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**SECRET.**

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7th June, 1944.



**WAR CABINET.**

**CEYLON CONSTITUTION.**

**MEMORANDUM BY THE SECRETARY OF STATE FOR THE COLONIES.**

1. I am sorry that at this particular time I should have to trouble my colleagues with this matter, but owing to its operational implications I feel that only the War Cabinet can take the decision.

2. A year ago a Declaration was made, with the approval of the War Cabinet, of the intentions of His Majesty's Government regarding Constitutional reform in Ceylon (W.P. (43) 204). I attach the Declaration as Annexure I to this memorandum, but the point of importance in relation to the present difficulty is that while the Ministers were invited forthwith to formulate proposals for a new Constitution, it was specifically stated that the examination of these proposals by His Majesty's Government could not be undertaken until after victory had been achieved.

3. The Ceylon Ministers immediately set themselves to the task of formulating their proposals, and have now submitted them to me with an urgent request that the further examination of their proposals should not be delayed until the end of the war but should be undertaken now. By that they mean that a Commission from this country should be sent to Ceylon not later than the end of the year and that His Majesty's Government should give an assurance now that this will be done. They point out the increasing difficulties of working the present admittedly unsatisfactory form of Constitution in war conditions and the great difficulty of undertaking the necessary post-war planning in ignorance of the likely form of the Constitution under which the plans will have to be carried out.

4. There is, unfortunately, a political complication which makes it impossible to ignore this demand. The life of the present State Council has already been extended for a period of four years beyond its statutory limit. This extension has been secured by an annual amendment of the Order in Council with the consent of Ministers in order to avoid a General Election in the Island in war conditions. Unless a further extension is arranged, the dissolution of the Council will be necessary this autumn, and a General Election will follow in January next. I am advised by the Governor most specifically that the Ministers will not consent to a further extension unless they can be assured that progress will be made with the examination of their Constitutional proposals.

5. Even if, in our desire to avoid the obvious evil results of a General Election, the life of the State Council were to be extended by an amendment of the Order in Council, without the consent and indeed in opposition to the wishes of the Ministers, and we were prepared to face the probability of their consequent non-co-operation, it is doubtful whether we should secure our object. Under the present Constitution a defeat of Ministers in the State Council on a major issue requires a dissolution and consequent elections within three months. It would be an easy matter for the State Council to reject the Budget in July and thereby force an election. It appears, therefore, that His Majesty's Government must either accept the Ministers' demand and proceed with the examination or face a General Election within the next few months.

6. From the purely Colonial Office point of view, the choice between these two courses is not easy to make. Against the decision to proceed with the examination are the following arguments:—

- (a) we deliberately stipulated in our Declaration last year that we could not go ahead with the Constitutional question until we had won the war, and to vary that decision now would have the appearance of weakness and of giving way to the Ministers' clamour;
- (b) there may be a real practical difficulty in finding men of sufficient calibre to undertake the work of this Commission during the coming winter;
- (c) the mere presence of the Commission and the necessity for various minority interests to state their claims will lead to political excitement in Ceylon, even though that may be of a much less damaging character than would be caused by a Ministerial crisis or a General Election.

In favour of accepting the proposals are the arguments that:—

- (a) the present Constitution is admittedly an awkward and difficult one, and the Ministers are right in claiming credit for the fair measure of success with which they have worked it in war conditions;
- (a) we have consistently pursued a course designed to avoid political excitement in Ceylon during the war. The necessity of this is even more obvious in the coming months. Insistence on the letter of our Declaration last year would quite clearly, in the opinion of those qualified to advise, land us in the most acute difficulties with the Ministers and the State Council.

7. I confess that if I had to reach a conclusion on purely political considerations I should find the issue difficult to decide, but the determining factors obviously must be the position of Ceylon as an essential operational base in the coming months in the Far East, and the effect a political crisis might therefore have upon future operations.

8. I accordingly put the whole position to the Chiefs of Staff for their advice on that aspect. They have obtained the considered advice of the Supreme Allied Commander, South-East Asia Command, in the telegram attached as Annexure II. They endorse his view, which is emphatically in favour of accepting the Ministers' demands.

9. Moreover, in view of the present urgency of rubber supplies, in which respect Ceylon is by far the most considerable source for natural rubber, I have been assured by the Minister of Production that a very serious view must be taken of any diminution of these supplies. Paragraph 2 (a) (i) of the Supreme Allied Commander's telegram refers particularly to that risk.

10. I accordingly have no hesitation in recommending to my colleagues that His Majesty's Government should take the decision now that a Commission should be appointed to proceed with the examination of the Ministers' Constitutional proposals, and should visit Ceylon for this purpose about the end of this year, and that the life of the present State Council should be prolonged by the necessary amendment of the Order in Council for a further term of two years as recommended by the Governor and Admiral Layton.

O. S.

*Colonial Office, 7th June, 1944.*

## ANNEXURE I.

## DECLARATION BY HIS MAJESTY'S GOVERNMENT.

In 1941 the following assurance was given to the Board of Ministers in Ceylon :—

“ His Majesty's Government have had under further consideration the question of Constitutional reform in Ceylon. The urgency and importance of the reform of the Constitution are fully recognised by His Majesty's Government, but before making decisions upon the present proposals for reform, concerning which there has been so little unanimity, but which are of such importance to the well-being of Ceylon, His Majesty's Government would desire that the position should be further examined and made the subject of further consultation by means of a Commission or Conference. This cannot be arranged under war conditions, but the matter will be taken up with the least possible delay after the war.”

After further consideration, His Majesty's Government have decided that it is in the general interest to give greater precision to the foregoing statement with the object of removing any doubts regarding His Majesty's Government's intentions. Accordingly, His Majesty's Government have asked the Governor to convey to the Board of Ministers the following message :—

1. “ The post-war re-examination of the reform of the Ceylon Constitution, to which His Majesty's Government stands pledged, will be directed towards the grant to Ceylon by Order of His Majesty in Council, of full responsible Government under the Crown in all matters of internal civil administration.

2. His Majesty's Government will retain control of the provision, construction, maintenance, security, staffing, manning and use of such defences, equipment, establishments and communications as His Majesty's Government may deem necessary for the Naval, Military and Air security of the Commonwealth, including that of the Island, the cost thereof being shared between the two Governments in agreed proportions.

3. Ceylon's relations with foreign countries and with other parts of the British Commonwealth of Nations will be subject to the control and direction of His Majesty's Government.

4. The Governor will be vested with such powers as will enable him, if necessary, to enact any direction of His Majesty's Government in regard to matters within the scope of paragraphs 2 and 3 of this Declaration; and his assent to local measures upon these matters will be subject to reference to His Majesty's Government.

5. The present classes of reserved Bills in the Royal Instructions will be largely reduced under a new Constitution. Apart from measures affecting Defence and External Relations it is intended that these shall be restricted to classes of Bills which—

- (a) Relate to the Royal Prerogative, the rights and property of His Majesty's subjects not residing in the Island, and the trade and shipping of any part of the Commonwealth :
- (b) Have evoked serious opposition by any racial or religious community, and which in the Governor's opinion are likely to involve oppression or unfairness to any community :
- (c) Relate to currency.

6. The limitations contained in the preceding paragraph will not be deemed to prevent the Governor from assenting in the King's name to any measure relating to, and conforming with, any trade agreements concluded with the approval of His Majesty's Government by Ceylon with other parts of the Commonwealth. It is the desire of His Majesty's Government that the Island's commercial relations should be settled by the conclusion of agreements, and His Majesty's Government will be pleased to assist in any negotiations with this object.

7. The framing of a Constitution in accordance with the terms of this Declaration will require such examination of detail and such precision of definition as cannot be brought to bear so long as the whole of the energies of the service and other Departments of His Majesty's Government must remain focussed on the successful prosecution of the war. His Majesty's Government will, however, once victory is achieved, proceed to examine by suitable Commission

or Conference such detailed proposals as the Ministers may in the meantime have been able to formulate in the way of a complete constitutional scheme, subject to the clear understanding that acceptance by His Majesty's Government of any proposals will depend—

First, upon His Majesty's Government being satisfied that they are in full compliance with the preceding portions of this Statement; and

Secondly, upon their subsequent approval by three-quarters of all members of the State Council of Ceylon, excluding the officers of State and the Speaker or other presiding officer.

8. In their consideration of this problem His Majesty's Government have very fully appreciated and valued the contribution which Ceylon has made and is making to the war effort of the British Commonwealth and the United Nations, and the co-operation which, under the leadership of the Board of Ministers and the State Council, has made this contribution effective."

## ANNEXURE II.

TELEGRAM FROM THE SUPREME ALLIED COMMANDER, SOUTH-EAST ASIA  
COMMAND, TO THE CHIEFS OF STAFF, TOP SECRET, 22ND MAY, 1944.

(SAC 2636.)

Following for Chiefs of Staff from Mountbatten:—

*Guard.* Your 2544 of 15th May.

1. I have had discussions with Admiral Layton and Governor from which following factors affecting general position have emerged:—

- (a) His Majesty's Government in 1943 definitely promised constitutional reforms aiming at responsible Government under the Crown in all matters of internal civil administration. His Majesty's Government to retain control of defence and external affairs.
- (b) At the same time they stated that they cannot give proposals to achieve (a) above necessary attention until victory is achieved.
- (c) The Ministers of Ceylon have now asked that their proposals should be examined immediately.
- (d) The Governor considers that if announcement of an early Commission to consider this is not received before next Budget Session in July, the Ministers may ask for dissolution which would involve general election in autumn. In any case unless special order in council is passed, dissolution in October and general election in January are inevitable.
- (e) The Governor and Admiral Layton consider general election would involve serious dislocation of life of Colony during three months of election activities and considerable political ill-feeling thereafter, the consequences of which are set out in my paragraph 2 below.
- (f) The Governor and Admiral Layton consider life of State Council could safely be prolonged and general election postponed by order in council for further period of two years, if, but only if, announcement were made now that commission would be appointed before end of year. They point out that report of commission would not be ready for some eight or nine months and that any discussions based on it would have to go before State Council. Attention of His Majesty's Government is not therefore likely to be required until a period when it is to be hoped that victory might have been achieved at least against Germany.

2. Consequences of dislocation at time of election and of subsequent political ill-feeling. Immediate general strike and general declaration of non-co-operation are not anticipated. What is believed probable is rapid decrease and cessation of co-operation with following results:—

- (a) Adverse effect on labour, affecting:
  - (i) production and export rubber, to serious extent.
  - (ii) movement of coal, and therefore communications.
  - (iii) operation of ports and particularly Trincomalee as fleet base.
  - (iv) construction naval installations and airfields for F.A.A. and R.A.F.
  - (v) production and export tea for His Majesty's Government.

- (b) Breakdown of communications might lead to local shortage of food-stuffs, which, coupled with excitement of inter-communal feeling caused by electioneering, would increase probability of riot. Strikes (though not an immediate general strike) would also be probable. For political reasons, Governor insists use of Indian or African troops to restore order is unacceptable, and British troops essential. As you are aware, shortage of troops in my Command is already acute and is affecting all my plans. They can only be found for Ceylon at expense of current operations. The knowledge that we were even contemplating such possibility would immediately cause deterioration in American relationship (see (c) below).
- (c) Deterioration in political position in Ceylon would have adverse effect on American opinion. Any conciliatory step would be correspondingly valuable *vis-à-vis* America.
- (d) Japanese propaganda is at present playing up grant of freedom to occupied territories. My task in Burma, Malaya, and to lesser extent Sumatra, would be made more difficult by fact of strained relations in Ceylon, while appointment of commission to assist Minister's proposals would be of positive assistance.
- (e) Although it is not expected that actual dissatisfaction will occur among uniformed services, *e.g.*, police, semi-military labour, &c., a loss of efficiency and keenness is to be expected.

3. Based on above summary of position as interpreted by Governor and C.-in-C., I estimate effect on military operations in Command as follows:—

- (a) Slowing up of preparations to receive Fleet and particularly Fleet Air Arm. Completion current projects would be delayed an indeterminate period not less than 6 months.
- (b) In the event of strikes which would be probable, existing military labour would be insufficient to clear ports or maintain communications. Although it is not proposed to mount operation from Ceylon, resulting paralysis might mean Fleet would have to be based elsewhere, consequently increased difficulty in assembling and sailing convoys.
- (c) Situation which involves use of British troops in Ceylon would affect current operations; serious deterioration accentuated in (d) below.
- (d) Deterioration of relations with Americans.
- (e) Considerable increase difficulties of propaganda wars.

4. Outside my Command, it appears to me that major military consequences would be reduction export essentials such as rubber, tea and copra, of which undoubtedly rubber is most important in view known serious shortage crude rubber.

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