membership is also an important event in the history of political parties in Sri Lanka.

The Lanka Sama Samaja Party

The Communist Party of Sri Lanka

The Mahajana Democratic Party consisting of a break away group of the SLFP

The History of the Elections in Sri Lanka

The General Election of 1947

The first election under the party system was held in 1947.The electors participated enthusiastically at the election for the purpose of selecting representatives to the Parliament. Other than the candidates who represented political parties, there were also 182 independent candidates as well.

Results of the General Election of 1947 were as follows:

01. United National Party	42
02. Labour Party	01
03. Lanka Samasamaja Party	10
04. Independents	21



The first cabinet

05. Bolshevik Leninist Party	05
06. Communist Party	03
07. Ceylon Indian Congress	06
08. Tamil Congress	07

These results show that none of the parties could receive more than 50% of the seats. Therefore, the United National Party that had the largest number of seats formed the government with the support of the independent members. The Tamil Congress also joined the government.

D.S. Senanayake was the Prime Minister of the first Parliament. The ruling party had a total of 60 members. There was a Cabinet of 14 ministers.

After the death of D.S. Senanayake in March 1952, his son Dudley Senanayake became the Prime Minister. He dissolved the Parliament before the due time and faced a General Election. At the second general election of 1952, the United National Party (U.N.P) won the largest number of seats (54 seats). Accordingly, the leader of that party, Dudley Senanayake became the Prime Minister.

He resigned from his position due to the general strike -the Hartal of 1953 and was succeeded by the most senior member of the U.N.P. Sir John Kotelawala.

Even though the next general election was scheduled for May 1957, Sir John unable to face the problems surfacing in the country at the time dissolved the government in February 1956. In order to face the general election due to be held in 1956, Bandaranaike joined Philip Gunawardane who was in the opposition along with him, and together with a few other minor parties and several independent members formed the Mahajana Eksath Peramuna (M.E.P - the united people's party.)



Figure 6.3 Dudley Senanayake



Figure 6.4 S.W.R.D. Bandaranaike

In 1956, Bandaranaike became the Prime Minister after winning the general election, but he was not able to hold that position for long.

In 1959 after the assassination of Bandaranaike, Wijayananda Dahanayaka became Prime Minister but for a very short period.

In 1960 two general elections were held. The number of seats had increased to 151. The special feature of that election was that every citizen above 18 got the opportunity to vote. No single party was able to win a clear majority. The UNP had won 50, the SLFP 46, and the balance 55 went to several minor parties. On that occasion several parties got together and formed the government was defeated on the very first occasion at the budget speech itself.

Consequently, another general election was held on 20th July 1960. Sirimavo Bandaranayake became the Prime Minister as the leader of the party that won the election. She had first entered the parliament as a nominated member to the Senate. The fact that she was the very first woman prime minister is a record not only in the political history of the country but in the world too.

The government of Sirimavo Bandaranayake fell through because 14 members of the parliament led by C.P De Silva left the government ranks. As a result a general election was held in March 1965. However not a single party got a clear majority to form a government. The UNP with the support of several other parties formed the government. Dudley Senanayake became the Prime Minister for the fourth time. This government lasted its entire period till 1970.

To contest the general election of 1970, the Sri Lanka Freedom Party, Communist Party and the Lanka Samasamaja party formed a United Front. It won the general election and formed a coalition government.

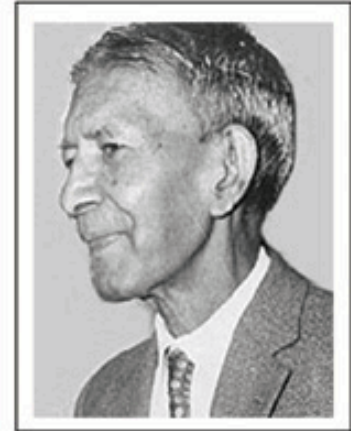


Figure 6.5
Chelvanayagam



Figure 6.6
W. Dahanayake

In 1975, the Lanka Samasamaja Party and in 1976, the Communist Party left the United Front and the coalition government due to conflict of opinions that had risen within the government. The UNP led by JR Jayawardene obtained a majority and came into power at the election held in 1977.

The First Republican Constitution of 1972

Even after obtaining independence the constitution that was in force in this country was the Soulbury Constitution. Following the declaration of independence the constitution had been formed with the inclusion of the Ceylon Independence Act of 1947 and a few other orders declared under the Orders, in Council of 1946. From 1948 after gaining independence it was in force until the Republican Constitution was passed in 1972. There were provisions in these Orders in Council and Acts whereby the government of Britain could exert pressures on the government of independent Sri Lanka. Accordingly, the government of Britain had the power to intervene in legislative, executive and judicial spheres.



Figure 6.7 Sirimavao Bandaranaike

From the 1950s, leading figures in the society such as politicians, intellectuals, critics and writers had pointed out the need to have a constitution. The main cause for this demand was the fact that the constitution in force after 1948 gave the country not full independence but merely dominion status.

Every government that came to power after 1965 too had realised the need for a new constitution, but definite steps towards the drafting of a new constitution were taken only after the general election of 1970. The framing of a new constitution took place in this manner. The United Front that contested the general election of 1970, requested a mandate from the people to set up a constituent assembly.

The main objectives of the first republican constitution of 1972

01. to make Sri Lanka a sovereign independent republic.
02. to put in place the necessary constitutional framework required for a socialist democratic society.
03. to protect fundamental rights

The main features of the 1972 Constitution

01. Our country, which had so far been referred to as Lanka began to be known as Sri Lanka.
02. Sinhala language which was established as the national language by parliament act No. 33 of 1956 was confirmed as the official language.
03. Buddhism was given the foremost place.
04. Sovereignty was vested in the people.

According to the Orders in Council and certain enactments implemented after independence, the Parliament of Sri Lanka did not have sovereign power. The very first clause of the 1972 constitution recognised the sovereignty of the people.

Ways and Means through which the people's sovereignty is implemented

01. Universal franchise
02. Fundamental human rights guaranteed by the constitution
 - The sovereignty of the People implemented through the National State Assembly consisting of representatives elected by the people.
 - The Legislative Power of the People implemented through the National State Assembly comprising the representatives elected by the people
 - The Executive Power of the People implemented by the Cabinet comprising elected representatives headed by the Prime Minister
 - The Judicial Power of the People implemented by the Judges of the system of courts including the Supreme court appointed by the Prime Minister who is a representative of the people.

Accordingly people - pass laws through the Legislature
- implement laws through the Executive
- render justice through the Judiciary

Creation of a nominal president in lieu of the Governor General

According to the Soulbury Constitution the Head of the state of Sri Lanka was the Queen of England. The implementation of laws and the enforcement of judicial decisions were done by the Governor General in the name of the queen. Due to the abolition of the post of Governor General and the creation of a nominal executive, the tenure of the queen of England as the Head of the state came to an end. From then onwards the nominal president became the head of the state. It was agreed that the President would act on the advice of the Prime Minister.

The National State was set up in place of the bi-cameral Parliament that was in operation since 1948. As mentioned in the 1972 constitution the National State Assembly was the supreme body through which the people's sovereignty was implemented.

The Role and Responsibilities of the National State Assembly

- * Implementation of the legislative power of the people
- * Administration of public finance
- * Ensure security to the general public through effective administration, and redressing their grievances

The Senate was abolished with the introduction of the amendments to the Constitution of 1971. Accordingly a single chamber executive was created. It was named as the National State Assembly which was confirmed by the constitution of 1972.

Thereby the people got the opportunity to join in the government of the country through the people's representatives. It was also proved that it is the people who have the power to establish a new constitution.

Student Activity

Compare and contrast the way a bill becomes law under the constitution of 1947 with that of 1972.

The Prime Minister and the Cabinet

According to the 1972 Constitution after a general election, the leader of the party that wins the election becomes the Prime Minister. The Prime Minister

appoints the Cabinet with the senior members most loyal to him. The Cabinet led by the Prime Minister implements the legislature as the Executive body.

Although the ministers are appointed by the nominal executive, he does so on the advice of the Prime Minister. In this sense, there is not much difference between the composition, powers and the tasks of the Cabinet under the constitution implemented after independence and that of the constitution of 1972.

Independent Judiciary

Instead of the Order in Council pertaining to the Judiciary that was in force from 1947, a new judicial pattern came into being in 1972. Few of the Acts relating to these are as follows:

01. Administration of Justice- Act number 44 of 1973
02. Industrial and disputes Act
03. Muslim marriages and divorce Act

A system of judicial institutions was established under these acts.

Supreme court	High Court
District Court	Magistrate Court
a labour Tribunal Court	

Constitutional Amendments and Constitutional Jurisdiction courts

The two chief courts were the Supreme Court and the High court. All civil cases in each district came under the district court while all criminal cases came under the magistrate's court of each district. The Labour Tribunal functioned under the Judicial Services Advisory council and judicial services disciplinary board.

The Judicial services advisory board and the judicial services disciplinary board were set up to maintain the independence of the judiciary.

Up to 1972, a person convicted by a court in Sri Lanka had the right of appeal to the Privy Council of Britain. This power was completely abolished by the constitution of 1972.



Figure 6.8
J.R. Jayawardane