

Unconventional Conventions: Power Partnerships in the Sri Lankan Executive

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¹ This chapter is an edited version of H. Kumarasingham (2013) *A Political Legacy of the British Empire – Power and the Parliamentary System in Post-Colonial India and Sri Lanka* (London: I.B. Tauris): Ch.6.

Though the subject of this book covers the republican and presidential period this chapter goes further back to the first ten years of independence when Sri Lanka was a Realm with a Governor-General as Head of State and Prime Minister as Head of Government. Many of the constitutional and political issues that pervade this book such as tribulations with executive power, accountability, institutions, offices of state, conventions and many others did not, of course, arise with the establishment of the republic in 1972 nor the Executive Presidency six years later. Questionable executive practices that eroded democratic integration were already evident and prevalent from at least the end of British rule on 4 February 1948. Sri Lanka became an *Eastminster*², which meant it crafted British Westminster institutions and conventions for its own needs and conditions, which differed significantly from the United Kingdom. This chapter therefore examines early patterns of executive tendencies that were forged well before the advent of either form of presidency. The *Eastminster* context with its emphasis on convention and ambiguity allowed the major constitutional practitioners to largely fashion the executive themselves. Despite the theoretical supreme power of parliament (which then included an upper house also) Sri Lanka's *Eastminster* heavy weights – the Prime Minister and Governor-General displayed autocratic propensities that were legal despite going against the maxims and intent of the Westminster system they wilfully adopted. This chapter examines these critical offices and relationship in the first decade after independence and their actions, which prefigured in a manner some of the important concerns that lie at the feet of contemporary Sri Lankan democracy and the legitimate anxiety over the powers that Sri Lankan citizens delegate knowingly or not to the Executive without sufficient safeguards.

The colonial legacy, the absence of institutionalised modern democratic institutions such as established parties, the lack of an activist civil society and a low level of political literacy in the population, meant that in Sri Lanka power was more often personalist and delegated. Executive power in its first decade

² For a detailed theoretical and analytical description of the term *Eastminster*, see Kumarasingham (2013): Ch.1.

centred on, and was delegated to, the Governor-General and Prime Minister rather than the Prime Minister and Cabinet as in the more traditional Westminster system. The first decade following independence produced a unique relationship between the head of state and head of government that dominated the deliberations of state like few other Westminster systems. These political actors exerted horizontal accountability on one another, but seldom in the traditional theoretical Westminster sense. A partnership arose between the Governor-General and prime minister and power oscillated between them depending on the holders and political circumstances, but their political partnership always impacted on Sri Lanka's *Eastminster* executive more than any other.

His Majesty's Government of Sri Lanka took almost ostentatious care to ensure and present to the world that it would be a Westminster system – and a British one at that. In fact along with all the ceremony, dress and panoply associated with royalty, the Governor-General was referred to, and not in jest, as *Rajjuruwo*³ (Sinhala for King) while resident at Queen's House, the palatial seat of colonial rulers since Dutch times. This was in contrast to Nehru's India, which wanted to rapidly topple its Dominion status and embrace republicanism. Indeed, D.S. Senanayake would proudly claim to his fellow Prime Ministers that Sri Lanka was the oldest monarchy in the Commonwealth as George VI was the legitimate and constitutional successor of the Kandyan kings.⁴ One senior Sri Lankan civil servant even suggested to the British High Commissioner 'with a twinkle in his eye' that unlike Britain, Sri Lanka had never been a republic.⁵ No doubt the Sri Lankan elite, had they known about it, would have welcomed Churchill's suggestion of sending the Duke of Windsor, formerly Edward VIII, to be the King's Representative in Colombo in late 1944.⁶ As the prime author and authority on the Sri Lankan constitution,

³ T. Vittachi (1958) *Emergency '58 – The Story of the Ceylon Race Riots* (London: Andre Deutsch): p.70.

⁴ L.M. Jacob (1973) *Sri Lanka – From Dominion to Republic* (Delhi: National Publishing House): p.33.

⁵ High Commissioner to Secretary of State for Commonwealth Relations, 3rd April 1952, DO 35/3127, British National Archives (henceforth BNA).

⁶ P. Ziegler (1990) *King Edward VIII – The Official Biography* (London: Collins): p.493.

Jennings himself stated of the new constitutional structures, ‘what is provided, in short, is constitutional monarchy of the British type’.⁷ However, the constitution, unlike Britain’s, specified in great detail the expectations and powers of the Governor-General as the King’s Representative and constitutional Head of State. How much could the ‘British type’ headed by the Governor-General function successfully in Sri Lanka and act, as in Britain, as the constitutional arbiter and guardian? The expectation was that the Governor-General would follow the precedents in Britain of the Monarch. Lest there be any doubt of that intention, the constitution explicitly stated in Section 4(2) of the Ceylon (Independence) Order in Council, 1947 that

“All powers, authorities and functions vested in ... the Governor-General shall...be exercised as far as may be in accordance with the constitutional conventions, applicable to the exercise of similar powers, authorities and functions in the United Kingdom by His Majesty.”⁸

During the period analysed there were three Governors-General – Sir Henry Monck-Mason Moore (1948–49), Viscount Soulbury (1949–54) and Sir Oliver Goonetilleke (1954–62). Moore had been the last Governor and had a long career in the Colonial Service; Soulbury headed the Commission that bears his name and had been a British Conservative Minister before and during the War; while Goonetilleke was deeply involved in the transfer to power, and was the first High Commissioner to the United Kingdom, later President of the Senate and Minister of Home Affairs amongst other high positions – they were thus all men with considerable experience who knew the country and its constitution well. The constitutional provision cited above sought to mitigate the nascent nature of the constitutional apparatus and the lack of familiarity and history of the conventions, which Britain, and not Sri Lanka, had evolved. However, as one legal scholar noted, though the Governor-General of Sri Lanka was legally required to act in accordance with the constitutional conventions in the United Kingdom, he was still ‘the ultimate authority in a particular situation of what the convention is, and

⁷ I. Jennings (1953) *The Constitution of Ceylon* (3rd Ed.) (Oxford: OUP): p.50.

⁸ Ibid: p.169.

the manner of its application'. The Governor-General had the power to adapt to local situations since he only needed to follow British conventions 'as far as may be', and his actions could not be held to account by any court of law.⁹

In many respects the powers, prerogatives and expectations of the Sri Lankan Governor-General would be greater than the nominal ruler they represented at Buckingham Palace. The High Commissioner, though discussing Sir Oliver Goonetilleke in 1955, could have been describing all the Governors-General:

“There is in the background, very active behind the arras of Queen’s House, an able, intelligent and energetic Governor-General – one of the few very capable men in the Island – who interests himself in all the political problems of the day, and is more than ready to assist in the direction of affairs. In a country where constitutional forms are little understood, he plays a far more active role than we normally associate with the Queen’s Representative. If the Government were to run into difficulties he would be prepared to give it the support of the powers of his office.”¹⁰

Even Dr N.M. Perera, the erudite radical Marxist member for Ruwanwella, who opposed the ‘sham independence’, recognised in the House of Representatives that the Governor-General ‘must ... be a sort of beacon light that will shed lustre and light in our social and political life’.¹¹ The Soulbury Constitution gave *on paper* substantial powers to the head of state vis-à-vis the executive and legislature. Along with customary powers of a Westminster head of state, the majority of which are exercised on the advice of the prime minister, such as being Commander-in-Chief, summoning, proroguing and dissolving Parliament and the appointment of the prime minister and cabinet as well as senior judicial, military and

⁹ L.J.M. Cooray, ‘Operation of Conventions in the Constitutional History of Ceylon, 1948 to 1965’ (1973) *Modern Ceylon Studies* 1(1): pp.7-9; Jennings (1953): p.169.

¹⁰ High Commissioner to Secretary of State for Commonwealth Relations, 27th May 1955, DO 35/5362, BNA.

¹¹ S. Namasivayam (1959) *Parliamentary Government in Ceylon 1948–1958* (Colombo: K.V.G. de Silva & Sons): p.24.

civil service officers, the Sri Lankan Governor-General had certain *unique* powers.

The Governor-General was given the power through the constitution to appoint half the Senate and, most importantly, six members to the House of Representatives. Such provisions of selection were seen from certain angles as an opportunity to include in parliament some of the country's many ethnic, linguistic, regional, social and religious groups, since the traditional Westminster-derived electoral system could not otherwise deliver to the legislature representation of the many interests on the island. Sir Henry Moore, while still Governor, wrote to the Colonial Secretary on the proposed Soulbury Constitution, saying he believed that his future powers as Governor-General could mitigate minority qualms since there would be 'much less ... communal feeling if we could secure a reasonable representation of community interests in the Upper House and in the Cabinet'. In view of this, Moore suggested that he should be sent 'Royal Instructions on the subject in making his nominations to the Upper House, even if [the Governor-General] is to exercise no discretion in the appointment of Ministers'.¹² Moore even proposed that a future Governor-General be given the benefit of active guidance in the use of the Royal Prerogatives, which he believed might need to be exercised in Sri Lanka if the communal and political tension he foresaw came to pass. The last Governor thought that the new office of Governor-General 'will have no body ... to turn to in the exercise of the few functions left to him. I suppose there is no sort of Dominion or West Indian precedent for some form of Privy Council, who could advise ... on the exercise of the Royal Prerogative'.¹³ This showed the veteran proconsul's thinking in regard to the Governor-General's future powers.

Officials like Moore hoped that giving the Senate and the Governor-General discretion over appointments to that House

¹² 'Letter from Sir Henry Moore to Mr Stanley, 25 July 1945' in K.M. de Silva (Ed.) (1997) *British Documents on the End of Empire, Series B – Sri Lanka, Part II, Towards Independence 1945–48* (London: Her Majesty's Stationary Office): p.23.

¹³ 'Letter from Sir Henry Moore to Mr Stanley, 26 July 1945' in de Silva (1997): p.30.

and nominations for the lower house would appease the eloquent, but aggressive demands from the Tamil leader, G.G. Ponnambalam, for protected representation of minorities. Ponnambalam was arguing in reaction to the Westminsteresque Soulbury Constitution for 'fifty-fifty'; the equal division of representation in the legislature between the Sinhalese and other communities.¹⁴ A previous Governor, Sir Andrew Caldecott, had argued that they should have Royal Instructions, as in British India after 1935, which would allow the head of state in appointing the cabinet 'to use his best endeavours, in consultation with the person likely to command a majority in the Legislature, to select those, including so far as practicable members of important minority communities, who would inspire confidence'.¹⁵ However, no such 'Instructions' ever materialised and the constitution did not provide such interpretations of emphasis with regard to the theoretical and practical employment of the Governor-General's powers of appointment.

Unlike most Westminster nations, but like India, the Constitution of *Eastminster* Sri Lanka explicitly mentioned the office of prime minister. Part V of the constitution expressly mentions members of the Cabinet and Parliamentary Secretaries, the Head of the Cabinet to be the Prime Minister, the observance of the principle of collective responsibility to Parliament, and for such members and Secretaries to hold office during His Majesty's Pleasure. It even stipulates that there must be a Minister of Finance and a Minister of Justice. Other than the stipulation that at least two ministers, one of whom shall be the Minister of Justice, must come from the Senate, the Prime Minister's power of appointment and patronage is unencumbered constitutionally in the assignment of portfolios and personalities from parliament.¹⁶ Uncommonly, and most likely to do with Senanayake's pledge to maintain Sri Lanka's strategic and defence capabilities for British and Commonwealth interests, the Constitution also specifies that the

¹⁴ See Kumarasingham (2013): Ch.7.

¹⁵ F. Rees, 'The Soulbury Commission 1944-45' (October 1955, January & April 1956) *The Ceylon Historical Journal*, D.S. Senanayake Memorial Number 1(4): p.28.

¹⁶ Jennings (1953): pp.216-224.

Prime Minister is in charge of the Ministry of Defence and the Ministry of External Affairs.¹⁷

If one can call this stipulation an adaptation to local conditions, there were no other formal constitutional allowances for Sri Lankan circumstances such as communal seats at the cabinet table. Though the first prime minister and most of his successors were very much in favour of the British system, the Sri Lankan prime minister was certainly 'not under the same express legal obligations to follow British conventions, as the Governor-General is',¹⁸ and thus not subject to such high constitutional horizontal accountability. The constitution established formally responsible cabinet government very much in the Westminster mould. However, this did change the crucial detail that the prime minister and cabinet were institutions of government; a situation that 'was alien to Ceylon in October 1947', when D.S. Senanayake formed his first Cabinet.¹⁹ As discussed in the previous chapter, in addition to the fact that there was no cultural tradition whereby the electorate embraced and understood such theories and bodies, the whole experience of British rule had not adequately prepared the colony to encompass Westminster cabinet government. The previous, quixotic Donoughmore Constitution, as discussed above, did not provide for such political institutions, but had individualist ministries with key powers still held by colonial officials and the Governor himself, rather than a proto-executive or cabinet-in-waiting. Even Jennings weakly admitted that 'it is not possible to change a tradition by Order in Council, but the new Constitution did its best'.²⁰ In fact it was observed not long after independence that members of the cabinet, rather than acting as a collective, were instead 'concentrating on building [their] own empire without much

¹⁷ Jennings (1953): p. 216. The Soulbury Report pushed for this unique inclusion, arguing that a Prime Minister 'as Head of Government, would be the most suitable repository for the information on Imperial Defence policy...the Minister of Defence, on instructions when necessary from the Imperial Authorities received through the Governor-General would be the instrument through which Imperial policies would be carried out'. See Soulbury Report, Cmd. 6677, p.95.

¹⁸ Cooray (1973): p.13.

¹⁹ Namasivayam (1959): p.34.

²⁰ Jennings (1953): p.101.

reference to [their] colleagues'.²¹ If anything, this practice was a continuation from the colonial era.

In many ways Sri Lanka's independence was a personal transaction between the British and D.S. Senanayake. After the marginalisation of Sir Baron Jayatillike in the late 1930s, Senanayake became the premier politician on the island and with O.E. (later Sir Oliver) Goonetilleke and Jennings as his able assistants, cannily negotiated the terms of independence. The British decided that with Senanayake at the helm they had a safe assurance that Sri Lanka would remain in the Commonwealth and they would retain access to the Royal Navy base at Trincomalee and Royal Air Force station at Katunayake, which were viewed by senior British military and political sources as highly integral to Britain's defence planning in the uncertain post-war era.²² The British saw that without Senanayake's cooperation, power could fall into the hands of extremists and all that His Majesty's Government and Sri Lanka stood to gain by symbiotic negotiation would be lost. Senanayake's sponsor Soulbury wrote to the Colonial Secretary asking for further concessions for Senanayake. He argued that there was a danger of power leaving the pro-Britain, moderate, but ageing Senanayake. Instead, power would find a home with the nationalist, leftist exponent of non-alignment that Bandaranaike represented. Soulbury warned starkly that 'it would not be wise to exclude the possibility of finding him [Senanayake] in the same camp as Mr Bandaranaike, being driven there in an effort to preserve his own leadership'.²³

²¹ High Commissioner to Secretary of State for Commonwealth Relations, 12th April 1951, DO 35/3127.

²² An example of this view came from the redoubtable Admiral Sir Geoffrey Layton, who advocated that their importance was so great that he hoped that Britain's 'object must be to see that the Imperial Government have, through the Governor-General, an effective voice in policy in such matters'. Layton optimistically thought the Governor-General should in the 'interests of Imperial defence' have a 'second set of advisors [from HMG in London] in addition to responsible Ministers', since it 'would not be a practicable proposition in such a case to rely wholly on the impartiality of a "non-political" Ceylonese [official]' ('*Defence policy for Ceylon: Memorandum by Admiral Layton for Sir H. Markham (Permanent Secretary, Admiralty)*' in de Silva (1997): pp.132–133. For further information on the Defence Agreements see Jacob (1973): pp.23–27, 195–196.

²³ 'Letter from Lord Soulbury to Mr Hall, 5th October 1945' in de Silva (1997): pp.106–109.

Senanayake seemed to echo this fear when, on the same day, he wrote that he could lose his majority to the leftist nationalists, since 'I am already being accused of having offered too much and asked too little'.²⁴ In the end, as in India, Pakistan and many of the future African states such as Ghana, the British effectively entrusted the sovereignty to one man – D.S. Senanayake. Gordon Walker, representing the British Government at the Independence Day celebrations, recorded approvingly that the new Prime Minister was 'a bluff and hearty old boy' and, importantly for the former Colonial power, 'is in the genuine tradition of Dominion Prime Ministers: deeply committed to the British connexion'.²⁵

Senanayake, who had gained enormous kudos for achieving independence, was undoubtedly a powerful prime minister. The attainment of independence was one of the main sources of Senanayake's political powers – rather than being the leader of a political party as in most comparable situations in the Commonwealth. This was because his party, the UNP, unlike Congress in India, for example, was not a well established or well organised hegemonic political force with grass roots support. But Senanayake, as he was to the British, was a reassuring politician to the masses and to parliament. British officialdom apparently liked him because Senanayake, unlike most of the Eastern elite he belonged to, was not English-trained; instead 'Jungle John' was a landed Sinhalese squire who 'surprised them by the strength of his character and the strength of his purpose'. Jennings believed it was 'perhaps an advantage that Mr Senanayake had not the facility of language of the English-trained Ceylonese graduate or the slick self-assurance of the professional advocate. A Ceylonese prototype of the English official would not have made such an impression.' The homespun but capable Senanayake, in Jennings' view, 'completely captured the Colonial Office and the Secretary

²⁴ 'Letter from Mr Senanayake to Lord Soulbury, 5th October 1945' in de Silva (1997): p.113.

²⁵ Gordon Walker diary, 6th February 1948 in DO 35/2195, BNA; 'Report on Ceylon': Cabinet Memorandum by Mr Gordon Walker, 17 March 1948' in de Silva (1997): p.365.

of State. If he had been able to meet the Cabinet I am sure that he would have obtained independence in 1945.²⁶

Irrespective of his constitutional status as Prime Minister, Senanayake was 'Father of the Nation' and drew a confidence from that image that his successors could not, since they, more than he, required the powers of office derived from the constitution. But more importantly Senanayake was the first man invested with the powers over the new Dominion and thus he had the political ascendancy and delegated democracy from which he derived the institutional security that his successors lacked to such a degree. Senanayake was able to act effectively, in most cases, because he was the dominant personality. '[H]e did not so much dictate as he arbitrated between the wings', but with his 'popular support and an appeal approaching charismatic ... in the end he could always impose his will'.²⁷ The studious scholar Jennings explained admiringly that Senanayake 'could take a decision on a most complicated and difficult issue at a moment's notice. He rarely asked for memoranda. He liked to have a problem explained orally, and even then he needed no lengthy lecture. He was concerned with principles and not with detail.' Though Jennings saw this as a good quality, and applauded the Prime Minister's wise judgement, the fact that Senanayake's genuine high principles of governance and civic responsibility to all Sri Lankans scarcely outlived him showed the importance of details and legitimate memoranda, which could have perpetuated his principles and prevented the constitutional and civil discord that followed. Instead, typically for an *Eastminster*, the system's successful governance of the island was determined not by institutions, but 'reliance upon his [Senanayake's] judgment', which naturally 'became too heavy'.²⁸

In the period of analysis Sri Lanka had four prime ministers – D.S. Senanayake (1947–52), Dudley Senanayake (1952–53), Sir John Kotelawala (1953–56) and S.W.R.D. Bandaranaike (1956–

²⁶ I. Jennings, *Donoughmore to Independence, Sir Ivor Jennings Papers* (Institute of Commonwealth Studies, University of London).

²⁷ C.A. Woodward (1969) *The Growth of a Party System in Ceylon* (Rhode Island: Brown University Press): p.75.

²⁸ I. Jennings, *Donoughmore to Independence, Sir Ivor Jennings Papers* (Institute of Commonwealth Studies, University of London).

59). The personalities of these holders of the premiership and their relationship with party and cabinet are key to understanding the powers of their office in the institutionally nascent years after independence – and they also demonstrate certain cultural characteristics that distinguish Sri Lanka from India and other Commonwealth countries at the Executive level.

As discussed above, the vast majority of the Governor-General's powers are subject to the advice of the Prime Minister, which is stipulated in the Constitution under Section 4(2). However, there are some areas that allow certain manoeuvrability – the most important of which is the exercise of his personal prerogative in the appointment of the prime minister. In the traditional Westminster system it is the two-party system that transacts the business of parliament. The Queen's role is to offer the premiership to the person who holds the confidence of the lower house. In transplanted countries this is invariably the leader of the party that controls a numerical majority of seats over the opposition. With two parties this is a relatively automatic decision of simple arithmetic, leaving little discretion or difficulty for the head of state to decide on who to bestow a commission to form a government. In implanted and *Eastminster* countries the party system at the time of independence was relatively embryonic and far from two established parties there was generally a plethora of factions masquerading as parties lacking the cohesion and discipline that is expected from their cousins in the settler Dominions. Even India had at least the security of the Congress Party's dominance until the present day, which meant that the President had a simple choice. Sri Lanka's party system, as analysed above, was characterised by the novelty, incidence and irregular nature of parties during the period of analysis. Under these circumstances the Governor-General's disbursement of the seals of office is not so straight forward. It did not help that none of the major parties, including the UNP, had any reliable or formal machinery of electing leaders. This added to the political ambiguity and uncertainty that surrounded the succession to D.S. Senanayake.

Indeed, Sri Lanka's very first commission to become Prime Minister was offered by Sir Henry Moore to D.S. Senanayake, despite the blatant psephological fact that his party, the United

National Party, after the General Election of August–September 1947 did not hold an absolute majority in the House of Representatives. The anti-UNP factions in the newly elected chamber tried at the Yamuna Conference to converge to attempt to form a non-UNP government.²⁹ However, Senanayake's appointment to form a ministry was largely without controversy; Moore had commissioned the person best able to command the confidence of the House, because the new Prime Minister had persuaded enough Independents to sit on the government benches. Such constitutional conduct from the Governor-General was, despite the divergence from the usual British experience, in line with Westminster conventions, which the Sri Lankan Governor-General was constitutionally bound to honour. This was perhaps made easier because not appointing Senanayake to form a ministry would have meant calling on the Leader of the Opposition, Trotskyist Leader Dr N.M. Perera, to form His Majesty's first Communist government in the Commonwealth. It is important to bear in mind that in respect of constitutional conventions Sri Lanka was something of a legal abnormality compared with the other realms. Jennings contends that though it is 'entirely satisfactory ... to have established the formal law as in Australia and to leave the conventions to be implied', in Sri Lanka it 'had to be established by law' and thus the country was peerless at the time, since its Constitution 'specifically provides for the application of the constitutional conventions of the United Kingdom'.³⁰ For all the implicit and explicit emphasis on Westminster conventions the Governors-General and prime ministers of the period had difficulties in interpreting, and more important, applying them. Those two offices had three crucial partnerships that demonstrated the flexibility and difficulty of Westminster conventions as well as the complexity and fluctuation of horizontal accountability in Sri Lanka.

²⁹ N. Wickramasinghe, 'Sri Lanka's Independence – Shadows over a Colonial Graft' in P.R. Brass (Ed.) (2010) *The Routledge Handbook of South Asian Politics* (London: Routledge): p.47.

³⁰ I. Jennings, 'Donoughmore to Independence, Sir Ivor Jennings Papers' (Institute of Commonwealth Studies, University of London).

The First Partnership: The Soulbury Compact with the Senanayakes 1949–53

Lord Soulbury, with his old friend ‘D.S.’ safely ensconced at Temple Trees, the Prime Minister’s official residence, with meagre prospects of office under a Labour Government back home, must have relished the vice regal opportunity to return to Ceylon and succeed Sir Henry Moore, who stayed on for just a year, as Governor-General in 1949. Soulbury back in Sri Lanka could indulge once more in his aesthetic savouring of the island’s renowned ‘traditions of art and architecture and literature and thought that in bygone centuries made her people famous’.³¹ However, if the masses and the political elite thought that this bemonocled English aristocrat, with his impeccable credentials for the post, would spend his years on the island quietly poking around the ancient ruins of Polonnaruwa and act from Queen’s House with the impartiality and correctness that is the convention of that high office and, as Soulbury himself stated, ‘keep out of politics and refrain from any activities which may give rise to the suspicion of political influence...’, they were to be greatly mistaken.³²

Senanayake and Soulbury had been very close since the days when the former Conservative minister visited as head of the commission to deliberate on Sri Lanka’s constitutional future in 1944–45. As early as October 1948 Buckingham Palace and Whitehall had ‘known for some time that Mr Senanayake has in mind to submit Lord Soulbury’s name as Governor-General of Ceylon’.³³ They bargained well with each other during the Soulbury Commission’s time and understood the importance of their political relationship as trusted allies, enjoying their weekly

³¹ Department of Information (1949) *Independence Day Souvenir, Independent Ceylon – The First Year* (Colombo: Government of Ceylon).

³² Lord Soulbury, ‘I Remember Ceylon’ in *Times of Ceylon Annual 1963*, cited in A.J. Wilson, ‘The Role of the Governor-General in Ceylon’ (1968) *Modern Asian Studies* 2(3): p.195.

³³ Proposed Appointment of Lord Soulbury as Governor-General of Ceylon, 1948–1949, DO 35/3222, BNA.

informal meetings as Prime Minister and Governor-General.³⁴ They had an intimate relationship and though Soulbury was very much the junior in this partnership he was not an ignorant or insignificant partner. As he himself stated of their political partnership:

“It was my duty in accordance with constitutional usage to accept and act upon his advice, but he was always ready to listen to advice from me, though of course he did not always take it nor did I expect him to ... sometimes however I used to tell him that the only advice he really ought to accept was the advice that his doctor and I gave him...”³⁵

Whatever the advice, Soulbury did not need to impinge upon the Prime Minister too much as Senanayake was undoubtedly the power in the country. In this *Eastminster* the Prime Minister lacked the traditional tools of power, such as that of leader over a whipped party or well established conventions of *primus inter pares* in cabinet, as these two concepts had not developed sufficiently. Senanayake was, however, able to keep his power partly through his status as the man referred to by the Americans as the ‘George Washington of Ceylon’;³⁶ the man that brought freedom to Sri Lanka. He also kept his power, however, by using the *Eastminster* tools of kith and kin. The British High Commissioner explained to London that the ‘Prime Minister has numerous ties of kinship with other members of his Government and a large element in his personal position derives from the fact that he is able to depend on many personal contacts over a wide field in a way that is not often found in European politics’.³⁷ With these ties and contacts Senanayake was able to control his Cabinet of cousins and barons

³⁴ Lord Soulbury, ‘*Senanayake the Man- Appendix 1*’ in H.A J. Hulugalle (2000) *Don Stephen Senanayake: First Prime Minister of Sri Lanka* (2nd Ed) (Colombo: Arjuna Hulugalle Dictionaries): pp.286–292.

³⁵ Ibid: p.291.

³⁶ E.L. Watson, ‘*America in Asia: Vice President Nixon’s Forgotten Trip to Ceylon*’, (Online) *Foreign Policy Journal*, May 2009 <<http://www.foreignpolicyjournal.com/2009/05/01/america-in-asia-vice-president-nixons-forgotten-trip-to-ceylon/>>.

³⁷ High Commissioner to Secretary of State for Commonwealth Relations, 18th April 1952, DO 35/3127, BNA.

in such a manner that there ‘could never be any question of ganging up against him’.³⁸ Senanayake in short dominated the Westminster institutions and the conventions required to run them. The first Prime Minister established the precedent where Executive dominated the Legislature in a style known in both West- and *Eastminsters*.

“Most of the important decisions affecting the life of the nation, particularly in defence and foreign affairs, are still taken by the Prime Minister. He never seriously consults Parliament through the normal process of debate. Legislation is for the most part stampeded through Parliament and the Opposition are given little time to formulate any criticism they might have to offer. The House of Representatives ... are in the main left to debate in a detached and often irresponsible fashion the matters of purely local interest which are put before them. The House sat for just sixty-one days in 1950. No doubt the members of the House have failed to grasp the full significance of power now bestowed upon them and this results in the House of Representatives being regarded by Government and Opposition alike as little more than a talking shop.”³⁹

Unquestionably the most important event of Soulbury’s tenure was the death of Senanayake and his role in the appointment of his successor to the premiership. Soulbury had a good relationship with the anglophile elite that dominated Sri Lanka at the time, especially due to his previous role in heading the Commission that bore his name and his advocacy in the House of Lords and Whitehall for Sri Lanka’s independence. In Soulbury they saw a true custodian of the constitution and a ‘dignified’ upholder of the ‘British way’, which they so readily empathised with and mimicked. Many also saw that at this stage only an Englishman, above the petty differences of the locals, could maintain standards and order. And yet as Manor argues, ‘the first major violation of

³⁸ High Commissioner to Secretary of State for Commonwealth Relations, 17th May 1949, DO 35/3127, BNA.

³⁹ High Commissioner to Secretary of State for Commonwealth Relations, 16th April 1951, DO 35/3127, BNA.

the conventions of Westminster to occur in the island was the work of an Englishman',⁴⁰ none other than Herwald Ramsbotham, GCMG, GCVO, OBE, MC, PC, first Baron, later Viscount, Soulbury in the County of Buckinghamshire.

On 21st March 1952 Prime Minister D.S. Senanayake suffered a stroke and fell from his horse during an early morning ride on Galle Face Green and, after being taken to hospital, died the next afternoon.⁴¹ Only the day before this fatal fall the highly competent and reliable Cabinet Secretary B.P. Peiris recorded that after cabinet the Prime Minister entertained the ministers and some officials to lunch in the Senate restaurant. Peiris observed, with a characteristic Eastern eye for such details, that since there were some absences, thirteen were sitting for lunch: 'I was sent out to bring somebody, some extra person, but everyone I met appeared to have had his lunch. And so, thirteen of us sat down to lunch', to the great unease of superstitious Ceylonese.⁴² The death of D.S. Senanayake began what the British High Commission described as the 'Drama of the Succession'. Even before his death British officials believed though the 'outward appearance is still that of a stable, peaceful and prosperous country' it would 'swiftly be shattered if Mr Senanayake was removed from the scene'.⁴³ Soulbury had only recently arrived in Britain, but hastened to return to Colombo, where the Chief Justice Sir Alan Rose was Acting Governor-General. The High Commissioner reported after subsequent confidential conversations with Soulbury, Rose and other 'well-informed people' that when Soulbury saw Senanayake before he left, the Governor-General 'asked him whom he would choose as his successor; Mr Senanayake replied "Dudley". The Governor-General told this to the Officer Administering the Government, Sir Alan Rose, before he left.' Syers states in his report to London

⁴⁰ J. Manor, 'Setting a Precedent by Breaking a Precedent: Lord Soulbury in Ceylon, 1952' in D.A. Low (Ed.) (1988) *Constitutional Heads and Political Crises: Commonwealth Episodes, 1945-85* (London: Macmillan): p.28.

⁴¹ Winston Churchill offered to send brain specialist Sir Hugh Cairns to Colombo, but Senanayake's demise was swift.

⁴² B.P. Peiris (2007) *Memoirs of a Cabinet Secretary* (Nugegoda: Sarasavi Publishers): p.156.

⁴³ High Commissioner to Secretary of State for Commonwealth Relations, 16th April 1951, DO 35/3127, BNA.

that Rose ‘therefore had one vital piece of information before the death took place’, and then notes ambiguously that Rose ‘used it wisely to give himself the opportunity to play for time and to give the forces let loose in the country time to meet each other’.⁴⁴ Is this an indication that Queen’s House (with the knowledge of Westminster House in Colombo) wanted time to gather support in the UNP for the dead man’s son, who had shown no appetite for this piece of political primogeniture? On his return the principal choices that lay before Soulbury for the office of prime minister were Dudley Senanayake, the late Prime Minister’s 41-year-old son and Minister of Agriculture and Lands, and Sir John Kotelawala, Leader of the House of Representatives (a position locally regarded as *de facto* deputy prime minister – though constitutionally, like Britain, there was no *official* post of deputy prime minister), Senior Vice-President of the ruling UNP and nephew of D.S. Senanayake. According to certain sources Kotelawala, the most experienced member of the cabinet after the late Prime Minister and who deputised for him in his absence, commanded the support of the majority of MPs of the UNP.⁴⁵ While Dudley Senanayake seemed to have a ‘melancholy aversion to politics’ and was relatively inexperienced, critically he had the active support of his kinsman’s powerful Lake House press.⁴⁶ Soulbury wasted no time on his arrival in carrying out his duty – as he saw it. Manor describes the controversial and rapid events:

“Lord Soulbury’s plane landed at 12.35 pm on 26 March and he drove straight to Queen’s House ... He held no consultation of any substance with any Member of Parliament, and at 1.55 pm, less than an hour after the Governor-General had reached the residence, Dudley Senanayake arrived. After a 45-minute interview, the latter proceeded to the Cabinet room nearby where he met for ten minutes with ministerial colleagues [Kotelawala was not present]. He then returned to Queen’s House to accept formally the summons to be Prime Minister ... By calling a man other than the one

⁴⁴ High Commissioner to Secretary of State for Commonwealth Relations, 18th April 1952, DO 35/3127, BNA.

⁴⁵ Manor (1988): p.30.

⁴⁶ *Ibid*; K.M. de Silva & H. Wriggins (1988) *J.R. Jayewardene of Sri Lanka: A Political Biography*, Vol.1 (London: Anthony Blonde/Quartet): pp.254–260.

who could command the majority of the ruling party's MPs, he [Soulbury] had breached one of the most fundamental conventions of Westminster."⁴⁷

Even a British Governor-General did not apply Westminster conventions. Why had Soulbury acted in this way? Various sources believe that he was 'completing his great transaction with D.S. Senanayake', whom he greatly admired and was beholden to for his present post, which was offered over a 'long talk on the lake at Bolgoda'.⁴⁸ The Prime Minister advised Soulbury that, should anything happen to him, he should send for his son to lead the government rather than Kotelawala.⁴⁹ Senanayake said this despite publicly stating that the question of his successor was not a matter for him to determine. This statement was prompted in 1951 when Bandaranaike, realising the Old Man intended to bypass his obvious premiership ambitions, crossed the floor in pique to found his own party.⁵⁰ Soulbury had often noted that his old friend 'D.S.' was almost 'irreplaceable',⁵¹ and perhaps the son was as good a substitute as possible. To many it seemed that Soulbury 'had paid off his debt' to D.S. Senanayake.⁵² Whatever the reason, the events were highly extraordinary and the massive controversy they generated was warranted. The action, with its lack of formal consultation, disregard for precedence and dereliction of the constitution itself was utterly against the Westminster system. Amazingly, though the cabinet, the responsible executive body of the country was not consulted, it appears the Governor-General did consult – both personally and through officials at Queen's House – the British High Commission in Colombo, Whitehall and the King's Private Secretary. He told these officials 'in the strictest confidence' within hours of Senanayake's death that the 'late Prime Minister

⁴⁷ Manor (1988): p.30.

⁴⁸ Soulbury in Hulugalle (2000): p.290.

⁴⁹ Manor (1988): p.32; de Silva & Wriggins (1988): p.253; J.L. Fernando (1963) *Three Prime Ministers of Ceylon: An Inside Story* (Colombo: M.D. Gunasena): pp.39–40.

⁵⁰ J. Kotelawala (1956) *An Asian Prime Minister's Story* (London: George G. Harrap & Co): p.79.

⁵¹ Soulbury's radio broadcast on Senanayake's death quoted in Hulugalle (2000): pp.272–273.

⁵² B. Weerakoon (2004) *Rendering Unto Caesar* (Colombo: Vijitha Yapa): p.8.

nominated orally to Governor-General his son Mr Dudley Senanayake to succeed him'. He added, notwithstanding the huge importance of this verbal testament, that there 'was nothing in writing'.⁵³ As Kotelawala threateningly reminded his constitutional head, the Governor-General, his constitutional duty was to appoint the leader who could command the widest support in the House – meaning, of course, himself. Before the appointment of the younger Senanayake but with rumours of the prospect gaining credence, Kotelawala on 24th March wrote unequivocally to Soulbury:

“If you should now contemplate to act on any other basis, it is my painful duty to have to point out that such an act would constitute a serious breach of convention, besides setting up an utterly unacceptable constitutional precedent, that the Governor-General can make or break an established political Party by exercising his discretion in any method other than the conventional practice referred to ... [After listing his senior positions as Leader of the House in which capacity he had presided over the Cabinet in the Prime Minister's absence, and as Deputy Leader] ... I claim that there should be no delay whatever in my being summoned to form a Government.”

“That this obvious step was not taken would appear to be due to some oral suggestion, which you had personally made before your departure on leave to the Officer Administering the Government [Rose] which you appear to have informed him [of D.S. Senanayake's wish for Dudley to be his successor]. The result is that a great campaign of political mischief has been set afoot during the past few days which is likely to have grave repercussion not merely on the U.N.P., but on the entire country for which the blame will have to be placed in the [sic] appropriated quarters.”⁵⁴

⁵³ Telegrams and letters 22nd–25th March 1952, DO 35/3127, BNA.

⁵⁴ Kotelawala to Soulbury, 24th March 1952, DO 35/3127, BNA.

Soulbury, by ignoring the arguments above and appointing Dudley Senanayake, who at 41 was the youngest prime minister in the Commonwealth at the time, left Kotelawala with few options. He could have forced a caucus vote of confidence on the new prime minister, but such an action would cause undeniable rupture to the UNP, which on its own lacked an absolute majority as the party would be facing a General Election very shortly. Open revolt was unquestionably difficult in the midst of visible and genuine peasant and parliamentary panegyrics in honour of the 'Father of Independence', whose son now carried the mantle. Soulbury had also delivered the initiative to Dudley Senanayake. There was one other option. Kotelawala, a seasoned member of the national legislature, who had held ministerial rank since 1936, may have contemplated appealing to Section 4 of the Constitution – which, as stated above, clearly commanded the Head of State to exercise power 'in accordance with the constitutional conventions, applicable to the exercise of similar powers, authorities and functions in the United Kingdom by His Majesty'. The unprecedented contention surrounding the appointment of Dudley Senanayake was clearly not in congruence with the conventions of the Crown and confirmed the lack of Westminster culture.⁵⁵

However, despite the potential case Kotelawala could have raised, there was no recourse to bring into question Soulbury's actions since the same constitution 'provided that no act or omission on the part of the Governor-General shall be called in question on any court of law or otherwise'.⁵⁶ Therefore the very hopes of the constitution on such questions could not be utilised, despite the understanding that what were conventional practices in other Westminster countries, were in Sri Lanka 'laws and not conventions' since, as two eminent constitutional scholars wrote (before the incident), the country 'had never known conventions so there was much to be said for giving the additional moral authority of legal enactment'.⁵⁷ Kotelawala had no ability to legally challenge the Governor-General's astonishing use of legalised convention. The injured politician eventually agreed to

⁵⁵ Namasivayam (1959): pp.35–36.

⁵⁶ Jennings (1953): p.169.

⁵⁷ Manor (1988): p.33.

return to and serve in his relative's Cabinet, but not before threatening to withhold the UNP's funds (which he controlled as Treasurer) and to leave the country and then, amazingly, demanding to become Governor-General himself.⁵⁸ Incredibly, for all their patronising preaching against the 'Eastern standards' of the Sri Lankans and their basking in 'the sunshine of political irresponsibility',⁵⁹ British officials did not level such charges against Soulbury's standards or irresponsibility. Syers did, however, indirectly question the last British Governor-General's judgement when speculating to the Secretary of State for Commonwealth Relations 'what might have happened if the Governor-General had been in the Island at the time of Mr D.S. Senanayake's death. Although he knew the late Prime Minister's wishes it would surely have been difficult for him not to summon Sir John Kotelawala as the senior Minister.' The High Commissioner, regardless of the constitutional propriety, thought this action 'would have been dangerous, possibly disastrous'; he was presumably alluding to Kotelawala's brash personality and chaotic attitudes. Rose as Acting Governor-General 'played it long' on Soulbury's instructions and this allowed the argument to gain 'slowly, but surely behind' Dudley Senanayake as the 'right choice'. This subtle campaign and delay thereby avoided 'open criticism that the Premiership was a family affair', which would likely have arisen if the appointment had been made immediately following the death.⁶⁰

Soulbury himself seems to have tried retrospectively to find constitutional support for his remarkable actions. While in London he reportedly said publicly that if son followed father to form a government directly it would be 'the first time in the history of Parliament that it has happened'. Even the Pitts had not managed such a feat.⁶¹ Less openly, and just two days after appointing Dudley Senanayake as Prime Minister, Soulbury requested and received the same day advice from a fellow friend of D.S. Senanayake, the famous jurist and scholar Sir Ivor

⁵⁸ Fernando (1963): pp.46–47.

⁵⁹ High Commissioner to Secretary of State for Commonwealth Relations, 3rd April 1952, DO 35/3127, BNA.

⁶⁰ High Commissioner to Secretary of State for Commonwealth Relations, 18th April 1952, DO 35/3127, TNA.

⁶¹ *ibid.*

Jennings, then Vice-Chancellor of the University of Ceylon. Jennings, the shadow author of the constitution, had defended Soulbury's actions by both phoning and writing privately to the Governor-General's office that 'there is no obligation on the Governor-General to consult the Leader of the House or anyone else'. Jennings went on to point out that there was no compulsion to act on any advice except the prime minister's, and he further justified the delay in Soulbury's duty to appoint a prime minister or even an acting prime minister. Jennings continued (alluding to Kotelawala) that Soulbury did not have to consult ministers or party leaders and that 'the Leader of the House has no claim whatever to the office of Prime Minister'. He then made a courageous, but highly contentious, offer: 'if the Prime Minister thinks it would help' Jennings was 'very willing to write an article for the Ceylon Daily News' to advocate the Soulbury-Senanayake position.⁶² Jennings arguably was colluding with or at least absolving Soulbury from his legally and politically unaccountable position.

Such actions of all the main players evidenced degrees of constitutional inappropriateness and an inability to commend the system to the country by blurring the constitutional responsibilities and roles of the executive actors. The entire incident demonstrated the formidable difficulty in applying the legal and theoretical intricacies of Westminster to a foreign land and culture without judicial review of constitutionally defined duties of the executive.⁶³ Dudley Senanayake's first Government only lasted from March 1952 to October 1953, when he was succeeded by Sir John Kotelawala.

⁶² Jennings to Mr Hingley (Secretary to the Governor-General), 28th March 1952, *Jennings Papers*, Ceylon B3, ICS125, ICS.

⁶³ Whatever the constitutional irregularities of the appointment the fact that Senanayake requested and was granted a dissolution of Parliament and was returned as Prime Minister and Leader of the UNP as a result of the General Election did much to mitigate the controversy surrounding Soulbury's decision.

**The Brief Second Partnership – The Fall of Soulbury
and the Ceylonese friends Sir John and Sir Oliver 1954–
56**

Though Kotelawala never publicly stated it, he was the author (with the help of a private secretary) of a highly controversial document called the 'Premier Stakes 1952', which baldly attacked Lord Soulbury as Governor-General over the appointment of Dudley Senanayake as Prime Minister. Though they never admitted it, the British not only knew about the offending document, but possessed a copy and knew for a fact that Kotelawala had written it. This strange document, which left Sir Cecil Syers wondering if he 'had made an excursion into Looking-glass Land', offended all and sundry and was 'clearly written up after the event' with 'vilification' in mind.⁶⁴ Political rivals (and Cabinet colleagues) were variously described with disdain: Freddie Jayewardene, 'who hadn't the brains of a louse'; 'Dirty Dickie' J.R. Jayewardene, who was one of 'my self-chosen grave diggers'; G.G. Ponnambalam, 'who would sell his own mother-in-law to gain his end'; and Justice Minister Senator Sir Lalitha Rajapakse with his 'kindergarten manner'. The Indian Tamil Estate workers' leader S. Thondaman apparently had a disagreement with Sir John Kotelawala on one occasion, after which the latter told him: 'I'd have beaten you to within an inch of your life'. However, Sir John's most bilious barb was reserved for the man who had denied him the premiership. The writer of the 'Premier Stakes' claimed that Sir John's enemies, on hearing of the death of Senanayake, had been on the phone to 'the ever-subservient and self-aggrandising Lord Soulbury in London. They were to queer the pitch for me for the underhand bowling, while His Satanic Lordship as umpire was to give me "Out" when they appealed' and thus he was dealt 'the deadly or Dudley blow'.⁶⁵ Soulbury tried, again contrary to convention, to persuade the Prime Minister to sack Kotelawala from the short-lived cabinet. When the younger Senanayake resigned a short time later over food riots, Soulbury even asked Jennings whether there was any

⁶⁴ High Commissioner to Secretary of State for Commonwealth Relations, 24th September 1952, DO 35/3127, BNA.

⁶⁵ 'The Premier Stakes 1952', Diary for March 21st–27th 1952, DO 35/3127, BNA.

constitutional way of denying the premiership to Kotelawala by arguing that the stressed Senanayake was potentially ‘unable to perform any of the functions of his office’, including giving the crucial advice on his successor.⁶⁶ The Governor-General was naturally concerned with his own job security, faced by the spectre of a new Prime Minister who reputedly believed that his meek kinsman Senanayake was ‘be[ing] misled by that b... Soulbury’.⁶⁷

Aside from the supposed oral testament and loyalty to it, why did Soulbury deviate from convention? Apart from the personal distaste that Soulbury and the British felt for the ‘megalomaniac’ and ‘Rabelaisian’ Kotelawala, they seem to have had another reason for wanting Dudley Senanayake to attain and continue in office. They feared that Sir John was ‘the type of man who might one day make a bid for control of the country by distinctively undemocratic methods’.⁶⁸ The British believed that Dudley Senanayake was more likely to maintain his father’s policies towards Britain and keep the country within the Commonwealth as a reliable Realm, strategic base and trading partner. The High Commission were probably not mollified by Kotelawala’s assurance that if a motion were put to parliament for a Republic ‘he would say that he would himself be a candidate for Presidency and would claim powers [more] akin to United States President than to Governor-General’, which would scare those in favour of such a constitutional change. To British diplomats the prospect of a Kotelawala-led *autogolpe* (self-coup) was not entirely implausible, since ‘Parliamentary democracy is not an institution in Ceylon whose roots have struck deep as yet and in the rural areas the tradition of feudalism still holds sway. A political coup might, therefore, stand a chance of being carried through without arousing widespread antagonism.’⁶⁹

⁶⁶ Soulbury to Jennings, 5th October 1953, *Jennings Papers*, Ceylon B3, ICS125, ICS.

⁶⁷ Fernando (1963): p.61.

⁶⁸ High Commissioner to Secretary of State for Commonwealth Relations, 16th April 1951, DO 35/3127, BNA.

⁶⁹ High Commissioner to Secretary of State for Commonwealth Relations, 16th April 1951 & 17th January 1955, DO 35/3127 and PREM 11/1223, BNA.

However, the mechanics of the previous change in premiership and of course the recent colonial past allowed Sri Lankan political leaders to wonder whether the British could themselves still manipulate power on the island. The Secretary of the Tamil Federal Party, a supposedly ‘anti-Jayewardene’ party, requested that ‘the High Commissioner should urge the Governor-General not to let his personal antipathy stand in the way of the nomination of Sir John Kotelawala’. An unnamed British diplomat replied bashfully to this plea for political intervention that ‘this Office did not play any part in the politics of Ceylon and ... it would be both constitutionally and contrary to our practice to advise the Governor-General on this or any other matter’.⁷⁰

Soulbury was compelled to invite Kotelawala to become Prime Minister in October 1953. The new Prime Minister could now satisfy his enduring animus against Lord Soulbury. As he lacks the democratic sanction of being elected, the local Head of State has ultimately little practical recourse to defend and decide his powers over the wishes of a determined Prime Minister. The Prime Minister can dissipate horizontal accountability from the office of Governor-General. Despite being a royalist, Kotelawala demonstrated this relationship when, after just a month as Prime Minister, he commanded that ‘God Save the Queen’ should no longer be played and the Union Jack should cease being flown on official occasions. Lord Soulbury, Kotelawala’s old nemesis, wrote that ‘he was very much peeved’⁷¹ at this, to which the Prime Minister responded:

“Although Ceylon is an independent country now, there are three points that the people of Ceylon are unable to understand.

1. Why in this free land should there be a foreign Governor-General?
2. and 3. Why should there be an English flag and an English national anthem in free Ceylon?

⁷⁰ Acting High Commissioner to Secretary of State for Commonwealth Relations, 22nd October 1953, DO 35/5361, BNA.

⁷¹ Manor (1988): p.34.

Of these three points the second and third have been suitably dealt with, which may kindly be taken note of.⁷²

Though Kotelawala even tried to tell Winston Churchill that he had been misinterpreted,⁷³ the message was plain. Soulbury thought so and, unsurprisingly, did 'take note' and left the island not long after. As Kotelawala had bluntly reminded the Head of State, it was the Prime Minister's sole prerogative to advise the Queen on the appointment *and* dismissal of her Representative.

Sir John Kotelawala, now Prime Minister, wasted no time in informing the Queen on her first visit to Ceylon in 1954 of his wish to have his old friend Sir Oliver Goonetilleke as her Representative. This was despite some reservations about Goonetilleke's financial affairs among certain public figures, including a member of the Cabinet. The High Commission noted that there 'are few people in Ceylon, Ceylonese or European, who do not believe that Sir Oliver Goonetilleke has not in fact at some time made more or less illegitimate profit out of his various public offices'.⁷⁴ Regardless of this, Kotelawala had his way and Goonetilleke received the Queen's Warrant. The two were close socially and had served together under D.S. Senanayake for many years. Kotelawala, the former pugilist, told Goonetilleke that 'you are going to Queen's House even if I have to carry you there'.⁷⁵ Goonetilleke was another Governor-General who had high credentials to commend his appointment as the Queen's representative. He had served his country and the Empire with distinction. This Sinhalese Episcopalian (which, according to

⁷² Cited in Acting High Commissioner to Secretary of State for Commonwealth Relations, 7th December 1953, DO 35/5179, BNA.

⁷³ Kotelawala to Churchill, 13th November 1953, DO 35/5179, BNA.

⁷⁴ At the time of his appointment members of the Opposition were concerned about Sir Oliver's alleged involvement in a financial inquiry on the Governor of the Central Bank, and R.G. Senanayake, Minister of Commerce and Trade, resigned over Sir John's pro-West foreign policy. Senanayake indicated his disapproval of Sir Oliver's appointment as one which would not 'inspire confidence in the Government'. See Wilson (1968): p.198; J. Manor (1989) *The Expedient Utopian: Bandaranaike and Ceylon* (Cambridge: CUP): p.245; Kotelawala (1956): pp.129–130; High Commissioner to Secretary of State for Commonwealth Relations, 20th December 1954, LCO 2/4927, BNA.

⁷⁵ C. Jeffries (1969) '*O.E.G.*' *A Biography of Sir Oliver Ernest Goonetilleke* (London: Pall Mall Press): p.117.

Gordon Walker accounted for his ‘cunning’),⁷⁶ rare for his middle class origins, rose at a time of upper caste dominance to the top of the Colonial Service on the island and helped negotiate independence. His influence was enough for Jennings to point out how much ‘Ceylon owes to Mr. [D.S.] Senanayake and to Sir Oliver Goonetilleke. But for them Ceylon would still be a colony.’⁷⁷ After the grant of independence, Goonetilleke, always fearful of the electorate, was sent to the Senate as its President and served as Minister of Home Affairs in the first Cabinet. He later returned to the Cabinet table as Finance Minister after an influential interregnum as the country’s first High Commissioner to Britain. A Knight four times over, who maintained the colonial livery, ceremonial sword and cocked hat of his English predecessors as well as the magnificence of Queen’s House, the first Sri Lankan Governor-General was confidentially predicted to be ‘*plus royalistequ la Reine*’.⁷⁸

Kotelawala, perhaps conscious of his sticky relationship with Soulbury, wanted a Governor-General who was completely on his side, supporting him personally and politically. Goonetilleke, as one of the wiliest survivors in Sri Lankan history, knew exactly what was expected of him. Not only was he seen to be the government’s ‘principal propagandist’; he was also a chameleon, as can be indicated by the view that, despite his anglophile ways, ‘if the Government found it politically expedient to create a republic Sir Oliver would find it expedient to become President’.⁷⁹ Notwithstanding his long service to the state he was not a popular figure with the masses and his appointment was not greeted with the popular acclaim that might have been expected for the first Sri Lankan Governor-General. In the beginning Kotelawala was commanded by his nominal superior to attend any public ceremony with the Governor-General, ‘as some kind of insulation against catcalls from the crowds’. The British believed that ‘Sir Oliver’s strength is that he has more brains than the rest of the Ceylon Cabinet, including the Prime Minister, put together, and Sir John Kotelawala probably realises that he cannot do without

⁷⁶ Extracts from Gordon Walker’s diary, 6th February 1948 in DO 35/2195, BNA.

⁷⁷ Jennings (1953): p.x.

⁷⁸ ‘*The Royal Visit to Ceylon, 1954*’, *Jennings Papers*, Ceylon B3, ICS125, ICS.

⁷⁹ *Ibid.*

him'.⁸⁰ Kotelawala did rely openly and readily on the advice of someone whose long public (and party) service equipped him to discuss public and political matters of great sensitivity. Astute observers noted that Goonetilleke 'on his part could deny nothing to Prime Minister Kotelawala because Sir Oliver's elevation to the post of Governor-General was due entirely to Sir John'.⁸¹ Such was the closeness of their relationship that Dudley Senanayake, not long after resigning, was rumoured to see 'himself as the victim of an intrigue between Sir John Kotelawala and Sir Oliver Goonetilleke, for which he would like his revenge'.⁸²

Kotelawala, with his effective dismissal of Soulbury and conspicuous selection of Goonetilleke, was complying with the modern *New Westminster* practice of making sure there was a sympathetic and beholden figure as Head of State. The Governor-General, however, could not prevent a crushing electoral defeat in 1956 though there were many rumours that 'he would find some ingenious way of keeping Sir John in office'.⁸³ Despite the constitutionally correct transfer of power, Sri Lanka had further and even more exceptional contributions to make to the annals of Westminster Governors-General.

The Third Partnership – Commander-in-Chief and the Patrician Populist 1956–59

Sir Alan Rose, in his retirement speech as Sri Lankan Chief Justice in June 1955, said that arguably the greatest deficiency in Sri Lankan politics was a the lack of strong democratic opposition: 'It is no criticism of the present Government at all, but every five years the public should have the opportunity for a change of bowling'.⁸⁴ A change of bowling came a year later, but the wicket was unpredictable as ever. S.W.R.D. Bandaranaike came to power in a crushing defeat of the UNP, of which he had been a

⁸⁰ Acting High Commissioner to Secretary of State for Commonwealth Relations, 11th March 1954, DO 35/5362, BNA.

⁸¹ Fernando (1963): pp. 79–83.

⁸² High Commissioner to Secretary of State for Commonwealth Relations, 27th May 1955, DO 35/5362, BNA.

⁸³ Jeffries (1969): p.121

⁸⁴ *Times of Ceylon*, 18th June 1955 in DO 35/5428, BNA.

prominent member and cabinet minister until his resignation in 1951. He resigned because he believed that the Senanayake clan would not give up the premiership he thought his due. Goonetilleke, like Soulbury during the previous change of government, believed his association with the previous tenant of Temple Trees would mean he was on notice. This Sri Lankan panjandrum enjoyed power and politics too much to leave Queen's House so easily. Goonetilleke's biographer, a senior Colonial Office official, Sir Charles Jeffries, recorded the Governor-General's candid view of the assertiveness of his role.

“Sir Oliver frankly admits that he did not feel it his duty to sit in an ivory tower and let the Prime Minister of the day take all the risks of governing a country that had just emerged from colonial status to independence and was the scene of many unresolved political and economic conflicts.”⁸⁵

Under the Public Security Ordinance, No. 25 of 1947, and the Army, Navy and Air Force Acts, the Sri Lankan Governor-General 'is empowered, if he considers it necessary in the interests of public security and preservation of public order for the maintenance of supplies and services essential to the life of the community, to bring into operation, by Proclamation' to deal with emergencies, such immense potential power is exercised as usual are 'on the recommendation of the Prime Minister' and require communication and continuance with and from Parliament.⁸⁶ Most Westminster countries have similar provisions, but they are seldom activated. If ever such dramatic circumstances arise it is usually the prime minister who assumes the necessary powers – such as Churchill during World War II. The Governor-General, like the King, is Commander-in-Chief – but in Sri Lanka, as in Britain, this had been inferred as a nominal role and a symbolic title. At the very end of this analysis of Sri Lanka – a decade after independence – a state of emergency was proclaimed in 1958 due to serious communal rioting between Sinhalese and Tamils which engulfed the island. Rather than a Churchillian prime minister coming to the fore to handle the crisis, it was the Governor-

⁸⁵ Jeffries (1969): p.118.

⁸⁶ Namasivayam (1959): pp.27–28.

General, Sir Oliver Goonetilleke, who effectively led the government in dealing with the unrest. As Wilson describes the dramatic period, the Governor-General

“Sir Oliver Goonetilleke functioned as Commander-in-Chief, giving directions to the armed forces and civilian officials, shifting troops to troubled areas, using ships and aircraft to transport refugees, and acting as the national censor with regard to the publication of news in the daily press. Evidence indicates that in the first few weeks of the emergency, the cabinet system broke down, ministries were unable to function, conferences even of ministers and the Prime Minister were summoned by the Governor-General at Queen’s House ... Sir Oliver Goonetilleke had not only become supreme commander of the country’s armed forces but its sole administrative head.”⁸⁷

In 1956, with the UNP having been heavily defeated, many expected that the radical and populist coalition under Bandaranaike would establish a new and more sympathetic resident at Queen’s House to replace the former UNP minister. The character and significance of the Bandaranaike Government and its impact on Sri Lankan history will be discussed in the next chapter. The focus in this chapter is on Bandaranaike and Goonetilleke’s political relationship. The new Prime Minister, for all his intellectual talents and verbal skill, was described as ‘being just a little too clever’ and at the ‘head of a variegated team with no cohesion of policy or personal loyalty, and of unproven administrative abilities’. Local wits commented that in 1948 the Sri Lankan elite had made a present of independence to an unprepared people while in 1956 the people had presented the country with an unprepared leadership.⁸⁸ With the ‘honeymoon period of the “People’s Government” ... over’, not long after victory the prime minister, ‘tied by his vote-catching electoral programme, can show little more than a series of diversions,

⁸⁷ Wilson (1968): p.203; also see A.J. Wilson ‘*The Governor-General and the State of Emergency, May 1958 – March 1959*’ (1959) *The Ceylon Journal of Historical and Social Studies* 2(2): pp.160–181.

⁸⁸ High Commissioner to Secretary of State for Commonwealth Relations, 18th June 1956, DO 35/5363, BNA.

stunts and palliatives'. The situation was not helped by some of his colleagues, who 'by their irresponsible utterances and abuse of their novel positions of authority become a serious liability'.⁸⁹ Though it is highly unlikely that Bandaranaike would have agreed with this assessment his team did lack administrative experience and, with the major exception of the Sinhala Only Act (see below), no policy cohesion. Perhaps because of this the nationalist republican Bandaranaike kept the sly and experienced Goonetilleke on. The Head of Government and Head of State carried on the tradition set by the first constitutional duo of lurching every Wednesday, and would go on to forge a new partnership.

The Governor-General often lacked constitutional propriety with state secrets and policies. Showing his independence of action and political mischief, Goonetilleke personally told British diplomats only a month after the election that the new Prime Minister's 'mind was still malleable' and even briefed them on how they 'should be wise to play ... long' on the potential change to a Republic and removal of British bases from the island, which the new Government wanted, but the British did not.⁹⁰ Bandaranaike's belief in the Governor-General's loyalty to the new regime is likely to have been boosted by the extraordinary fact that the Queen's Representative in Sri Lanka was actively fundraising, with the knowledge of the British, for the new Prime Minister. If ever there was evidence of the incredible influence and political interference by an *Eastminster* Governor-General (or any constitutional head of state for that matter) this demonstrates it. The British Cabinet Secretary, Sir Norman Brook, visiting the island with Harold Macmillan in 1958 noted a conversation he had with Sir Oliver where he was told directly

"Business people had previously supported Sir John Kotelawala were now beginning to realise that it would be in their interest to support Mr Bandaranaike. The Governor-General said he had already had some success in obtaining from this source contributions to a political

⁸⁹ Acting High Commissioner to the Secretary of State for Commonwealth Relations, 31st December 1956, DO 35/5363, BNA.

⁹⁰ High Commissioner, *Telegram*, 20st June 1956, DO 35/8902, BNA.

fund to back Mr Bandaranaike – and he was confident that he could do more on these lines.”⁹¹

The constitutional chameleon Goonetilleke quickly ingratiated himself with the new regime and in the process further banished the Westminster convention of a politically neutral and constitutionally responsible Governor-General in this *Eastminster*. The new High Commissioner, Sir Alexander Morley, explained the situation: ‘He [Goonetilleke] evidently sees himself as a kind of *guru* manipulating Mr Bandaranaike from behind the scenes and coaching him in his duties. I do not know how far Mr Bandaranaike would accept this description of their relationship!’⁹² The new Prime Minister, nonetheless, generously explained to the House of Representatives in August 1956:

“I think it is a mistaken idea to imagine that the Governor-General’s post is purely a decorative post. It all depends, of course, upon the individual who happens to be holding that post. I think it is only fair on my part to say that the present Governor-General works pretty hard, and that he has placed his knowledge, experience and powers which he constitutionally uses at the full disposal – as indeed constitutionally should – of the present Government. His Excellency has been most helpful on almost every occasion in assisting the Government, in so far as his functions are concerned, in carrying on the government of the country. I think I would be less than fair if I did not express my appreciation and that of the Government of the very correct constitutional manner in which the Governor-General conducts his functions and for the great assistance the Government has received from him on many occasions in dealing with many problems...”⁹³

Though he was not to know it at the time, the events of 1958 were to prove Bandaranaike correct when he mentioned that the office

⁹¹ Note by Sir Norman Brook, 18th January 1958, DO 35/8902, BNA.

⁹² High Commissioner to Commonwealth Relations Office, 31st January 1958, DO 35/8902, BNA.

⁹³ Wilson (1968): p.200.

of Governor-General was not a 'purely decorative post'. It is often considered as such in *New Westminster*s, especially the transplanted countries, but not always in the *Eastminster*s. The Bandaranaike Government had brought in controversial legislation, which affected the country economically and socially. The energetic and experienced Goonetilleke was useful in such a climate because the new government 'was short of gifted ministers and needed Sir Oliver's talents and personal intervention with civil servants, high military and police officers and press barons to win acceptance for the new government. Sir Oliver obligingly played this role.'⁹⁴ The most controversial and powerful piece of legislation was the Sinhala Only Act, which made Sinhala the official language of the country – and legalised its ascendance over English and Tamil in government and education. This had caused disturbances in the Tamil areas and Tamil people, which prompted Bandaranaike to make a pact with leaders of the Tamil Federal Party allowing reasonable use of the Tamil language and other regional concessions. This in turn angered Sinhala nationalists and led to the bloody and chaotic riots that hit the country just ten years after it had peacefully gained independence, which will be discussed in detail in the next chapter. The British High Commission had commented in late 1956 that Bandaranaike 'continues like a skilful juggler to keep all the balls in the air and might, in the absence of a jolt, continue to do so'.⁹⁵ The 'jolt' came all too quickly for the new government and its leader in the harsh form of ethnic rioting. The events unleashed on the country a whirlwind of violence and disruption, but would also lead to an unprecedented activist role for the Governor-General.

Goonetilleke himself described the events as 'a cataract of looting, hysterical public killings and rapings which ruined the fair name of Ceylon, known till then as the model country in Asia where the Queen's highway was safe for anybody and where law and order prevailed'.⁹⁶ There was very real tension. The Bandaranaike government was concerned about maintaining order and even more worried about containing and appeasing its constituents,

⁹⁴ Manor (1989): pp.296–297.

⁹⁵ Acting High Commissioner to the Secretary of State for Commonwealth Relations, 31st December 1956, DO 35/5363, BNA.

⁹⁶ Jeffries (1969): pp.127–128.

who were predominantly the Sinhala Buddhist masses. The Governor-General was closely involved in these efforts and, extraordinarily, there is at least one recorded instance of him attending a cabinet meeting at which he believed it was his 'constitutional duty to advise' – and telling the Cabinet Secretary not to record his presence or his one-hour monologue to *his* ministers on how to 'frustrate the Federal Party's [civil disobedience] campaign'.⁹⁷

As Wickramasinghe stated, 'the 1958 riots were the first major outbreak against the Tamils and in many ways a point of no return'.⁹⁸ The country's politicians and the country's constitution were not prepared for such chaos. Bandaranaike seemed politically paralysed and weary of further raising the ire of his followers, many of whom were gripped by a bloodthirsty madness. Bandaranaike's 'wait and see' policy and continued inactivity in the face of the mobs prompted the Head of State to summon the Prime Minister and Cabinet and convinced them to *advise him formally* to proclaim a State of Emergency. The Governor-General already had the documents waiting to be signed on the spot, which would create him formally and practically as the senior partner. Sir Charles Jeffries, a seasoned and consummate Whitehall and Colonial Office mandarin commented as follows on the exceptional circumstances surrounding the proclamation:

“Normally, in such circumstances, the declaration of a state of emergency, vesting executive powers in the Crown, as represented by the Governor-General, is made on the advice of ministers, and the ministers then proceed to manage the situation under the special powers delegated back to them by the Governor-General. But, in this case, the Prime Minister did not, either on the afternoon of May 27 or during the next few days, raise the question as to who should handle the emergency or give any sign of being ready to do anything about it ... [H]e never gave his reasons for creating a situation in

⁹⁷ Wilson (1968): p.200.

⁹⁸ N. Wickramasinghe (2006) *Sri Lanka in the Modern Age: A History of Contested Identities* (London: Hurst): p.273.

which the Governor-General became the virtual ruler of Ceylon...”⁹⁹

Bandaranaike was perhaps remembering the State of Emergency during the *hartal* strikes of 1953, with its mass violence and arson, which compelled Dudley Senanayake to resign on account of his inability to cope with the riots and the resulting personal opprobrium that stuck to him. Whatever the political machinations, the self-deceiving champion of Sinhala nationalism, Bandaranaike, consciously abdicated his powers and prerogatives as Prime Minister. As Goonetilleke put it: ‘[Bandaranaike], who owed his position to a majority of Sinhalese votes cast at a general election ran the risk of losing his place in public life’; a risk the unelected resident of Queen’s House did not face.¹⁰⁰

In his excellent biography of the man, James Manor argues that Bandaranaike was greatly responsible for the crisis, as he had been

“seeking to manipulate parochial sentiments for personal gain since the late 1930s, and his actions since becoming Prime Minister had betrayed a particularly dangerous *naïveté*. He was naïve in thinking that his communalist election campaign would not generate invidious expectations among extremists and, when they then arose, in assuming that hesitation and inaction would not inflame them. He was naïve in squandering his authority and above all, in his ‘kid gloves’ response to dangerous provocations.”¹⁰¹

The Prime Minister had always believed he could master the situation with cunning and intellect, but instead of strength and leadership he gave the ‘impression of superficiality and shallowness’ and, most dangerously, was perceived even before the riots as ‘thinking that important issues can be solved by ingenious verbal formulae’ that would result in ‘little or no

⁹⁹ Jeffries (1969): pp. 128–129.

¹⁰⁰ Ibid: p.130.

¹⁰¹ Manor (1989): p.294.

practical action'.¹⁰² In short, Bandaranaike was hoist by his own petard. The burden or opportunity had fallen on the Governor-General to provide Executive leadership. Goonetilleke wasted no time in assuming direct management of the crisis and invoked the powers of what had been thought to be the honorific 'Commander-in-Chief' aspect of his office. The Commonwealth Relations Office in London scrambled through the history books to give evidence to Westminster House in Colombo in their quest to slap down any suggestion that the title Commander-in-Chief, as the Governor-General saw it, conferred any military or executive power. The CRO replied that the title was purely 'honorific' and it was 'positively misleading and in certain circumstances indeed dangerous'. The office of Commander-in-Chief 'gives him no legal or constitutional grounds for exercising any authority even in times of emergency', unless on Ministerial advice, which in this case was lacking since the Governor-General was giving the advice and taking the action.¹⁰³ The *Eastminster* case of Sri Lanka was proving to be more difficult to conform to Westminster norms than earlier expected. The Governor-General in particular during the Emergency was appropriating Executive power to a level unthinkable in most Commonwealth countries. As Morley reported to London during the crisis:

“There appears to be widespread misunderstanding in Ceylon as to the constitutional limitations, even in conditions of Emergency, on the Governor-General's individual power of action. Moreover, Sir O. Goonetilleke seems to have persuaded himself that he is entitled to derive all manner of powers from his ceremonial title of Commander-in-Chief. Nevertheless ... [h]is assistance in translating policy into action is invaluable and when, for one reason or another, clear guidance is not available from his political chief, he does not hesitate to 'act in anticipation'. I am, however, convinced that the main political decisions are never his and that there have been many occasions when his advice, though offered, has failed to prevail. Be that as it

¹⁰² Acting High Commissioner to Secretary of State for Commonwealth Relations, 1st October 1956, DO 35/5363, BNA.

¹⁰³ CRO to High Commission, 23rd June – 1st July 1958, DO 35/7905, BNA.

may, the Services are so accustomed to his intervention in an executive capacity that they could find themselves, while scarcely noticing it, automatically carrying out instructions which for once had not the expressed or tacit consent of Ministers and in effect the instrument of a coup d'état engineered by the Governor-General. I do not regard such a contingency in circumstances at present foreseeable as at all likely, the more so as Sir Oliver Goonetilleke seems now to be assured of remaining in office until Mr Bandaranaike gives place to another Prime Minister or the Republic is introduced ... At the same time, his conversation suggests both an acute awareness of Mr Bandaranaike's limitations and a distaste for certain of his policies and if there were a dangerous deterioration in law and order, whether through ineffective administration or the removal of Mr Bandaranaike for one reason or another from the scene, and he felt that the assumption of direct control by himself, probably through some perverted application of Emergency regulations, were needed, I would not put it wholly past him to act."¹⁰⁴

Morley's assessment of Goonetilleke was somewhat prescient as in 1962 Goonetilleke was forced from office in an attempted coup d'état against Bandaranaike's widow's government. Though it is unclear whether the military and police officers who led the failed exercise informed Sir Oliver, they did admit that they wanted him to take over the Government.¹⁰⁵ This in itself indicates the real or at least perceived clout of the Governor-General in this *Eastminster*.

Returning to the 1958 Emergency, two other accounts give a more detailed picture of Sir Oliver as Governor-General in action. The respected and dogged journalist Tarzie Vittachi records him:

“sitting at a desk with six telephones and papers on it. He held a telephone to each ear. He did not even look up as

¹⁰⁴ High Commissioner to Secretary of State for Commonwealth Relations, 5th May 1959, DO 35/8903, BNA.

¹⁰⁵ Wilson (1968): p.202.

we [the press] entered. We stood inside the door as he told the mouthpiece of one telephone – ‘sh-sh-sh-shoot them.’ That settled, he cradled that telephone and said into the mouthpiece of the other: ‘O.E.G. here. Clear them out even if you have to sh-sh-sh-shoot them.’ [Goonetilleke then answered the journalist’s questions on the severity of the censorship and explained that such measures as detention without trial, suspension of habeas corpus and no bail were part of the Emergency Regulations.] By this time not even the most obtuse among us needed a diagram to know which way things were going. But Sir Oliver couldn’t resist making the point clear by telling us: ‘Gentlemen. One favour. One personal request. When you report the news in future please don’t say that I am running the sh-sh-show. I don’t want all kinds of jealousies to come up you know ... That made it official. Sir Oliver *was* running the show.’¹⁰⁶

This also seems to have been corroborated by someone who had intimate involvement with the major figures in the Executive Branch: the respected Cabinet Secretary B.P. Peiris, who diligently served six prime ministers, including Bandaranaike. Peiris noted that

Sir Oliver Goonetilleke ... took complete control of the country, obviously with the consent of his weak-kneed Government. He was an excellent man for the job and was, “I believe, virtual Dictator. Emergency Regulations were pouncing out of the Government Press. Ministers were meeting almost daily, not to transact business, but to be kept informed of what the situation, changing day to day, was.”¹⁰⁷

Bandaranaike, like his predecessors, acquiesced to this politically distinctive relationship with the local Head of State that gave the latter increased influence with the sufferance or support of the former. Regardless of personalities and domestic circumstances,

¹⁰⁶ Vittachi (1958): pp.70–72. This book itself was initially banned in Ceylon at the time of the ‘Emergency’, which led to its publication in London.

¹⁰⁷ Peiris (2007): p.202.

the reality was that constitutionally the locus of power during Bandaranaike's time had moved from Temple Trees to Queen's House. This position was contrary to Westminster practice and precedents and the prime minister's abnegation of responsibility represented 'a complete misunderstanding of the constitutional situation ... [being] without precedent in the recent history of constitutional government of this country or of the United Kingdom'.¹⁰⁸ When Bandaranaike's death occurred at the assassin's hand in 1959 his old partner Goonetilleke almost reflexively conformed to this Sri Lankan *Eastminster* norm to 'act in anticipation'. Within a few hours of the assassination he called a State of Emergency, giving immediate instructions to the Armed Forces to maintain order in the event of rioting.¹⁰⁹

In this era much blame can be allocated to the political personalities that dominated Sri Lanka and some of the decisions they took or neglected to. However, as De Votta argues in light of the ethnic quagmire, 'to vilify the country's maestro ethnic entrepreneurs without paying due regard to the institutional structure that incited their actions is to misunderstand' the context and legacy that made such conditions possible.¹¹⁰ In this critical period Soulbury and Goonetilleke were able to use, and did use, the discretion and powers available to them in the constitution to a much greater extent than envisaged by Westminster and British standards. Arguably they harked back to the colonial era, when as one nineteenth-century crown servant commented at the time, the 'powers of the Governor constitute a "paternal despotism", modified only by the distant authority of the Queen'.¹¹¹ As one South Asian expert has argued, such actions from the Governor-Generalship were shaped by the activist 'autocratic traditions of the colonial governorship out of which it had evolved',¹¹² while other specialist scholars have noted that it had become an 'established principle that under the Ceylon Constitution, the

¹⁰⁸ Wilson (1959): pp. 166–167.

¹⁰⁹ High Commissioner to Secretary of State for Commonwealth Relations, 15th October 1959, DO 35/8914, TNA.

¹¹⁰ N. DeVotta (2004) *Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka* (Stanford: Stanford UP): p.72.

¹¹¹ J.E. Tennent ([1859] 1977) *Ceylon: An Account of the Island Physical, Historical and Topographical*, Vol.II (6th Ed.) (Colombo: Tisara Press): p.680.

¹¹² Manor (1989): p.297.

Governor-General is the authority in command of the armed forces at least in emergency. His position here is unlike that of his counterparts in other Commonwealth countries', due to the latitude allowed to the holder in the constitution.¹¹³

However, the Prime Minister ultimately has the power over the Governor-General's powers. Lord Soulbury remarked long after retiring as the Queen's Representative in Ceylon that

“under a constitutional monarchy the Prime Minister of a Commonwealth nation is more powerful than he would be in a Republic under a President. If for any reason he wishes the Governor-General to be removed he has only to request the British Sovereign to recall him, and his request must be granted [showing the insecurity of the office and lack of horizontal accountability]. A President however, is usually elected for a term of years, and though he may be uncongenial or uncooperative cannot be removed speedily or without a possible political upheaval.”¹¹⁴

This was not solely his interpretation – other prime ministers have believed it to be the case as well. Even Dudley Senanayake who, as we have seen, had reason to be well disposed to Soulbury, argued in the House of Representatives that one Prime Minister could not ‘tie down a future Prime Minister to the same Governor-General’. However, he believed that a Governor-General could carry on for 50 years or a day if the prime ministers in office thought fit.¹¹⁵ Sri Lanka's flux and instability at the executive level and the blurred levels of accountability would prove disastrous in dealing with the country's extreme ethnic tensions.

¹¹³ Wilson (1968): p.205; S.A. de Smith (1964) *The New Commonwealth and its Constitutions* (London: Stevens & Sons): pp.81–82.

¹¹⁴ Soulbury, ‘*I Remember Ceylon*’ in Wilson (1968): p.195.

¹¹⁵ Wilson (1968): p.196.