

The Evolution of Governance in Sri Lanka

A presentation by Dr Leonard Pinto on 29 May 2022

Governance is a complex issue with roots in history, social science, anthropology, economics, financial management, and above all politics, which requires a multi-disciplinary approach to understand it.

The pre-history of our governance goes back to about 38,000 years ago, during the period of *Balangoda man (Homo sapiens balangodensis)* when they lived in small communities under a leader, recognised according to their traditional laws. This simple governing system would have given rise to the governance in the Vedda community, as they seem to be the descendants of the earliest inhabitants of the country. Indo-Aryan and Dravidians arrived much later.

The recorded history of the governance in Sri Lanka begins in the 6th century BCE with the arrival of Vijaya. Since then, 184 major kings had ruled the country. The history of the governance of Sri Lanka can be divided into three main periods. (1) Pre-colonial–6th century BCE to 1505 CE, (2) Colonial–1505 to 1948, (3) Post-colonial period–1948 to present.

The Pre-Colonial kings of Sri Lanka were mainly Sinhalese, although there were Indian kings (Chola, Pandyan and Tamil) who ruled the country by conquest or through marriage. The kings were autocratic, but benevolent. The king owned the land and distributed it to his subjects to work through *raja-kariya* service. Although division of labour for *raja-kariya* was by castes, it did not carry a hierarchy till the 10th century when the Indian influence changed the social status of castes. The king provided temporal benefits to the subjects and the Buddhist monks, the spiritual benefits. *Wewai-Dagabai* was a popular engagement of the king. Buddhist monks also advised the king, and the king provided their necessities.

The king defended the country from invaders, provided food, improved irrigation and infrastructure and maintained law and order. Rule of Law was by proclamation and agreement, rather than policing, and Buddhist ethics supported voluntary work, not wealth accumulation. Then the country was divided into three

provinces, Ruhunu, Pihiti and Maya. The capital of the Sinhalese kingdom moved southward from Anuradhapura (3rd century BCE–10 century CE), Polonnaruwa (11–13cCE), Dambadeniya & Yapahuwa (13cCE), Kurunegala & Gampola (14cCE), Kotte (15–16cCE) with Sitawaka and Kandy (15–19cCE). From about the 10th Century Sri Lankan kings adopted the Indian ruling style, based on *Arthashastra* text, whereby castes were classified according to a hierarchy, dress according to caste and disproportionate punishment that could execute a clan for an offence of a member as the norm.

It appears that the Portuguese, Dutch and the British were initially invited by the Sinhalese kings to solve a local problem or to replace one by another. The coastal areas of Sri Lanka were governed by the Portuguese for 153 years (1505-1658), Dutch for 138 years (1658-1796) and the British for 19 years (1796-1815) and then the whole island for another 133 years (1815-1948). Besides these colonisers, King Senarath ceded Trincomalee to Denmark for 3 years by treaty (1619-1621) and Rajasinghe II to French for 12 years also by treaty (1672-1783).

During the Portuguese, Dutch and early British periods, there were two governing systems in the country, one by the coloniser under a European king and the other by a Sri Lankan king. While the *raja-kariya* system of service was retained in the Kandyan kingdom, the focus of the coloniser was on trade, tax and defence. In the civil governance, colonisers retained the local structure of governance with *dissawas*, *korales*, *athukorales* and *kariyakaravanna/vidane/grama arachchi* governing provinces, divisions, sub divisions and villages (Figure 1). In addition, the colonisers also maintained a *mudliyar* and *arachchi* system to recruit *las-carins* (local soldiers).

When the British gained control of the entire country in 1815 through the skilful manipulations of John D'Oyly and Governor Robert Brownrigg, the Kandyan Convention was signed between the British and the *dissawas*. Clause 4 of the Kandyan Convention stated that for the time being, governors will govern with *dissawas* and *korales* etc. with all the rights and privileges. Clause 8 stated that Kandyan provinces will be governed by ordinary authority subject to redress and reform when necessary. Although the British appeared to be benevolent, after the Uva-Welassa rebellion (1817-1818), they did not care about the Convention as the above clauses allowed them to change it when necessary.

During the time of Governor Edward Barnes, William Colebrook and Charles Cameron were sent on a commission (1829-1832) to investigate and report why (1) in spite of the high income of the colony (£350,000/year) the colony was requesting funds from England (2) all powers were vested in the governor and an advisory committee appointed by him and (3) forced labour was used for road construction. The Colebrook Constitution of 1833 created the (1) Legislative Council, (2) made the judiciary independent, (3) abolished compulsory labour, (4) provided opportunities in education and civil service for locals and (5) all were to be treated equally. Barnes was unhappy over these proposals and resigned. His successor, Torrington reintroduced taxes, which led to the Matale Rebellion (1848) and Torrington was recalled to England.

When Hugh Clifford was the Governor, Earl Donoughmore was sent on commission to enhance the participatory democracy of the country. The

Donoughmore Constitution of 1931 effectively (1) replaced communal electorates by territorial constituencies to avoid segregation (2) franchised voting rights to all adults (3) structured the Legislative Council (State Council) to have 7 elected members and 3 British officers who managed public service, defence, foreign affairs and justice and (4) created 7 Executive Committees led by an elected local member. The committee was well-mixed to avoid pork barreling. This was the most advanced feature in a constitution in a British colony at that time. Although the governor had veto power, it was to be exercised with discretion.

The Soulbury Commission was established (1944-1946) during the administration of Henry Moore to review the draft constitution prepared by local ministers and prepare the constitution for independent Ceylon. Soulbury Constitution of 1947 (1) retained the universal adult suffrage in voting, and territorial representation rather than communal representation, (2) minorities were given the opportunity to adjust the electoral boundaries, (3) all religions were given equal status, (4) Parliament replaced the Legislative Council and possessed power in domestic affairs, while defence and external affairs were delegated to the British Governor General, (5) PM and cabinet ministers were responsible to the parliament, and (6) a senate was to be created with elected and nominated members.

Scholars, from Cicero to Rousseau and Locke through Thomas Aquinas have recognised three powers in State governance, which when operating independently of each other is known as *Trias Politica*. The three governing powers are (1) Legislative Power, the power to make laws in the parliament, (2) Executive Power, to carry out and enforce laws and execute policies by the Prime Minister and his cabinet of ministers, responsible to the parliament or in the Executive President, the president being responsible for executing the laws and policies of the parliament and (3) Judicial Power, to interpret and apply laws, usually carried out by the Supreme Court, Attorney General and courts. In a democratic governing system, these three powers are independent to a great extent. When there are conflicts, they are resolved professionally and with discretion, above self-interests and party politics, by debate or consensus, and above all in the short-term and long-term interest of the nation. The Executive Power is distributed down to Permanent Secretaries, Departments and the civil service, which are professional bodies.

After independence, the Senate was abolished in 1971 and the constitution of 1972 changed the name of Ceylon to 'Republic of Sri Lanka,' abolished the Governor General and Buddhism was given the foremost place and the duty of State to foster it. The constitution of 1978 created the Executive President, and the name of the country was changed again to 'Democratic Socialist Republic of Sri Lanka.' Executive President took over the legislative powers on top of his executive powers. The president could appoint the PM, and the parliament became a rubber stamp of the president. As the president came from a political party, the legislative, executive and judiciary powers became politicised, overlooking the *Trias Politica* of governance in Sri Lankan democracy. It reached the peak in removing checks and balances that the British commissions attempted to establish, and opened the door to nepotism, corruption and financial mismanagement. Amendments 3 (1982), 18 (2010) and 20 (2020) attempted to prolong the period of the president, while

Amendments 19 (2015) and 21 (2022 in progress), attempt to restrict or abolish the Executive President.

After independence, Lanka changed the focus of governance to the disadvantaged majority. The landslide victory of S.W.R.D. Bandaranaike's SLFP in 1956 under the tutelage of *Sanga-Veda-Guru* to serve the farmers and workers, and later from 1960 under Mrs Bandaranaike's coalition with the left led to a socialist policy framework in governance. That policy was expressed in the Sinhala Only Act 1956, nationalization of private enterprise (bus, tea estates, schools, foreign companies), land reforms, removal of British/Australian military bases, relationships with communist countries and leading the non-aligned movement.

The austere measures of the socialist policies of previous governments led to the landslide victory of J.R. Jayawardene's UNP in 1977. The open market, pro-capitalist policies and shift in the traditional mentor from India to Singapore created political disturbance within the country (JVP) and with India. While Sri Lanka wished to imitate Singapore superficially, it failed to adopt the spirit of its policies, which were focused on the economy and financial management, zero tolerance on corruption, ethics and strict discipline, recruitment of foreign skills, technology and business, English as the working language, a secular state and exploring opportunities to unite and progress for the future.

It appears that after independence, the Sri Lankan leadership had slacked in the development and application of sound policies that unify the nation and set strategies for the growth of the national economy, development of industries and the use of good practices in financial management. Freedom has been used to undermine the *Trias Politica* in governance, perhaps considering law and discipline in governance to be a remnant of colonialism or with a desire for a pre-colonial monarchy style governance, or simply to look for short cuts in governance.

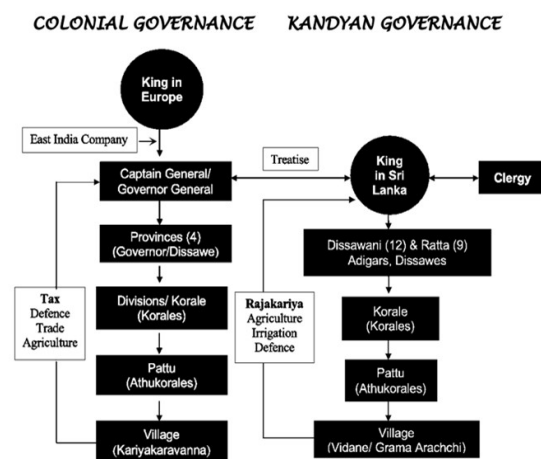


Figure 1. Systems of governance in Sri Lanka during the colonial period
