

"PUL ELIYA" QUOTATIONS AS PRESENTED

I quote some passages from a book by Dr. E. Leach entitled "Pul Eliya' A Village in Ceylon" (Cambridge, 1961). He is a social anthropologist who lived for several months in Pul Eliya, a Dry Zone Anuradhapura - area village, in the mid 1950's. There are some interesting passages pertaining to Government regulations and their practical implementation. While these views pertain largely to the 1940's and 1950's they are, both implicitly and explicitly, held to apply to most of the 20th century for he has also delved into past records. I present some for your comments.

Section A.¹

"It is still the case that large sections of the total map area are officially treated as reserved forest and controlled by the Government Forest Department. It is impossible for any villager to fell any useful type of timber tree without^a either infringing a government regulation or^b spending futile weeks in endeavours to obtain a felling licence.

If any villager is seen to be putting up a new building of any kind, it is almost certain^c that he has committed some technical offence in order to obtain the timber. I need not go into details. It will suffice to say that the forest regulations are a constant source of grievance to the villager and a^d standing source of illicit income to the Forest Rangers. The passing of anonymous reports to the Forest Office is^e a widely practised form of spiteful behaviour between near neighbours."

Within your experience are these different statements marked a,b,c, d,e² correct?

Have you any comments to make?

1. Pul Eliya, p. 40.

2. At first these were marked 1,2,3,4 and 5 in the actual MSS and, therefore, in the Comments as well. It was necessary to change them all along the line in order to avoid confusion with the citations.

fn. 4. cont.

This footnote was inserted as a footnote in the case of the quotations sent to some Civil Servants (i.e. the ones sent later). An asterisk indicates those whose Comments were *based* made on these more refined Quotations.

"Although there is no evidence for the existence of anything remotely resembling 'communal' tenure anywhere in Ceylon during any part of the British Colonial period, the belief that such communal elements were present, plus the general nineteenth-century prejudice against egalitarian ideas, provided the basis for official policy. The supposed village communism was condemned on principle, and it became the publicly declared objective of government to replace this 'primitive' form of organisation by a system of peasant proprietorship. Official policy was explicitly designed to favour^X the relatively wealthy peasant at the expense of his poorer neighbour, the theory being that the richer man must be, ipso facto, the more enterprising.

Freehold 'acre land' ('sinakkara') Accordingly, rules were introduced whereby individuals could purchase Crown land outright and thereby acquire freehold areas over and above whatever they might hold in the supposedly communal village fields. It was quite consistent with this policy that these Crown lands were sold only in relatively large plots so that the poor peasant was excluded from the market. In theory, no plot of Crown land sold for use as rice land could be less than a five-acre block. The obvious intention was that each village would ultimately consist of a large number of separate smallholding farms.

Such a notion conflicts, not only with the traditional theory of land holding, but also with technological common sense.⁴ It is, therefore, hardly surprising that, from the start, the villagers resorted to a variety of devices to get around the law, both as regards the purchase of this freehold Crown land and its inheritance."

Much of what is said here would seem to apply to a period before you were in Ceylon as well as to the twentieth century, but I would appreciate comments from your knowledge of official policy - or lack of it - in your time, as well as 'second-hand' knowledge of policy in earlier times, with a careful distinction between periods.

3. Pul Eliya, pp. 49-50.

4. By this he means the synchronisation and reciprocity which paddy cultivation demanded. To quote B.H. Farmer:
all the new systems of holding Crown land were based ultimately on the idea that an independent, individualist peasant proprietor, owning a compact block of land, was the ideal - an ideal far removed from the economic cooperation and web of reciprocal obligations involved in traditional tenure and typified by the bethma system;

- (i) I have my doubts whether there was no 'communal' tenure in British times but much depends on one's definition of the term. Leach would know that the mulkate system was practiced but presumably he does not consider this communal tenure.⁵
- (ii) The point which I want to draw special attention to is underlined. I have strong doubts whether this is correct. This is the sort of thing that they did not have "publicly declared" policies on. I know that there was a preference for individualised freehold ownership (particularly of rice land) and undivided proprietorship, etc. was frowned on but it is another thing to state that Government's aim was to destroy village communism. I know for a fact that in the Anuradhapura region Ellis or Fraser sought to preserve communal features, though considering it inadvisable to further this sort of thing in regions like Matara.
- (iii) Any comments on point x? As far as the mid-twentieth century went, there was certainly no rule that rice land was sold only in 5 acre blocks. How about your time? I thought much depended on a particular individual's application? I would add that a more valid criticism would be that when Banda applied for plot F adjoining his other land, it was put up to auction and the boutique keeper Lebbe, or mudalali-cum landlord, Babehami, bought it?
- (iv) Any comments on the last paragraph?

5. I have erred here. It is not communal tenure. Under the mulkate system a group of villagers clear and fence an area for chena cultivation communally but then take a point in the middle and divide the area like the spokes of wheel.

6. In charge of land settlement in the North-Central Province in 1903, Ellis allotted blocks of land to each village for chena cultivation on a communal basis; while against the "communal system", he felt that it had to be accepted as long as it existed. In Morawak Korale (in the Southern Province) in 1901-02 one Settlement Officer, W.E. Davidson, sought to preserve and rehabilitate communal features but his successor J.G. Fraser considered this unrealistic in this area because the idea had passed away and the people desired individual ownership. See L. Jayawardena, The Supply of Sinhalese Estate Labour to Ceylon Plantations, Ph.D. Thesis, Economic History (Cambridge, 1963), pp. 216-55.

"There have been brief periods during the past century when shifting cultivation has been officially prohibited altogether. There have also been brief periods when it has been allowed without restriction. But for the most part the legal rules have been similar to those which apply today. Roughly, the present legal position is that if a Village Headman will certify that one of his villagers has a number of dependants and cannot be expected to support himself from the irrigated land which he works, then this man can apply for a licence to clear a one-acre plot for shifting cultivation, for one year only, at a nominal rent. Such rules are unworkable and practice is very far removed from the legal theory. The principal actual effect of the present regulations is to ensure that all shifting cultivation is carried out in the most inefficient manner possible.

From an agronomist's point of view the ideal way to work shifting cultivation would be to clear any particular piece of aland at very long intervals. The Ceylon Dry Zone jungle has a very slow natural recovery rate, but if land were cleared only once every twenty or twenty-five years the leaf fall from the trees would provide a fairly considerable humus; crop yields would then be good and the erosion following cultivation would be small. The regulations, however, instead of ensuring that shifting cultivation shall only take place on land which has not been cleared recently, contain the specific instruction that where land is cleared for shifting cultivation it must be jungle which is 'not more than ten years old'. This implies that the fertility of this cleared ground shall be as low as possible and it also, incidentally, makes it certain that the resulting erosion shall be the maximum possible.

It is certainly manifest that shifting cultivation, as at present practised in the North Central Province, is very destructive to the forest cover; it can readily be seen that areas where this kind of cultivation has been regularly practised have become heavily eroded, and it is this fact which is repeatedly used as justification for the official attitude that shifting cultivation ought to be suppressed. Yet the erosion is not due to shifting cultivation as such; the real cause of the trouble is the stupidity of the government regulations."

For comment.

Section D.⁸

"Land regulations introduced under the Land Development Ordinance of 1935 were designed to assist a supposed category of 'landless peasants'. It was definitely intended that these new regulations should operate to the disadvantage of the owner of freehold land who now began to be thought of as a wealthy parasitic absentee landlord⁹

Certain defects in this legislation may well be mentioned from the start. The leasehold land, which in Sinhalese is known as badu idam, was to be allocated only to poor peasants. But the regulations failed to provide any adequate definition of a poor peasant. In Anuradhapura District Village Headmen were required to produce lists of all adult male individuals owning less than one acre of freehold rice land, and these were deemed to be automatically worthy of badu allocations. In practice this meant that the newly married son-in-law of the richest man in the village might be granted a badu lease, but his neighbour, who happened to own just over one acre in the Old Field, could be excluded.

Secondly, the rules included the proviso that, while badu plots could be inherited, they could only be transmitted to a single heir specified in the lease. The consequences of this well-intended regulation, which conflicts radically with the ordinary principles of Sinhalese land inheritance, will be discussed later. [I have not found this yet.]¹⁰

8. Pul Eliya, pp. 51-52. Thus it will be seen that this Section immediately follows the discussion on sinnakkara land and the points made in Section B. The quotation as presented is preceded by the following passage under the title "Crown leasehold ('badu idam')":

"As the ideology of self-government began to supersede that of imperialist colonialism a new socialistic mood came to prevail in government circles, and the concept of the 'peasant proprietor' underwent a sea change. The outright sale of freehold Crown Lands had been intended to encourage the small-holder capitalist; the new emphasis was on preserving the peasantry from exploitation."

This paragraph was inserted in the extracts sent to the Civil Servants at a later stage; marked with an asterisk.

9. The small section omitted here runs as follows:

"In terms of the over-simplified categories of popular politics, all owners of freehold land became tyrannous rent collectors, while all landless peasants were ipso facto virtuous and exploited serfs. (For details see Farmer, 1957, pp. 123-8)"; followed by an explanation of the form of tenure established in 1935. This paragraph too was inserted in the extracts sent later on; marked with an asterisk.

I must say that my reading of Farmer at this stage does not lead to such conclusions. In any event, it is inconceivable that officials or knowledgeable men like D.S. Senanayake would consider all owners of freehold land as "tyrannous rent collectors". There were, doubtless, absentee-landlords and those of their ilk who were considered in this light but numerous peasants held land on a freehold basis and cultivated it themselves.

10. To grasp this point, see supra, page 2, footnote 4.

Finally, the leasehold character of badu tenure, whereby the government retained the right to eject the holder in certain special circumstances, was one which the Sinhalese villagers themselves bitterly resented. In 1954 very few badu tenants had in fact ever been evicted but the villagers expressed an exaggerated anxiety lest this might happen. The real source of their hostility to the leasehold element in the system was that the ultimate insecurity of tenure precluded a tenant from using such land as security for a mortgage. Badu land is a source of income but it cannot be converted into capital, even temporarily."

I would like your comments on the defects mentioned.

Section E.¹¹

"The principle of fair shares for all which permeated the traditional system did not simply reflect a static fact that the traditional village was a highly cohesive social unit. It is rather that the traditional system of tenure imposed social solidarity upon the village members.

The new English model systems of tenure fail to do this. The modern villager is economically better off than his predecessor; but the price of prosperity has been greater social dissension."

For comment.

11. Pul Eliya, p. 240.

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- A. I think it best to ask for the views of the present Forest Officers, as I haven't the Regulations of 1950 with me. But offhand I would say the Forest Department had nothing to do with the supply of timber to villagers as the V.H.[village headman] and D.R.O. issued permits from
for their needs. The F. Dept.[Forest Department] only came in where Free Grants of Timber were required from Forest Res.[Reserves] or P.[Plantation] Reserves.

1. John Albert de Silva: b. 19 January 1901, Trinity College, Kandy; Keble College, Oxford; B.A. Oxon, Diploma in Forestry, Oxon; served in the Forest Department, Ceylon from 1927-1957 and was head of the department from 6 February 1950 to January 1957.

B. The underlying British Land Policy was Expansion and development. To assist it they adopted outright sale and a lease system; outright sale for capitalist and lease for the smaller capitalist to help him in development. If they adopted leases for large units, it is due mainly for ease to[sic] collect the lease money, not because they wished as policy to be unhelpful and exclude the small peasant. Collection of The Paddy Tax impressed this upon the Administration. In 1853 there was a despatch from the Secretary of State forbidding leases. This prohibition disappeared and the Governor granted authority to lease later.

Prior to 1898 Government rented out small areas of unsurveyed garden and paddy land. After 1898 leasing system was applied to large lots and not to small lots of less than five or ten acres. Villagers did have 'commercial rights' over Forest communal chenas. But the villagers themselves destroyed these rights by constantly selling their alleged rights to land grabbers and speculators and by this means the communal rights of their fellow-villagers were destroyed, specially in the Wet Zone for tea and rubber. This was the position in the 1890's. The Forest Ordinance of 1897 then converted these communal forests into V.F.[Village Forests] to stop this practice of selling alleged rights. The early B.[British] Administration was at pains to protect village rights and they had specific instructions on this from the S. of S.[Secretary of State]. There have been instances where villagers and their ancestors had cultivated chenas at intervals for many years, these lands were held as private lands. As a general practice until the Cadastral and Topographical Survey was completed in ? 1903, the Crown laid no claim when people had been cultivating land for any length of time. The result was that year after year encroachments were made on forests in claims by villagers for a 'paddy field and tank bounded on the north by a stream 3 miles away, on the south by a hill 2 miles away.' In one of these cases in the Puttlam District an abandoned tank and village of 1,231 acres included 1,020 acres of good forest and was settled on the claimant for Rs. 160/-. With this background, for differentiating private and public property, the Waste Lands Ordinance was passed. The Ordinance of No. 12 of 1840 'the object was to prevent encroachments,' was rendered inoperative by decisions of the Supreme Court. In one case, Panwila - when the crown sued for chena land the following judgement [was given]: 'The defendants plead to have acquired a prescriptive

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right by uninterrupted possession for a third of a century. In my opinion the defendants have proved that they and their ancestors have uninterruptedly possessed the lands and no one else. No one on behalf of the crown has ever exercised any act of ownership. The defendants and their ancestors have cultivated the lands at intervals from time immemorial. On that ground they are entitled to judgement'.

C. The attitude of the B.[British] Administration re chena cultivation can well be appreciated by a report of Mr. Fowler the G.A. Trincomalee. 'A firm policy must be followed of absolutely refusing to allow chena cultivation. Until the tanks are all in proper order and all the paddy land under them cultivated, is the only course that can permanently arrest the downward course of these jungle villages. There is an unceasing clamour for chena permits; the Assistant Agent on circuit has to listen to the most piteous complaints of starvation and ruin from healthy able-bodied men who persistently refuse to do a days work. Even at timber felling. One of their headmen assured me that they would shut themselves up in their houses and die of starvation than work for hire. It is difficult for anyone who has to work for pay to sympathise with these aristocrats.

The refusal of chena permits may cause a certain amount of hardship in individual cases where the paddy crop has failed in a small village but there can be no question to the ultimate benefit of the refusal. In such cases the crop has failed owing to the condition of the tank bund which has breached or else in such a ruinous condition that it fails to hold up sufficient head of water. The grant of chena permits helps to perpetuate this evil. The more I see of the district the more firmly I am convinced that chena cultivation has been the cause of poverty and disease which has prevented the district from even partially regaining its former prosperity; subsequent experience elsewhere has only strengthened my conviction. E.g. In the A'pura district in 1,574 villages and 1,600 tanks not one tank had a sluice. Chena cultivation in the early British Ad[Administration] were closely connected with the two aspects (1) Food supply (2) Rights of the Crown, to large extents of land in different parts of the island, the practice of chena cultivation has reduced the whole forest area in the Dry Zone into secondary and tertiary forest, with scarcely an acre of primeval forest left. In short it was rotation of land as against rotation of crops.' This did not matter when land had no value in the Sinhalese Kings' days and pre British period. But with the cultivation of economic crops, under the policy of 'Expansion and Development' the State had to establish its rights against spurious[?] claimants. The intention of the Administration was that chena cultivation should be permitted purely as a temporary expedient during a period of gradual transition from unscientific to scientific dry-soil or high land agriculture. The Jaffna peasant was held up as an example where they practised an intensive form of agriculture.

A. The Government Forest Department was in a Ministry of which I was never in charge. It may well be that the statements 1-5 are justified. I have ^{no} personal knowledge. Obviously forest had to be reserved for climatic and other reasons. The N.C.P. villagers were keen on having chenas which was a lazy and destructive form of cultivation, and which Government discouraged.

B. and E. I never served in N.C.P. and do not know what is meant by "village communism".

It was Government policy in my time to discourage the habit of cultivating chenas and moving on year by year from one block to another. This left a trail of thorny scrub. The soil was scorched and eroded, and was useless for many years. Government policy was to give villagers economic blocks of 5 acres at least, ideally consisting of irrigable land and highland, and to encourage them to settle on the block and cultivate it year after year. In the early days land was blocked out after settlement to be sold to villagers, and larger blocks were intended for development by capitalists - this was highland. In the days when land was sold outright - freehold - it was auctioned and the richer man clearly was in a position to outbid the poorer villager.

C. The subject of chenas was always controversial. If the N.C.P. villager had been allowed to chena forest freely, the province would have been denuded. High forest had to be reserved for climatic and other reasons. Not being an agronomist, I cannot comment on the wisdom of clearing 25 year old jungle as against 10 year old jungle. One would surely need a large area to chena it only once in 25 years. The ideal thing was to stop chenas and get villagers to settle on and cultivate a single block of land by rotation of crops.

D. One of the great curses of Ceylon has been the system of undivided shares of land. Fragmentation of land resulted in a block of land being divided into an impossible number of undivided shares. Another curse was the villagers' tendency to borrow money (often for litigation) on the security of his land: the result was that the chetty foreclosed and took his land.

The Land Regulations were designed to remove these two curses. The lessee could not subdivide or mortgage his land.

Another wise condition insisted on a scheme of development of the land. If the lessee was lazy and didn't work and open up his land, he lost it.

I can now answer your letter about Dr. Leach's book. It must be regarded as a very valuable one, for Dr. Leach is a recognised authority in anthropology, and the book is written from first hand knowledge, as he spent several months actually living in the village. His account of this village is very full, and I believe is a generally accurate description of present everyday life and conditions in the village. There are however at least two important factors that must be taken into account in assessing the value of the work. First, it relates only to a village in a jungle area, surrounded by a "tisbamba" and completely isolated from other villages by stretches of jungle. The description is typical therefore only of a dry zone jungle village, and must not be regarded as typical of Ceylon in general, or indeed of any considerable area of Ceylon. The second point is that Dr. Leach does not purport to do more than describe the village as he found it, at the present day. It is true that he makes some references to earlier village history, but apparently he had neither the time nor the facilities to delve deeply into anything other than present day conditions, and his historical references are not so reliable as his studies of the present day conditions. At times he is even inaccurate, e.g. on page 78 where he assumed that Ratamahatmayas held their offices by inheritance, that they presided in Village Tribunals, and that Korals acted for them in the latter capacity.

- A. As regards your quotation A (p. 40) I am not sure whether Pul Eliya was in a reserved forest. When I knew the position regarding forests, there were two kinds, first the "reserved" forest under the charge of the forest department, and subject to strict rules, as the forests were intended to supply the island's present and future timber needs. The second kind were in the charge of the Government Agents. They were also carefully looked after, mainly by the headmen, but I think forest officers were occasionally seconded to help. Villagers who had real need had little difficulty in getting all they wanted from these lands. The forest rangers, Ceylonese, were to my knowledge a good set of men generally. There may have been black sheep among them, but I do not consider that any general attack on them is justified.
- B. As regards B (p. 49) I agree generally with your remarks (i) and (ii). On point x I do not remember any rule that paddy land should be sold in 5 acre blocks. The applicant applied, the land
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was surveyed, and put up for sale - generally a preferential sale, and Lebbe or Babahami would not have much chance to score at the auction. The G.A. and the headmen would see to that.

(iv) - I do not understand this paragraph. I note that Dr. Leach does not state what the "variety of devices" is [sic].

- C. Extract C (p. 42) It is perfectly true that chena cultivation is, as Dr. Leach says, very destructive to the forest cover. But I disagree with his remedy. To adopt a 20 or 25 year cycle would only result in much larger areas being cleared. The villager is used to a ten year cycle, and would not stand for a longer cycle, and in any case I do not think this would have the beneficial results Dr. Leach suggests. In fact I think it would make things worse. The only real remedy is gradually to exchange chena cultivation for a short rotation system, but this means an intensification and continuation of the research now going on, and the introduction of new methods.
- D. I would only remark as regards extract D (p. 240) that this Land Development Ordinance applied to the whole country. Dr. Leach's objections are valid as regards the isolated villages of the dry zone, looked at purely from the point of view of preserving existing traditions, but I think the general scheme was sufficiently elastic to meet most local conditions. After all they affected newly opened lands, and did not change inheritance[sic] rules in the "old field" or other parts of the original village.
- E. Extract E refers also to the Land Development Ordinance. Dr. Leach is wrong in referring to the new system as "the English model system". It was not an English system. It was worked out mainly by Mr. Brayne of the Civil Service to meet Ceylon needs, and received inspiration from Punjab and Indus Valley schemes. The system, started during the British period, and continued up to date, has generally been very successful, though perhaps more in the wet than in the dry zones. In the wet zone I think the system might well encourage social unity, but in the dry zone it could sometimes give rise to some social dissension/[sic] in small closely knit villages, but that was bound to happen anyway with the spread of modern conditions. I agree, though, that there is much in this kind of village life which should be preserved as far and as long as possible, and new ideas should be introduced with much circumspection.
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I have at last got down some notes on Dr. Leach's statements, and hope they will be of some use to you. As before, I have not always given direct answers to the questions he raises - partly because I was not always sure what he meant, and partly because I found it difficult to give direct answers without a certain amount of explanation. In general, he seems to me to be very wide of the mark: in fact, I occasionally wondered whether he was writing about Ceylon or about some country that was strange to me! Regarding the Land Development Ordinance, it looked as if he were merely repeating the hostile and ill-informed statements of the villagers, instead of making a critical examination of it and its effects. Of course, it may be that my memory is at fault, though I ought not to have forgotten the main points of the L.D.O. I was acutely aware of its shortcomings while I was in Ceylon, and it seems strange that I should now find myself defending it against Dr. Leach! My view is that it badly needs a drastic overhaul, in the light of thirty years' experience; but criticism, to be of any value, should be based on knowledge, and not on prejudice.

I wonder if you know how the L.D.O. came into being. Its PRECURSOR was Mr. Brayne's 'peasant-proprietor system', which he developed when he was G.A., E.F. Under this system land was given to selected villagers, who were required to bring it under cultivation, and who were then given long-term leases on favourable terms. The villagers, however, didn't like leases, and wanted something more substantial. On the other hand, Brayne considered leases unsatisfactory for various reasons - it was difficult to exercise sufficient control over the lessees; they could not be prevented from mortgaging their land; leasehold land could be seized in execution; and fragmentation of the land could not be prevented. He therefore came to the conclusion that special legislation was necessary; and when he became Land Commissioner he set about the task of having this prepared. Unfortunately, he had no idea of the difficulty of this task: for instance, he frequently told me that the proposed legislation would 'write itself' if you only sat down to it. After a time, he had nothing to show for his efforts but a number of disjointed notes. He got me to take a hand in the game, but without any results worth mentioning: for one thing, I found it impossible to produce a draft of any value without far more definite instructions than he was able or willing to give me. At one time, I must say it looked as if nothing would ever come of his efforts.

At this stage, D.S. Senanayake produced a finished draft, and sent it to Brayne for consideration. I never heard how this draft came into being, or who was its author, though I imagine that the Legal Draftsman (Mervyn Fonseka) had a hand in it. This draft, after a lot of revision, became the bill that was placed before the State Council eventually.

Brayne's idea of revision was to place the draft before a meeting of the G.A.'s (and A.G.A.s? - I forget), and hear what they had to say. I objected to this, as being a sheer waste of time, and suggested that, before consulting anyone, we should go through the draft in great detail, and decide what points were open to criticism. Brayne agreed; and I drew up lists of 'questions of principle' and 'questions of drafting', which he revised and which were then sent out to the G.A.s so that they might have some idea of the problems they would have to face. At the end of two days, they had discussed most of the questions of principle, and they were then allowed to depart. Many of their views were embodied in the draft, as far as I remember; and I think it was at that stage that Brayne had a heated discussion with Fonseca about the actual drafting. It was a relief when the draft at last went to the State Council; but the worst was to come. In its passage through the State Council the bill was drastically amended, and the effect of the amendments was to make it even more complicated and difficult to work than before. Later we found that certain consequential amendments had not been made, so that in some circumstances the machinery just broke down! The net result was an unduly complicated ordinance, dealing in minute detail with matters that should not have been proscribed by law at all; ill-arranged, so that it was often difficult to find the provisions on any particular point; difficult to follow; and requiring an undue amount of supervision if it were to be properly operated. Further, the officials who had to work the new system were the G.A.s and their subordinates - men, that is to say, who were not directly under the orders of the Ministry of Agriculture and Lands, who were accustomed to making their own policy with regard to land and who resented any attempt at control from above, and many of who were hostile to Brayne and all his ways, and who were certainly not prepared to make the very real effort that would be necessary to make a success of the L.D.O.

Years later, I suggested that the time had come to revise the L.D.O. in the light of experience, and indicated some points that seemed to need attention. It surprised me to see how reluctant the critics of the L.D.O. were to take this opportunity of getting something done to meet their criticisms. I remember - either on this occasion or at some other time - suggesting relaxing some of the rigid rules of the L.D.O., so as to give the G.A.s a freer hand, and receiving a reply from one senior G.A. - who apparently hadn't troubled to read what I'd written - that he was not in favour of any measure that would diminish (sic) the responsibility of the G.A.s! It is hardly surprising that the L.D.O. was unpopular, when such was the attitude of the officials responsible for putting it into operation. I'm afraid that, unless something is done about it, the system of land tenure will be reduced to chaos; but perhaps I'm unduly pessimistic.

You say in your letter that the northern part of the N.-W.P. must have some pretty close to the conditions Fr. Leach lived in. There is

some truth in this, in that the physical conditions in the two areas must have been similar; but the administration, and in particular the land policy, may have been quite different. For instance, Dr. Leach complains of the system of issuing chena permits in the N.-C.P., whereas, at any rate up to 1927, there was no control over chena cultivation in the Kurunegala district. My knowledge of the Wannai, however, is slight; for I was stationed in Kurunegala for not much more than a year, and my job was O.A., so that I didn't get away from the Kacheheri very often. (The office work there was very heavy, even at that time) What I saw of conditions from my office in Kurunegala, or heard from colleagues whose work took them into the field, may well have given me quite a wrong impression.

I am not surprised to hear that you decided against entering the C.C. S. I don't think that, even in my time, it was a satisfactory career for anyone who had a mind of his own or wanted to get things done. It was a pity that conditions in the public service were so unfavourable; for there were thousands of things that needed to be done, and no lack of men with the will and the ability to do them, but at the top there was something seriously wrong. Olympus should provide training, lay down policy, initiate reforms, provide support; but in Ceylon it seldom did any of these. It left policy far too much to the man on the spot, but meddled in matters of detail, which were not its concern at all. It hated reform, initiative, originality; and it was not prepared to give the support that everyone needs at some time or other. Two examples. An audit examiner discovered in 1948 that a number of printed forms were missing from the Ratnapura Kacheheri, where I had just taken over, and called on me to sign a certificate that the missing forms 'had not been used for any improper purpose'. I flatly refused to do so; and an argument started, which went on for months, and which required the personal intervention of the Secretary to the Treasury! I found that the President of a Village Tribunal in Matara District was drunken and corrupt, and that his conduct had been a public scandal for years; and I took proceedings against him which ended in his dismissal. Instead of getting support from Olympus, I found myself the subject of attacks by the Legal Secretary for daring to criticise a member of the judiciary, however bad his conduct. In such circumstances, it is hardly surprising that many men threw their hands in, and ceased to try.

You asked me, I think, whether I found my experience in the Army was of any value to me in my later career. A recent article in *The Economist*, on the subject of the proposed reform of the Home Civil Service, has some bearing on this question. The writer, speaking of the recruitment of civil servants, says that what is wanted is 'people trained from the start in the art of driving towards decisions instead of merely (which is the Oxbridge forte) the art of writing polished memoranda.' I would not claim that I was trained in the Army in the art of making decisions; but the importance of that art was continually impressed on me, so that

I arrived in Ceylon with a bias towards action rather than talk. I believe in trial and error: I see no harm in making mistakes, provided that you know what you are doing, that you do not persist in error after you have found that you are going wrong, and above all that you learn from your mistakes. It is an old saying that the man who never makes mistakes never makes anything. The curse of the C.C.S. was that promotion depended on your making few mistakes, and not on your getting anything done.

- A. The writer first comments on the large extents of the reserved forests. To my mind, his implied criticism is partly justified, but not wholly. If there is to be forest conservation at all - and I think it is generally admitted to be desirable -, it is necessary to have a fairly large extent of forest to deal with, if any good results are to be obtained. This is particularly the case in the dry zone of Ceylon, where the natural forests consist largely of poor material, with good trees thinly scattered over the area. On the other hand, the Forest Department was often accused of hanging on to more land than it needed or than it could effectively control; and my impression was that there was a good deal of substance in this. In addition, there was reason to suspect that many of the minor officials of the Forest Department were inefficient or corrupt.
1. It is not clear what is meant by 'any useful type of timber tree'. It is true that villagers were not allowed to fell trees of commercial value - i.e., such as could be sold for making furniture, etc.; but in my time it was the policy to set aside an adequate extent of 'village forest', from which villagers could take as much light timber as they needed for building and repairing houses, fences, etc. In other Crown forests, felling of any kind was forbidden, though this rule was not always strictly enforced, except in reserved forests. It is difficult to say how far the village forests went towards meeting the villagers' needs; but where they were adequate it was not true that felling was impossible without infringing some government regulation. Towards the end of my time in Sabaragamuwa, I had the idea of giving villagers who were caught felling trees illicitly the option of planting and tending two or three young trees of valuable species (such as jak), instead of being fined or prosecuted. I did this very few times; but it was well received by the victims. I thought it best not to inform Olympus!
 2. It is not clear whether this refers only to reserved forests, in which case I can well believe that excessive delay was the rule. It was, however, a general complaint that Government offices took far too long in issuing permits, licences, etc.; and I think that this was often justified. In some cases, the cause
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was the useless red-tape that surrounded many operations of Government. In others, I have no doubt that it was due to obstructiveness on the part of petty officials, who were not

prepared to get a move on unless suitably bribed. In yet others, the villagers' ignorance and helplessness, and their habit of leaving things till the last moment, were at any rate contributory causes. If a villager wants a felling licence, and knows from experience that - for reasons good or bad - it usually takes a month or two to get one, it would be reasonable to expect him to apply for it in good time; but that does not seem to be the practice of the Sinhalese villager, at any rate. And the more pressing his need, the more likely it is that he will be exploited.

3. This^{is}/contrary to my experience. Most of the new buildings that I have seen have been houses erected on new allotments, for which the villagers were usually given both money and free issues of suitable timber. Perhaps it's as well that the writer decided not to go into details: he might have found that they did not afford evidence in support of his views!
 4. All forest regulations must be a 'constant source of grievance' to the dry-zone villager, and especially to the chena cultivator; and this is true however wise the regulations may be, and even if they are enforced leniently, and by men who are sympathetic to the villagers. The villagers are miserably poor, and often are not far above the starvation line: they naturally see a forest as a potential source of food, which is denied to them by an oppressive government, and it would be unreasonable to blame them for taking such a view. Even if they were not so poor, and chronically short of food, they are naturally very ignorant, and they cannot be expected either to see that forest-conservation measures may be for their own good in the long run, or to understand that the interests of any other men but themselves deserve to be considered. In the conditions prevailing in the dry zone in my time, the minor officials of the Forest Department had plenty of opportunities of making money out of the villagers, and there is no doubt that many of them took them.
 5. Spiteful petitions, anonymous or signed, used often to be received by almost all departments in my time, and I expect
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that the Forest Department got its share - though I have no first-hand knowledge of this. It was the custom to grouse about the number of trivial or spiteful petitions, but to take the view that nothing could be done about it - a view with which I did not agree.

General comment on A. As far as I remember, the Forest Department was relieved of all responsibility for forests other than reserved forests and proposed reserves from about 1935. Such being the case, it is difficult to see what scope the Forest Rangers had for oppressing the villagers - unless they were in the habit of raiding reserved forests whenever they needed timber or other forest produce.

- B. It is not clear what is meant by 'communal tenure'. I do not remember ever having seen or heard the term used of tenures in Ceylon. According to Arunachalam, the original tenure was (a) ownership of paddy fields by individuals or families, plus (b) a common right of use of the surrounding jungle for pasture, for taking timber and other forest produce in reasonable amounts, and for chena cultivation. (My memory may be wrong on the details. I am trying to quote from his judgement in the Adippola sannas case, the text of which is given in his Digest of Ceylon Civil Law.)
- (i) I am surprised to hear that there was a belief that any 'communal elements' were present in Ceylon, or that such a belief provided the basis for official policy. I do not know anything about the mulkate system. The policy, when I first came to Ceylon, was (exceptions apart) to sell Crown land by auction, the purchaser becoming the absolute owner. This appeared to have been the policy for many years past, except for a few years when a system of leasehold tenure was substituted for it, at any rate as far as agricultural land was concerned.
- (ii) I have never seen any reference to the 'supposed village communism', and I do not therefore agree that it became the 'publicly declared objective of government' to substitute a system of peasant proprietorship for it. As you say, this was not the sort of thing that they had 'publicly declared' policies on. Many officials expressed their preference for individualised tenure, whether freehold or leasehold, and disliked ownership in undivided shares; but that is a different matter.
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(iii) In my time, official policy was not 'explicitly designed' to favour the more wealthy peasants at the expense of the poorer ones; and I have never seen any sign that such was ever the policy. It is true that the policy of sale by auction was more favourable to the well-to-do; but in my time it was often criticised for that very reason, and to the best of my recollection one of the main objects of the reform of the land system in my time was to give the poor man a fair chance. It is certainly not true that Crown land was sold only in relatively large plots. Under the 'application system', applications were accepted for plots of practically any size, and these plots, after survey, were put up to auction. I have never before heard it said that land suitable for paddy cultivation was sold only in plots of 5 acres or over. As far as my experience goes, most of such land belonged to one of two classes: village fields, regarded as privately owned from time immemorial, and irrigable land under major irrigation works. Practically all the irrigable land disposed of by the Crown belonged to the second of these classes, and as far as I remember it was usually divided into blocks of about an acre, each of which was put up for sale separately. As you point out, the main criticism of the 'application system' was that the man with the ready money - generally the mudalali - could always get the land, if he wanted it, by outbidding the original applicant.

(iv) I can't make out what the writer is getting at in his last paragraph. Here, again, it is a pity he didn't go into details.

C. I find it difficult to know where to begin, but I think I had better take the second paragraph first.

It is, of course, obvious that the ideal way of conducting chena cultivation would be to clear the land at long intervals, for instance 25 years. The trouble is, however, that there probably wouldn't be enough land to go round if only 1/25 of the suitable land were to be made available for chena cultivation at any one time. (Even if there were enough land to-day, with a rapidly-increasing population there would soon come a time when the amount of land was insufficient.) And, in any case, it would be exceedingly difficult - if not impossible - to discipline the chena cultivators into observing such a rule. The ambition of every chena cultivator is - naturally enough - to get hold of any

mukalana that he can find; and the object of the prohibition of clearing 10-year old jungle is to try and stop this. As far as I can remember, the reasons for this prohibition were (a) it was desired to keep chena cultivation within limits, and prevent it from encroaching on the mukalana; (b) it was thought that 10 years was a sufficient time for the land to recover its fertility; and (c) it was desired to ensure that there was enough land for all who needed it for chena cultivation. I have never before heard the argument about soil erosion, and should like to know the truth of the matter. It certainly is not obvious to me that clearing 10-year-old jungle causes more erosion than clearing 25-year-old jungle: certainly some of the worst erosion I have seen was caused by clearing (for tea or rubber) jungle that looked as if it were at least 100 years old. But perhaps I have misunderstood the writer.

I must confess I fail to see the point of the argument that erosion is not due to shifting cultivation as such, and that the real cause of the trouble is the stupidity of the regulations. Perhaps what he means is not the stupidity of the regulations in general, but the stupidity of the regulation forbidding the clearing of 10-year-old jungle.¹

As stated in his first paragraph, chena cultivation has occasionally been allowed without restriction, though I was not aware that it had ever been forbidden altogether. It is not correct, however, that for the most part the rules in force have been similar to those in force in recent years. In, I think, the early '30's D.S. Senanayake required each G.A. and A.G.A. to overhaul the chena policy in his district, and to submit for approval a new statement of policy, observing certain principles. In consequence, something like a uniform policy was laid down for all the dry-zone districts, though there were some differences in detail. At one time, I went through all these statements of policy with a view to simplifying them, eliminating as many as possible of the trivial differences, and drawing up a code of rules for the dry zone, in a form that might eventually be incorporated in the Land Manual. I forget why I gave it up: I suppose I had more important things to do, and realised that I might bring a hornet's nest about my head if I reopened the question of chena policy and procedure. Up to 1930, at any rate, every chena permit was issued at the Kachcheri (and up to 1925 every permit had to be signed by the Kachcheri cadet), and in most districts a fee (a rupee?) had to be paid by the applicant in advance. Under the

1. The latter is what Dr. Leach meant.

new system, permits were issued at a lower level (by the Chief Headman?); they were normally issued free; and the amount of paper-work in each case was drastically cut. I have an idea that, after a time, even in those districts where a fee had been charged it was decided to issue free permits; but I am not sure of this. The ordinary chena cultivator, as far as my experience goes, is dependent on his chena for food, and has not got any paddy land. I should add that the chena rules are not prescribed by law, but are departmental rules. My criticism of them was that they were - like most rules in Ceylon - too complicated, though I can't remember the details. Like all rules, more depends on the men by whom they are worked, and the way in which they are applied, than in their actual content. I don't know why the writer says categorically that such rules are not workable, though I can well believe that the practice is very different from the theory. It may be that their principal effect is to ensure that all shifting cultivation is carried out in the most inefficient manner possible; but it would have been more to the point if the writer had given some reasons for this sweeping condemnation - and had perhaps indicated in what way the regulations could be improved. As far as I can see, his only constructive criticism is that the 10-year-old chena cycle is too short, and should be increased to 20 or 25 years; but he does not consider whether this change is practicable.

- D. The Land Development Ordinance is not, in my opinion, a satisfactory piece of legislation; but before criticising it, and the motives with which it was framed, it would be wise to make sure of the facts. The writer has not troubled to do this. I have to depend on my memory, which is far from perfect; but I was in a position to know what its authors had in mind. They accepted as a fact that there were many villagers who were landless, or practically so; and as far as I know no-one has disputed the correctness of this view till Dr. Leach came along. And they did not intend the regulations under the Ordinance to operate to the disadvantage of the owners of freehold land. It is ridiculous to say that owners of such land now began to be thought of as wealthy parasitic absentee landlords: whether they were absentee landlords or not was a question of fact, independent of the whim of the sponsors of the L.D.O. And the fact, whatever Dr. Leach may think, was that there were far too many absentee landlords, who often were able - owing to the shortage of suitable land - to exact decidedly onerous terms from their tenants. The principle object of the L.D.O. was to make land available to landless men, on reasonable terms, provided that they were prepared to live on the land and improve it.

The essential feature of leasehold tenure - as Dr. Leach should know - is that it endures for a limited time. For that reason, a lessee's interest is often described technically as 'a term of years'; and as far as I remember it is so described in the Law of Property Act, 1925. Tenure under the L.D.O., on the contrary, is in perpetuity, subject to the observance of the conditions of the tenure. Thus it is, in many respects, analogous to a Scottish feu rather than to a lease. For a feuar is regarded as the owner of his land, his interest being described technically as 'dominium utile'; he holds it in perpetuity, subject to the conditions in the feu-charter, one of which nearly always provides for the regular payment of a feu-duty; and the feu is liable to be forfeited, by decree of court, if the feu-duty remains unpaid. It is necessary to go into this detail because the L.D.O. has always had numerous detractors, and one of their most persistent complaints was that tenure under the L.D.O. was merely 'camouflaged leasehold' - the insinuation being that the allottee got no real security of tenure.

It is not true that land can be allotted only to poor peasants under the L.D.O.: in fact, the class of person to whom any particular piece of land can be allotted depends on the purpose for which the land has been 'mapped-out', and the prescribed purposes include alienation to 'middle-class Ceylonese' or to 'persons of any class whatever'. Still, landless villagers were the people for whose benefit the L.D.O. was mainly intended. It is, of course, impossible to frame adequate legal definitions of such expressions as 'a poor peasant'; and in practice the officials administering the Ordinance are expected to use their own judgement - and a modicum of common sense. The substance of Dr. Leach's first complaint is that these officials neglect their duty, and allow abuses to occur, which are within the letter of the law though contrary to its spirit and to the intentions of Government. I think I expressed the opinion previously that one of the main defects of the L.D.O. was that it required an undue amount of supervision in order to make it work properly, and that the staff available for this purpose was not only inadequate in number but (in many cases) indifferent or even hostile to the L.D.O. The facts stated by Dr. Leach in the second paragraph of D seem to confirm this opinion.

Ownership of land in undivided shares is open to many objections

and the authors of the L.D.O. were determined to prevent it in the case of land alienated under the Ordinance. This feature of tenure under the L.D.O. was very unpopular, and the provisions relating to it seemed to me unduly complicated. I had reason to suspect that these provisions were sometimes evaded, and I think it likely that they will be unless special care is taken. This again, raises the question of supervision, with the object of ensuring that an unpopular provision of law is observed.

The fourth paragraph of D contains two fallacies, and I think it best to begin by disposing of them. First, the right to evict the occupant of land in certain circumstances is not a distinctive feature of leasehold, for, as I have already pointed out, it exists also in feu-tenure, which is, I understand, the commonest form of landownership in Scotland. Secondly, the tenure of land under the L.D.O. is not insecure - at any rate, as long as the occupant observes the conditions of his tenure. Indeed, it is arguable that the L.D.O. gives a greater degree of security than outright ownership does, for land held under the L.D.O. cannot, as far as I remember, be seized in execution of a decree of court at the suit of a private party, while a villager who gets into debt (as many do) is always liable to lose his freehold land in satisfaction of his debts.

The L.D.O. contains certain features that are likely to be very unpopular with Sinhalese villagers; and it was realised that these unpopular, but salutary, provisions would probably be disregarded unless they were backed by pretty drastic sanctions. The one sanction that the villager really fears is the loss of his land; and this was therefore prescribed as the ultimate sanction in case of breach of the conditions of the tenure. It was not expected, or intended, that this sanction should be used, except in the rarest cases; but it was thought necessary to have it hanging over the heads of allottees, in order to ensure that they did not resort to obstruction or passive resistance. I note that Dr. Leach admits that very few have ever been evicted, and that the villagers' anxiety on this score is exaggerated; and little more need be said. Owners of land under the L.D.O. are, as a rule, forbidden to mortgage their land by the conditions of their tenure; it is wrong to say that this prohibition is due to insecurity of tenure, and in fact the existence of this prohibition gives the owners a very high degree of security, as I have explained above. One of the objects of the L.D.O. was to ensure that land alienated to poor villagers remained their property and could not get into the hands of the mudalali under any circumstances.

In this connexion, I feel tempted to refer to a piece of muddled thinking on the subject of villagers' indebtedness, which was very common in my time. On the one hand, this indebtedness was denounced as an evil; but on the other hand regret was expressed - often by the same people - at the villagers' inability to obtain credit. It seems to me that you can't have it both ways: a villager who can get credit is, at the same time, getting into debt; and if the latter is evil, so must the former be. The real source, we are told, of the villagers' hostility to the L.D.O. is that they can't mortgage it; but just think how villagers wail who have mortgaged their freehold land and had it seized in execution. Incidentally, leasehold land can be mortgaged, though Dr. Leach seems to think otherwise.

E. I don't know what is meant by 'the traditional system of tenure', and therefore can't understand the first paragraph or offer any useful comments on it. The second paragraph is correct in so far as present-day villagers are probably better off, on the whole, than those of a hundred years ago; but I have no idea whether there is greater social dissension nowadays.

I remember the name Puleliya but not in which palata it was. I should be interested to know. I searched without finding it on an 8" map of Ceylon which I enjoy referring to occasionally.

A. 1 and 2. Yes a permit was necessary for good varieties of timber, but I don't think there was any difficulty in getting one. I remember no petitions complaining of this. Quite likely a small gift was customary, (Freeman once told me in connection with an inquiry about a K.M. who had to be transferred to other duties that the villagers said of him that he demanded "more than was just").

3 and 4. I have no doubt that the villagers disliked the forest regulations. Some of them required permits for rather petty matters, but on the whole they were quite reasonable. It is quite likely that there was petty "graft", but I remember no complaints.

B. The passage underlined from Dr. Leach's book and what follows seems to me to reflect the modern left-wing intellectual's hostility to capitalism and, no doubt, also against paternal government.

I never heard or read of any Government objection to such communal factors as existed in rural Ceylon society - the obligation enforced by V.C's to construct and maintain fence round the block of paddy-fields, to maintain the bunds of tanks and irrigation channels, to clear paths and even to build schools.

In my time the attitude of Government and of individual administrators was definitely sympathetic to the poor villagers and certainly no partiality was extended to the capitalists. And I feel sure that this was true of the stalwarts of old like Dickson and Ievers.

I can't imagine on what Dr. Leach bases his statement that "in theory no plot of Crown land sold for use as rice land could be less than a five acre block". I never heard of the existence of such a rule.

It is true that Government regarded the system of undivided shares as undesirable. It certainly led to much litigation and some times to land going out of cultivation when the shares were so minute as to make an assertion of ownership not worthwhile unless as a matter of prestige. (As D.J. Matara I used to spend

my Saturday mornings working out intricate arithmetical sums resulting sometimes in the allotment of such a share as 1/56 of a coconut tree.)

Land in the N.C.P. was claimed as kuitanse (?) idama (land held on notarial deeds), akkara idama (Crown grants) and Piriman Unnanse deput idama (land given by Mr. Freeman). I never heard that Crown grants were not esteemed or that the villagers "resorted to a variety of devices to get round the law".

As you say Government perhaps lacked a policy rather than had one on land. They followed the traditional customs of land tenure in the different parts of the country. However Sir Henry Ward's minute, if I remember rightly, lay down certain principles in the Fifties of the Nineteenth century which still held in my time. Stubbs was anxious to maintain control of land by a system of leasehold grants such as was the practice in Malaya, but this was definitely unpopular and was either not adopted or abandoned after a short time. In the Twenties or so Members of Council were alarmed at the shortage of land for the growing population and Sir Hugh Clifford wrote his memorandum, from which I imagine Senanayake and Brayne got to work.

I certainly agree with you that there was no rule against the sale of small lots of rice or other land. Applications were accepted and land surveyed for lots of any size. True, the original applicant might well be outbid, until under the regulations devised by Brayne bidding could be restricted, I forget exactly in what terms.

C. I was interested in the chena question and did some looking up of old records for my administration report of 1929. Freeman who was ultra-sympathetic in the matter was still living in Anadharapura^[sic] and I remember Tyrrell saying anent my report that I was rather "trailing my coat". I certainly wasn't intentionally provocative but just tried to put the case objectively.

As far as I remember anyone could get a chena-permit on application - not of course for mukulana. Many villagers either didn't bother to apply or thought it worth while to fell high forest for which they couldn't get a permit and pay a small fine or even go to gaol. There was no difficulty in getting an extension of the permit for a second year - after that the cultivator wouldn't want a further extension as the soil would be exhausted. Indiscriminate felling of high jungle is obviously bad for the land; but no doubt a rotation of perhaps twenty years could have been justified in some villages.

I should not agree with Dr. Leach that the Government regulations were stupid; but perhaps they should have been more elastic.

D. By some strange lapse of memory I recollect little of land matters while I was at Jaffna and Kandy and can offer no useful comments.

E. No doubt Dr. Leach is correct in regarding "fair shares for all" as ideally preferable to the principle of primogeniture and it may have imposed social solidarity upon the village members. I have had no opportunity of observing whether the provisions of the law aimed at limiting fragmentation of holdings has had the result that he maintains.

Mr. Shelton Fernando's Answers to Questions on the Land Development Ordinance, 3 July 1966

1. In your experience how did an officer decide on whom to allocate the land and how was the term "poor peasant" defined? Was the information provided by headmen and the information otherwise available to officers sufficient to prevent abuse? How is it that in the village 'Pul Eliya' (Nuwarakalawiya) only the members of the compounds which were better off had received such grants?

Answer:

As A.G.A. Badulla (1936-8) I held all Land Kachcheris personally, with a special land clerk and kachcheri surveyor to assist me. We were guided mainly by the headmen's reports on each applicant. He was always present. Under me the practice was always to give preference to the landless (real "poor peasant"). One without any at all had the better chance, except where some land adjoined and the one already with a little could be helped thereby to "round off" his holding - but of course with due regard to size.

Probably in Pul Eliya the G.A. or A.G.A. followed a different policy in the belief that one who had already proved some capacity on his own land would do a better job on the Crown land!

2. While the primary interest was to assist landless peasants is it not correct to say that where land was available, there was every readiness to grant land to richer individuals?

Answer:

Certainly not by us at Badulla. In the more populous areas of Upper Uva applications far exceeded extents available and the choice always fell on the needy.

Even in lower Uva where land was plentiful we would rather hold back land for the peasant class at future kachcheris than encourage even the middle class type to benefit by land specially mapped out for peasants. (This was called Village Expansion land in those days.)

As you know food was no problem then and we had no anxiety whatever to speed up land development for development's sake.

3. Did the peasants, colonists etc. who received these conditional freeholds (as I would call them) realise that it was freehold and could be easily transferred? How did you explain matters? Did you think they grasped the idea? Or is it correct to say that many colonists did not understand this and felt that they were merely renting the land from Government - a feeling towards which the threat of eviction, the fact that the annual charge is payable

in perpetuity (the only similar thing with which they are familiar being the rent which a tenant pays his landlord) and, possibly, the term 'badu idam' have contributed?

Answer:

In my experience all over Uva, whether land was plentiful or not, even as early as 1936 the peasants had fully reconciled themselves to the limitations of the L.D.O. of 1935.

I do not remember any notion of easy 'transfer' then. Anyway nothing could be done without the authority of the A.G.A. or G.A.

4. (a) How can an officer perceive verbal and tacit or otherwise concealed share-cropping arrangements by which the terms of conditional freehold are broken? Can one rely solely on petitions to bring them to light? Is it possible to collect sufficient evidence to justify ejection? Did the A.G.A. or L.D.O. have great discretion in ejecting defaulting grantees?
- (b) How is it that in 1951 Mr. B.H. Farmer found that "ande was probably in vogue in about half the colonies, and quite possibly in some of the remainder"?

Answer:

(a) I don't think we worried about such matters at the time so long as the permit-holder was in all ways responsible to the kachcheris. If he tried to improve or add to his yield by share-cropping we worried as little as over any possible crop-mortgaging.

Yes to a good extent the A.G.A. had much discretion and I seem to remember the Section still as 106.

(b) Possibly share-cropping proved useful and profitable, especially if the permit holder had other things to do than agriculture.

6. Were these conditional freeholds acceptable or unpopular with the grantees (a) in the late 1930's (b) in the 40's and 50's?

Answer:

(a) In the 1930's during my kachcheri experience lasting from 1932-8 the applicants seemed to be only too keen to get land despite this new legislated tenure. (b) In the 40's and 50's I was completely out of this line.

7. (a) If unpopular, was it largely because they were not allowed to borrow money on the security of the land?
- (b) Were there complaints against the condition that only one heir be nominated?

(c) Did the fact that this new tenure had few roots in custom contribute to the unpopularity and the attempts to evade the conditions?

Answer:

(a) An interesting question. But you must remember that the Coop credit Movement, introduced as early as 1911, made up for that. As I soon found out when I joined the Coop Dept. in March 1939 the credit society with loans given solely on the man's good character and industry backed by two sureties and ultimately by the unlimited liability of the whole society made up immensely for the inability to mortgage landholdings where these were the sole possessions.

(b) No, not in my experience. Even men with large families became quite reconciled, as unlimited subdivision in villages all over Ceylon were well known sometimes to descend to the farce of, say 1/100th share of a single jak or coconut tree!

(c) Again no, in my experience.

8. Regarding the Land Development Ordinance itself did you feel that it was unduly complicated and illarranged and that it went into too minute detail? In effect that more should have been left to administrative dictum?

Answer:

The whole policy being a novel one, the Ordinance had necessarily to be very detailed and all-embracing. Uniformity was definitely ensured too thereby than if administrative heads of some 22 districts tried to exercise individual discretions.

9. Taking the new form of tenure which the Ordinance established as a whole did you consider that it was impracticable
(a) in that it required a closer supervision than an A.G.A. could afford in order to prevent evasion of conditions?
(b) in that it required more staff-officers than Government could afford?

Answer:

(a) The headman system was well-knit and tight-knit for evasion to be easy. As a Cadet I remember being told the story of a G.A. who once warned an arachchi that even a pup should not be allowed to be born in his 'wasama' without the fact reaching his ears!

(b) Not necessary in view of (a).

10. Have you any idea if this new tenure helped to keep the land in

the hands of the peasantry and away from the land sharks, money-lenders, mudalalis and those of their ilk?

Answer:

Definitely. This for the first time prevented money-lending sharks from becoming owners of half the village.

11. Have you any idea if the scheme succeeded in its ultimate purpose of providing real incentives to agricultural improvement and furthering production? Did the grantees devote much attention to the land and was the husbandry noticeably improved?

Answer:

I should think so. The very prohibition of alienation, and therefore possibly mortgage, kept off the spectre of loss of possession one day and thereby the fruit of one's labours!

Mr. F. Leach's Comments on "Pul Eliya" Material, January 1966.

I now come to your extracts from Dr. Leach which refer mostly to the A'pura district. I worked in the area along the Mahaweli Ganga-Polonnuruwa Mihintale, etc. north to Trinco border. Here it was not so dry as further West and there were usually paddy fields and some irrigation from the river but not much as the top of the banks of the river were much higher than the river.

I find it difficult to comment as the time factor is not stated. For what period is the comment made?

It is easy now, with hindsight, to criticise policies of former years. It may be that those policies are proved wrong but that is not to imply that the makers of those policies were incompetent and blind. Attitudes towards welfare, etc., etc. have changed throughout the world. I think it correct that in the earlier years land was regarded as a national heritage and its development should be in the national interest. i.e. development in economic products where possible. Forcible encroachment resisted. As pressure for land for economic development increased so did encroachments and the Settlement Dept. was formed to deal with large areas at once. The areas were selected to put a barrier against spread of the disease. Thus, a band across the N.W.P. and then working southward to deal with pressure and northwards to deal with large areas quickly before the speculators arrived.

Also revenue was guarded. Not in the interest of a foreign Govt. but so as to keep taxes, etc. as small as possible.

In the Victoria and Edwardian era thought was largely based on 'Heaven helps those who help themselves' and the undeserving were not rewarded. That, and the destructive effects of chena cultivation was to a large extent, ^[sic? responsible] for the discouragement of chena as opposed to garden cultivation.

There are certain areas where chena cultivation (in the absence of large scale irrigation projects) is the only economic means of getting a living from the land. In other areas (e.g. Hambantota n. of Tangalle, N.W.P. along Hettipola - Wariapola line) where for economic reasons the villagers preferred chena cultivation but the land could have been cultivated as garden. Still other areas where economically chena cultivation was unnecessary and it was a wasteful

use of land. We then got G.A's and Controllers of Revenue who in their policies varied in attitude to chena cultivation (coupled with need for climatic reserves of forest and capital exploitation of timbertrees as opposed to them being burned down).

We thus developed different policies according to District. In the dry zones need for large chena reserves. In the semi-dry zones chena land gradually being settled on villagers for garden development and so gradually changing the type of cultivation. Total prohibition where chena cultivation was economically unnecessary (though desirable for certain cultivators only). Then control of chena cultivation as opposed to former haphazard selection of areas for cultivation.

Finally - and I comment where necessary - the ascribing by modern economists of incorrect reasons for actions taken.

A. ^a 1. I agree but ^b 2 need not necessarily be futile. I think that there was some relaxation and timber up to a certain size could be obtained on approval by the headman. Trouble was with any relaxation of these rules abuse immediately crept in and commercial exploitation occurred. ^c 3. I think timber under a certain size was allowed. ^d 4 and ^e 5 yes.

B. Here I think that the reasons attributed are incorrect.

I am not aware of any public statement of policy of condemnation of communal organisation. Rajakaria continued for a long time and was used to clear the trace for the northern railway. The Sinhalese law of inheritance giving equal shares to all children led to small undivided shares of land - even to extent of claims to 1/24th or so of a coconut tree. This led either to many disputes or fragmentation of land and it became Govt. policy to assist individuals to obtain and plant extents of land in their own right. This did not prevent future fragmentation but gave an undisputed basis of title in the first instance and so led to undisturbed development.

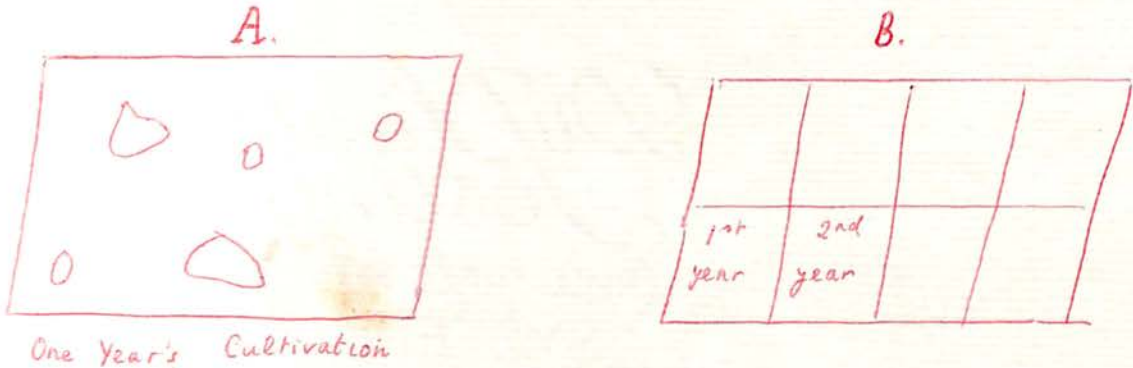
I think it incorrect to say that the wealthy peasant was preferred to the poorer neighbour. What was wrong was that a poor man applied for a piece of land. It was surveyed and then (in the national interest of getting the proper price for a disposal of property) sold by auction whereupon the wealthy peasant bought it. The effect was the same.

It was in later years (1930's) that, except for individuals crying in the wilderness (Freeman, etc.) a more general realisation of the needs and rights of the poorer peasant became the matter of Govt. policy - largely due to Brayne and his adherents though there were others earlier. I may here say that any officer who had been a Land Settlement Officer and has seen the effects of the land policies at close quarters became, as G.A. and A.G.A., much more enlightened in these matters and also had the confidence of knowledge in land matters to take appropriate action.

Now for your questions.

- (i) Not sure what mulkate system was. Perhaps it was the communal cultivation of paddy lands such as the bed of a tank in certain seasons. In Hambantota such cultivation was not so much communal as by rotation - one family cultivation one year and another the next. Chena cultivation under licence was to some extent communal. Burning of trees, the erection of strong fences round the whole block was communal labour. There was communal labour in repair of village tanks, clearing of waterways, etc.
 - (ii) I agree with you. Individual ownership prevented disputes. Where family held land was concerned a squabble could hold up cultivation for years.
 - (iii) I have already dealt with this. It was sale by auction (not preference for the bigger landowner) which led to the land going to the large landowner.
 - (iv) The introduction of the economic unit of five acres for economic development was of fairly recent origin. Earlier land schemes under irrigation works had larger blocks but these were often sold to a group - brothers, sons, etc. and worked as a family lot. In recent years in an attempt to stop fragmentation and to give an area of land on which a man could rely for a living five acres of virgin paddy land was regarded as the minimum. Given time clearing, chena crops, ridging and development this was economically possible for one man. I do not understand the adverse technological common sense.
-

C. The statement is partly true and partly incorrect. Forest was preserved for climatic reasons and also for commercial extraction of valuable timber trees. Thus an area from which the ebony, satinwood, etc. of value had been extracted might be released by the Forest Dept. from restrictions of such a high grade and, subject to climatic needs, forest areas were released for chena cultivation. The usual area allocated was one acre per man. Increased in times of severe food shortage, for trial cultivation of other crops (e.g. cotton in Hambantota). I was used to the Wannu in N.W.P. there, rotation was about 8 years - further south was six years. The main trouble was the haphazard cultivation for years. In a large block of chena land the cultivation for any one year might be as at A whereas an economic way would be to divide the whole area into large blocks as at B and cultivate only one block a year thus ensuring economy of effort (fencing) proper rotation and easier control as cultivation outside the area would be illegal.



When setting aside reserves in north of N.W.P. or in N.C.P. I used to determine the reserve and then after setting it apart recommend to the G.A. that no licences be issued for cultivation therein for a period of years (allowing them elsewhere in the meantime) so that as soon as possible cultivation in the reserve could proceed as in sketch B above.

In H'tota where I was A.G.A. any peasant could get a chena permit it was more a matter of excluding the rich than the poor having to justify.

I agree with agronomist view expressed. Unless large areas of land were available it would take some years of comparative hardship to put matters right because the correct rotation would have to be restored.

D. It should be realised that mapping out was part of the scheme and land, according to availability, was allocated for the villagers, larger landowners (the wealthier village type, clerk in kachcheri, etc.) and larger scale development. When land was given to the 'landless' there was still scope for the wealthier man elsewhere, I do not remember any rigid rule as to qualification. I can see preference being given to the very small landowner or the landless but I did not act on any 1 acre limitation. As I have repeatedly stated the availability of land shaped the policy for any one village or group of villages.

The restriction to one heir was an attempt to stop fragmentation and as such was rightly opposed to Sinhalese tradition which had led to innumerable disputes, court cases and non-cultivation of land. Do not forget that a man could acquire separate lands and leave to separate heirs. Moreover such heirs could, as young men, be allocated land on their own.

The leasehold type was objected to by villagers but was soon accepted as they realised they got the land without auction and on comparatively easy terms.

They hoped that time would cure their ills. As regards lack of security you have referred in your questionnaire to the problem of landless villagers and what is to be done with them. What can be done if there is no land. One way is to prevent him becoming landless. He could mortgage his crops but not his leased land. He thus retained land and respect. Only experience would show that tenure was not insecure if the reasonable conditions were observed. It was in the tenants own interest to cultivate the land so that requirement was not punitive.

E. Now we have comparisons of different eras. The introduction of capital crops-export crops, commercial crops introduced changes into the cultivation of land and the social pattern. The New English system of tenure is no doubt not compatible with the old order but neither are so many other things.

I wonder how, with my energy, I could have developed a District under my charge if I had had the old social powers of the Sinhalese. Earthwork not done on a tank? Off with someone's head - or draw him apart by elephants if he did not do his communal task. The work would be done instead of doing nothing

for a year or two and then spending money and time on a petition to the G.A. asking Govt. to repair a tank bund which could have been done in one day if tackled at the start. Not a fantasy - there are modern equivalents in Russia.

One must take conditions as a whole. The old order was not compatible with modern conditions.

I do not mean that communism cannot be developed but then the whole regime has to be adapted to it. In Russia collective farming by itself failed. Only if the whole nation (and this is not the case in Russia) is attuned to the idea will it work. Human nature has not yet been changed and the system will not work until it is accepted by all.

This traditional system of tenure began to disintegrate as soon as capital punishment for minor offences became obsolete (Now there is a grand example of hindsight allocation of reasons!) so that the bold could depart from the constraints of the system.

With that appalling thought (the Sinhalese to blame) I leave you.

A. There were of course two types of forest in Ceylon. Village Forests from which the villagers could get their timber and Reserved Forests which were controlled by the Forest Department exclusively and were used for producing timber required by Government or timber to be sold by Government. Villagers were of course not allowed to take anything from Reserved Forests.

Timber was divided into scheduled and unscheduled timber, scheduled timber being the more valuable timber. If my recollection is correct in village forests villagers could take unscheduled timber without restriction but for scheduled timber they had to get a permit and pay the value (though perhaps free permits could be issued in some cases). I think it is to this that he refers when he speaks of 'any useful kind of timber'. Some sort of control of this kind was of course necessary. I am inclined to think that the villagers would have got their permits through the headmen and not the forest rangers but I may be wrong. No doubt, whoever was in charge, some of them were unscrupulous and tried to make money by bribery but anybody could make a complaint to the G.A. - and he admits that they often did - so I doubt whether things were as bad as he makes out. The Forest Department and the Land Commissioner's office would tell you whether what I have said about scheduled timber and the different types of forests is correct - I think it is.

C. Shifting cultivation. Chenas This of course has always been a very difficult and controversial subject. What he says about the bad effect of frequently chenaing the same land is of course true. But if you allowed everybody to chena old forest all the timber would be destroyed and no forest would be left. Of course they preferred chenaing old forest. It was because of these problems and because chena cultivation was so destructive and uneconomical that one eventually tried to allow it only for people who had not other land to cultivate. The policy seems to have been sensible and I should say it was reasonably efficiently administered.

B. It is a little difficult to understand what he is driving at. He seems to imply that Government was wrong to try to get rid of Communism - presumably it would have been better to have let it flourish - but if it didn't exist anyhow I can't see how Government can have done much harm by trying to stamp it out! In fact I suppose there was a certain amount of common life in the village - we have mentioned the Village Forests which were for the whole village and then there were the village tanks which were maintained by the shareholders and cultivated according to decisions made by the shareholders even though the land was probably owned by individuals. Nobody, of course, would have tried to upset the amount of communism implied by the above. There were also such things as communal chenas and there was land set apart in the village in which the villagers were allowed to chena - free permits being given so that there should be control. It was Government policy as far as possible to replace this system of chenaing by a more scientific form of cultivation (see below under 'shifting cultivation'). I do not think I am chronologically competent to comment on the policy of selling land to villagers outright. It was in force when I was Office Assistant at Kurunegala 1928-1930 but long before I was myself in charge. I should say however that it was based on a completely different concept of the value of land to Government - completely different from Mr. Brayne's concept as interpreted in the Land Development Ordinance. The old idea, which I imagine must have prevailed and perhaps still does prevail in other countries was that having excluded the land reserved for various purposes, you regarded the rest as a potential financial asset to Government and therefore it was auctioned. I am not sure about the five acre limit for paddy land but I found that in the colonies in my time under the L.D.O. one used to give out paddy land in five acre blocks as that was considered sufficient to give a good income. Possibly there may have been a similar idea in the days of the outright sale but you will no doubt be able to verify that; it seems possible from what you say and from what he says below that he is muddling the old policy with the later L.D.O. policy. Your criticism of the old policy I agree with - as I said it was based on completely different ideas. As regards the last sentence "It is, therefore, hardly surprising - its inheritance", this was before the time that I really know about but the only thing I can make out of it is that he seems to have got mixed up between the old policy and the L.D.O. policy: - I don't think there were any restrictions on inheritance on land sold by Government - how could there be? - and if Government sold land outright I don't see how anybody could 'get round it'.

D. 1. Failure to define a poor peasant.

A hard and fast definition would, I imagine, have been fatal but if you read the Land Manual you will see how much trouble the compilers took to give guidance to those who would have to do the selecting and you will get some idea of the trouble which had to be taken by the officer holding the 'Land Kachcheri' to select - say 25 allottees for - say 50 acres - would normally take a whole day. The Land Kachcheries for the colonies would take several days. We certainly knew what we were trying to do in selecting our allottees and we took a good deal of trouble to see that we did it as well as possible.

2. This was inherent in the policy. The object was to ensure that somebody had a reasonably economic block to cultivate and to prevent the evil of fragmentation of land. It was just because the ordinary principles of land inheritance were different that these provisions were considered necessary.

3. The power to eject people who neglected their land or gave it to others to cultivate or broke the other conditions was an integral part of the policy. Naturally this made it impossible to mortgage the land and so eventually perhaps allow it to become the property of a rich moneylender. This also was an integral part of the policy.

I would not consider that any of these points was a valid criticism.

The whole policy could be criticized[sic] as being too paternal and in Government circles in my last year or so 1958-1959 doubts were sometimes raised as to whether it was the best policy.

E. Last sentence. I don't think this really means very much. The villagers still have to work together as when they are cultivating under the village tanks. Obviously you don't want people to [be] dependant on communal chenas for ever. I wonder how he has discovered that there is more social dissension than there was way 100 years ago.

I should like to try to put down the facts as I remember them - and it is a long time ago - and then try to answer your questions. I was Office Assistant, N.C.P. from May 1927 to May 1928. M.M. Wedderburn was Govt. Agent. He had years of experience in Land Settlement and in view of Freeman's attacks and the great importance of holding the balance between avoiding food shortage and preserving the soil he tended to deal personally with chena permits and the whole field of land tenure. I had the greatest liking and respect for him. He [Wedderburn] was the best type of Civil Servant, just, accessible, modest and very thorough. Freeman was the elected member of the Legislative Council and State Council from the time he retired from the Civil Service till his death. He was English and dedicated to the people of the N.C.P. I believe he was only once opposed at an election and the candidate lost his deposit.

There were about 1400 villages in the N.C.P. each with its tank and paddy fields. Chena cultivation required a permit. It reduced the area of cultivation to ashes and you could grow one crop of kurrakan[sic] and vegetables. You could not grow rice and there was argument about the nutritive value of kurrakan. The land was useless after chena cultivation. Scrub would grow after a time.

Malaria was widespread. We had not the insecticides that were available to our lucky successors. The people were debilitated. Each year they had to do some work on their tank to keep it in repair. The village committee decided what each man should do. There was no one else to do it even for money. If the villagers saw a chance of help from outside or plentiful chena permits they would postpone and neglect the tank and cultivation work. I am not blaming them; if there is an alternative to physical labour and you do not feel fit you don't do it. Freeman fanatically attacked the Government and the local officers for starving the people. The G.A. having in mind the dust bowls caused by soil erosion in other countries was careful in issuing chena permits. Freeman wanted to issue them freely. It was a curious position as we used to play tennis amicably with Freeman even when his attacks were most vitriolic. I used to visit villages with him at week ends. He would maintain that there was evidence that a village was short of food. I would be doubtful. It was not a pleasant situation. The repair of minor tanks was the function of a minor officer working under the G.A. Later the Irrigation Dept. dealt with these. Their normal job was the restoration of the big tanks and irrigation schemes, but malaria stopped colonization, e.g. at Minneriya.

Now for the points on which you ask for comments. It is clear that Dr. Leach is dealing with a later period and is not only or

mainly concerned with the N.C.P. He does not mention malaria. I would have thought that by 1940-50 malaria could have been conquered and the whole situation changed. We had a devoted malariologist and the Rockefeller doctors, but they had not the resources.

A. (a,b,c,d,e) were, I think, true in my time. We took up complaints with the Forest Dept. and I think we stopped a good many prosecutions. The Forest Dept. was cooperative, but it was their job to preserve timber. I remember making jokes with villagers about timber obviously illicit used in building a house. Corruption is always difficult to prove or disprove. The minor forestry official in the N.C.P. had a hard life and got malaria like anyone else. The job of saving timber and good soil was a thankless one.

B. I am surprised at this and I don't think it was true in my time. Land was communally owned¹ and the village committee managed it. I remember, later when I was in the Secretariat we were embarrassed because the League of Nations regarded work on the tank as forced labour and I don't think the point was cleared when I left. B is after my time in the N.C.P. I had little to do with land when I served in the Secretariat from 28 till my resignation. I remember that there was concern whether a peasant proprietor scheme could be devised with a workable way of stopping the peasant from selling his land to a land shark. I believe Brayne (Batticaloa) thought he had the answer. Certainly in my time in the N.C.P. there is a distinction between the small village and the small village tank and Govt. schemes for restoring the old major tanks and channels. The land shark might go for the latter but surely not for the former.

C. I am too far away from the facts. I thought that we issued permits to chena good jungle and that chena in scrub was useless. The problem seems to be the same as it was - how long can you go on burning forest for one quick cultivation without in the end the loss of the dry zone and the creation of a desert.

D. and E. are rather beyond me. Going back to my time and with all respect to Freeman it would have been easy to squander the jungle for a little temporary popularity and a little extra food. But I think the G.A. in my time was tolerant and just. The main troubles were the difficulty of visiting frequently such a large number of villages and the lack of physical health and energy because of malaria. Everyone who worked in that province liked the village people and wanted to improve their conditions.

1. This is ~~not~~ incorrect.

- A. I have no knowledge of this book. I doubt if a few months in a dry zone village - ignorant of the language no doubt - provides sufficient background and authority for his opinions.

Villagers could get timber from village reserves without trouble. Permits were required for scheduled timber - this would no doubt take time but life in the dry zone is not lead at high speed. It was not the Forest Department Officers so much as the village headmen (i.e. - the villagers own people) who looked after these matters.

The exacting of illicit fees is difficult to eliminate - it is part of an accepted way of life.

If there were no control all valuable timber in the country would quickly have been used up. G.A's and A.G.A's understood the problem and had to maintain a balance.

- B. This looks like doctrinaire rubbish. Government's preoccupation was always the protection and well-being of the peasant cultivator. Certainly the disadvantages of the "undivided 1/32 of an eighth of an acre" caused various changes in land tenure but to the best of my knowledge no question of "communism" as such, ever entered anyones minds. And certainly there was never any idea of favouring the wealthy at the expense of the poor. It was most certainly vice versa.

I am sure that you can find someone whose land experience has been more continuous than mine - after all, I am looking back nearly 30 years. But the whole of my instinct tells me that the bulk of these quotations are misguided, based on preconceived ideas and probably on misinformed statements through interpreters.

- C. A superficial view not taking into account the basic difficulties arising out of "chena" cultivation. So much has been written about this on government files and sessional papers that I will not write more on the point.

- D. I was in the N.C.P. when the 1935 Ordinance was put into effect. As I recollect it, I held Land Kaccheris [sic] in situ. where all applications for the land under consideration were considered by the A.G.A. and the land was allocated to those who had the best claim on grounds of merit. I do not remember that those who had already 1 acre were automatically excluded. But on the other hand

1 acre of paddy land was a very fair holding in the average N.C.P. village where water was so short.

As regards inheritance - the whole idea was to avoid the undivided share. Ejection was, as I remember, only likely to be contemplated if the land was persistently left uncultivated.

The fact that it could not be mortgaged would not be mentioned as a disadvantage by anyone who was conversant with what had happened in the past.

E. No comment merited.

I got the impression from the excerpts that the book is initiated by the author's having been more interested in establishing a thesis than in weighing his evidence impartially and arriving at cool objective judgments. This seems a pity, with his opportunities.

If my memory and information are correct it seems to me that the administration of the Crown lands during my time in Ceylon was much more pragmatic, and much less doctrinaire, than the author seems to be willing to believe.

I think I must have gone further than I intended if I gave you the impression that I found Brayne's scheme actually impracticable. I did find it difficult to work the scheme from a Kachcheri together with all the other Kachcheri work, in the way in which I thought it ought to be worked. What I mean is that I don't think I ever thought that it was impossible to make it work; but I did think that it needed more elaborate organization than most Kachcheries at that time made possible. I did, in fact, manage to get a surveyor attached to the Kachcheri at Jaffna for this work, but then there came the difficulty of supervision in the absence of a headquarters A.G.A. At Kalutara, when we received orders to maintain certain records, my keen Land Clerk devised a very full register for the purpose, and as the Land Commissioner wouldn't make it standard I got it printed in loose leaf form at my own expense. But I heard that it was dropped after I left. I don't complain of these things, but I felt that - at least after Brayne had retired - the "high-ups" hadn't really appreciated how much organization it called for if it were to be worked as Brayne had envisaged it.

30 July 1966.

A. I have read this two or three times and it still strikes me as a one-sided and tendentious statement of the position.

Naturally the villagers dislike not being able to go into the forests and take what timber they wish; but on the other hand the forests are a public asset and the Ceylon Government, like any other government, rightly conserves them and controls their exploitation.

(a), (b), and (c). So far as I recollect, in my time a villager who needed timber could either -

(i) obtain a permit to fell for his own use scheduled timber, pointed out to him by a forest officer, on payment of footage; or

(ii) in case of poverty, to build a house, (and perhaps for other purposes), get a free permit to fell common timber.

(i) was, I think, a matter of direct application to the local Assistant Conservator of Forests.

(ii) was, I think, a matter of application to the Kachcheri, and the permit was issued on the report of the Chief Headman.

Of course I do not know what happens nowadays, but obviously the issue of a permit takes a little time. I doubt whether in most cases the applicant has any solid grounds of complaint (b), or any real excuse for 'jumping the gun' (a). Applicants are apt to be impatient people.

(c) I suspect that this is much exaggerated.

(d) It would perhaps not be true to say that a Forest Ranger never expects any recognition of his services from the permit-holder; but I imagine that the cases in which a F.R. takes advantage of his position and the payment made to him is felt to be extortionate - more than the appropriate 'tip' - are exceptional.

(e) This may be so, but it looks like a generalization based on one or two particular instances, rather than a true statement of a wide-spread practice. Anonymous petitions used, according to my recollection, to be the exception rather than the rule in the Kachcheries. In any case it is hardly fair to use the alleged vicious behaviour of the villagers towards each other as a stick with which to beat the Forest Administration.

B. (i) I am very sceptical about there having been any primitive 'communism' in the villages, in any sense which any communist theorist would accept. I have met 'bethma' cultivation, but so far as I know that has nothing to do with communistic ideas

relating to ownership. It is simply cultivation of the land under a tank proportionately to the extent of the holdings of the several proprietors of that land, when the amount of water available is not sufficient for the cultivation of the whole extent - a practical solution of a recurring problem under village tanks in the Dry Zone. The 'bethma', i.e. the decision, if I recollect rightly, which lands are to be cultivated and which portions thereof are to be cultivated by the several proprietors, is made by the proprietors themselves at a meeting convened by a headman. So far is it from being communistic that it may rather be regarded as the ad hoc adjustment of individual proprietary rights.

You might consider a comparison with the English system of rights of common, whereby defined persons or classes of person may exercise defined rights of doing defined acts on defined lands, which are always in some other person's - usually the lord of the manor's - ownership. Not communism, surely.

It is hardly necessary to point out that the multiple ownership of land resulting from the operation of the various Ceylon laws of inheritance is something quite different from communism. I should myself be more inclined to say that a leading characteristic of the Ceylon villager is his strong sense of his individual rights of ownership, even if it be only of an undivided fractional share of a land.

(ii) I cannot recollect anything which makes me think that there is any foundation in fact for the first part of the statement underlined - if only because I cannot recollect anyone's having suggested that there was any such thing as 'village communism'. As regards the second part of this statement, I think the conception of 'peasant proprietorship' only obtained currency with Brayne's plan - first formulated and experimented with in the Batticaloa District circa 1922-25, and subsequently embodied in legislation. Perhaps this is what the author refers to; but I had a lot to do with Brayne and I do not think that he based his plan on any opposition to any real or supposed village communism, but, more practically, on the need to meet a real 'land hunger'. I have a vague idea that I told you in conversation that I thought he was much influenced by similar work done in India by his brother F. Brayne, of the I.C.S.

(iii) I cannot recollect any such rule and I think I might have remembered it if it existed, as I was for some time in the Controller of Revenue's office. I suggest that an examination of the Kachcheri Land Sale Registers over the first forty years of this century will show whether there was or was not any such policy as is alleged. I think that you will in fact find that the extents of the lands advertized for sale varied

between hundreds of acres and fractions of a single acre, with, probably, a preponderance of small extents of less than five acres. I believe you are quite right in saying that 'much depended on the particular individual's application'. So far as I remember the procedure was roughly this: The applicant made his application to the Government Agent (or Assistant Government Agent) for such and such a piece of Crown land in such and such a place. The Chief Headman, and if necessary other Departments concerned, reported whether it was available for sale or needed to be reserved for some purpose. If the land was reported to be available for sale - and no doubt in most cases after inspection by or on behalf of the Government Agent - the authority of the Controller of Revenue was obtained for its being advertized and sold. Finally, in due course, it was auctioned at the local Kachcheri at the advertized upset price.

One weakness of the system, as you rightly point out, was that the applicant might well be outbid at the auction; and one of the objects of Brayne's plan was to prevent this. (Other objects were: pre-selection of suitable land in large blocks for disposal, and systematic alienation of it in pre-determined allotments, in place of haphazard sales of sporadic bits of land selected by applicants; assistance to poor applicants, and control of the proper development of the land, by the substitution of a Crown leasehold for outright sales; prevention of fragmentation of holdings, or multiple ownership, by confining transmission of each holding to a single heir.)

(iv) I am not quite sure what the author is getting at in this paragraph. Apart from the question-begging reference to a 'traditional theory of land-holding' (presumably communistic), about the existence of which I am, as I have already said, sceptical, does he mean that the villager regards the purchase of Crown land in freehold as an evil? That I do not believe. Or is he merely speaking of Brayne's scheme? If so, I can quite believe that the limited rights of ownership and of transmission under that scheme may be unpopular features which result in - though they can hardly be regarded as a justification of - encroachments on Crown land.

C. This is a highly technical matter, about which in its scientific aspects I do not pretend to be competent to express an opinion.

From the purely administrative point of view, some of the matters which arise for consideration are as follows:

(a) 'Chena' cultivation is in any case a very inefficient form of agriculture, and is allowed, rather than encouraged, only to meet a real need for foodstuffs for the cultivator and his family.

- (b) It consists in principle of felling and burning off the timber in a piece of forest land to manure the soil, and sowing the land so manured with dry grain. The fertility of the land so manured is very quickly exhausted, and regeneration takes a very much longer period.
- (c) In these circumstances it is quite uneconomic to allow Crown forest containing valuable timber to be used for this purpose, and 'chena' permits are issued only for blocks of forest containing valueless trees; and even so such blocks are rendered less useful for re-planting within a period of years.
- (d) The question is therefore one of priorities between conservation of forest land (representing public revenue) and production of foodstuffs.

D. I think I have said most of what I have to say under this head in replying to your queries on B.

So far as Brayne and D.S. Senanayake, who may be regarded as the authors of the 1935 Ordinance are concerned, I think it may be said that the first two paragraphs give a quite distorted view. I do not think that either of them would have recognized this picture of himself as a doctrinaire socialist. As I have said above, Brayne recognized a 'land hunger' among people who had not the capital to satisfy it by buying at auction, and set himself to remedy it; and I think that the same can be said of Senanayake. As I have also said, I have an idea that Brayne was working on an Indian model. Brayne and Senanayake may or may not have produced a solution acceptable to their intended beneficiaries, but the attempt was made not merely in good faith and with good intention, but with good will and enthusiasm.

So far as Brayne's scheme may have foundered, it seems to me that it has foundered, not because it has run counter to some problematical ancient communist system, but because it has run counter to the villagers' ingrained preference for freehold ownership, whether undivided or divided, and for the maintenance of the old laws of inheritance.

E. This seems to be no more than an expression of opinion founded upon the disputable hypothesis of an ancient communistic system of land holding. Even admitting, for the sake of argument, the former existence of such a system, what evidence is there either that 'the traditional village was a highly cohesive social unit' or that even if it was 'a highly cohesive social unit' it was so because of the 'traditional system'? Is it not more likely that the village, so far as it was 'highly cohesive', was so

(a) because there was a predominating caste, whatever it might be, which hung together (more or less) vis-a-vis the rest of the village, and (b) because many, probably a majority of the lands were owned by family groups in undivided shares?

I am sorry to have taken so long about it, but the fact is that it was a good deal harder than I expected. My original notes were quite unsuitable for publication, and I had to start again from the beginning. Though it was easy enough to write an informal criticism for your eye alone, it is quite another matter to put my views in Parliamentary language and in a form in which they can stand up (or so I hope!) to criticism. Far the greatest difficulty, however, was caused by Dr. Leach's curious approach to the subject and by his frequent misuse of words. I think I had better try and explain what I mean, for you may meet the same trouble if any controversy arises.

First, his way of dealing with a question often seemed to me to be wrong-headed - I had almost said perverse. For instance, he is at liberty to think, and to say, that L.D.O. tenure is, in practice, merely camouflaged leasehold; but it strikes me as wrong, by any standard, to give in support of this view two of the features in which the two tenures differ radically. Again, he is at liberty to think that the L.D.O. operated to the disadvantage of the landlord class; but he has no right to say, without evidence, that it was 'definitely intended' to harm that class. Further, his statement that the owner of freehold land 'now began to be thought of as a wealthy parasitic absentee landlord' is calculated to give the impression that this was a matter of propaganda only; whereas it is a question of fact, in each case, whether a particular landlord is wealthy or parasitic or an absentee, and it certainly deserves to be stated that there were many landlords to whom these epithets could fairly be applied. Of course, he might not believe that such was the case; but in that event he should say so, instead of insinuating that the landlords in general were maligned.

Secondly, I think that, in a serious work by a man who is presumably a specialist in his subject, one is entitled to expect that words shall be used correctly - especially technical terms. Dr. Leach, however, seems to be a disciple of Mrs. Malaprop - or perhaps of Humpty Dumpty, who remarked: 'When I use a word it means just what I choose it to mean - neither more nor less'. Let me give an example. In another part of his book he says:

Alternatively a formal legal action may be brought before the Stipendiary Magistrate at his Rural Court, an institution which has lately superseded the less formal Village Tribunal, which fell under the jurisdiction of the Korala.

This remark provokes the comment that the V.T. was never under the jurisdiction of the Korala, nor was the Rural Court under the Magistrate! In this instance, I can guess what Dr. Leach means;

but he has no right to require his readers to guess his meaning, and what if they guess wrong? As Humpty Dumpty went on to say, when boasting of his mastery of words: 'Impenetrability! That's what I say!' This sometimes seems to be Dr. Leach's motto, too; but it's a pretty poor motto for a book that aims at giving a description of a certain state of things.

I hope I'm not labouring this point; but to me it seems of fundamental importance. In commenting on Dr. Leach's remarks, I kept coming on inaccurate use of words, and each time I had to consider what I was to do about it. If I corrected every error, my commentary would become extremely tedious, and a reader might find himself unable to see the wood for the trees; while plenty of unkind critics would accuse me of mere quibbling, and might in this way distract attention from the (comparatively few) places in which Dr. Leach's careless use of words was likely to lead to serious misunderstanding. On the other hand, if I pass over one of these errors I may be taken to have acquiesced in it - and my supposed acquiescence may be quoted against me if any controversy subsequently arises on this point. Further, there is always the possibility that a man who expresses himself carelessly may, on occasion, express himself quite clearly in a certain sense, when in fact he means something quite different - and the unsuspecting reader hasn't a clue! It is thus quite on the cards that Dr. Leach and I are at cross-purposes, and that some of my criticism is wide of the mark, for that reason!

Extract from letter attached.

I am very sorry that I kept this paper so long without a word to you. That was due to my rapidly growing senility. My mind has become flabby and I find it very difficult to do any mental or physical work. Both my thought and expression have become desultory and discursive rather than precise and coherent. I put off things from day to day and sit about idly.

I have at last decided to try and write something even if it is foolish. I hope you will be able to pick up something useful in it.

A. a and b: true.

c: mainly true.

d: I am not qualified to express a competent opinion on this point; but if the conditions mentioned by Dr. Leach prevail, they must be of recent growth. Villagers of the class that Dr. Leach writes about handled very little money and they could not make a tangible contribution to swell a forest officer's income. Here is an interesting story which provides an index of money values in the Anuradhapura area in the early part of the century. The story was related to me by a government pensioner who held the post of assistant registrar general at the time of his retirement. He was the first registrar of lands appointed to the North Central Province. Shortly after he assumed duties a moorman who had bought a piece of land brought his deed for registration. My friend attended to the work promptly. The man was so pleased that he placed a five cent piece on the table as a gratuity to the good registrar. He belonged to the money handling trader class.

This was in 1906. The country developed fairly rapidly after the first war. A class of timber merchants and building contractors who had to draw their supplies from the more remote parts of the country came into existence. It is possible that they corrupted the forest officers. But we in this country are so lightheartedly and irresponsibly ready to say without looking for any evidence at all that government officers take bribes that it is impossible to take these allegations at their face value. Perhaps Dr. Leach has done so too readily.

e: I do not know anything about this except that in my time very few villagers could write and that, if one of them had to make a written report, he had to go to town and find a petition drawer.

B. I did not make a study of the subject of land tenure and my administrative experience touched only the fringe of the districts whose social and economic conditions Dr. Leach describes. Therefore I do not feel myself competent to make any worthwhile contribution to your knowledge of the subject. What I write is largely made up of general impressions.

I am afraid that Dr. Leach writes some nonsense about British land policy. There never was anything like communal land use or communal ownership of land under the Singhalese kings. Such a practice was alien to the instincts of the people. Nor did the British administration ever have any land policy either "openly declared" or secretly pursued other than

- (i) The protection of the Crown estate from despoliation, perhaps without adequate consideration to the consequent hardship to the villager.
- (ii) The alienation of crown land to applicants whether poor peasant, or more prosperous peasant, or capitalist, the only restraining or limiting consideration being the public requirements for any purpose. This was freehold title and no special regulations were ever passed by the British to discourage poor peasants or to encourage richer peasants. If the rich man became richer it [was] only the natural operation of economic law with no adventitious aid from the British. Incidentally Dr. Leach's derivation of Sinnakara from the word acre is amusing to a Singhalese man.
- (iii) Provision of legal facilities to the citizen to have land held in undivided ownership by several shareholders legally partitioned,

with one exception: The British restored some abandoned major tanks and were anxious that the irrigable lands under them should be opened up for paddy cultivation. They have sold these lands for this purpose to any one, rich or poor if there was an application. But there was none. In fact if the villagers took possession of these lands and grew paddy in them there would have been nothing to obstruct them. These lands and lots of other land under minor tanks were there all the time before the British came there; they went out of cultivation because the villagers did not want to cultivate them. It is altogether fallacious to suggest that they were kept out of this land through any British policy. When no local cultivators would come forward, the government prevailed upon the Salvation Army to bring over a group of poor south Indians and try to establish a colony under one of these restored tanks to serve as a model for the villager. They brought a colony of Indian families who ran away after a few months and the Salvation Army reported to

government their conviction that these lands under the tanks could never be opened up by peasants: that they could be opened up only by capitalists with paid labour. There upon Government allotted a large area to Mr. W.A. de Silva on special terms. He lost a lot of money and gave up.

It was in [the] first decade after the first war that British administrators began to take an interest in the relations between villagers and their lands. Civil servants like Brayne showed concern over:

- (i) the fragmentation of holdings in uneconomic units.
- (ii) land holdings in undivided shares impeding proper land use and providing the occasion for village fights.
- (iii) improvident alienation of land by villagers either by direct sale or through unredeemed mortgages.
- (iv) growing landlessness owing to growth of population.

Even now they only surveyed the problem: they did not find a remedy; and far from entertaining non-egalitarian ideas or a desire to make the rich man richer, they did not have any policy for the utilization of crown land other than the entertainment of all applications and eventual sale by public auction of the land applied for and surveyed.

Now there appeared on the stage a Ceylonese with a forceful personality, broad vision and unbounded enthusiasm and unfettered by any popular or outworn "isms", - D.S. Senanayake. He initiated the first positive land policy. His basic idea was that the vacant land in the dry zone must be colonized in order to relieve the pressure of overpopulation elsewhere. He was fully aware of the evils which men like Brayne were trying to remove. With these in mind, his ideas chrystalized into,

1. Land must be alienated only to permanent inhabitants of the country.
2. New colonists must be put in possession in holdings which were large enough for a normal family to extract a decent living
3. The subdivision of that holding or its common possession of a number of co-owners through the law of inheritance must be prevented.
4. Alienation by voluntary transfer without the authority of the Land Administration or by court decree and unredeemed mortgages must not be allowed.

His ideas of an adequate holding rapidly expanded from 3 acres of irrigable land for growing paddy to five acres with a small extent of unirrigable land added to provide a living compound and a home garden so far as gardening was practicable when

irrigation ditches were not too far for bucket transport of water. Senanayake was fully aware that a poor man with no capital but a large family could not reclaim tropical forest into paddy land unless he was subsidized and the incidence of malaria made it necessary in due course to allow the subsidy to assume the proportions of a bribe; he was determined that the country should face this liability. He launched his policy as soon as he had the power. Merely for the record I may say that Ceylonese in the Civil Service were now beginning to attain sufficient seniority and men like C.L. Wickremesinghe, a man with sound ideas and a high sense of duty, at first and later C.P. de Silva with even more enthusiasm though less stability cooperated loyally with their political chief.

The above observations relate to irrigable land. There was no demand for high land in the dry zone either from the poor villager or from the wealthier villager or from the capitalist except for shifting cultivation or for the exploitation of the timber. The belief of the British administrators ~~was~~ excepting an occasional Freeman was that it was only the laziness and want of enterprise of the villager that stood in the way of the annual settled cultivation of the highland. In the year 1912 the department of agriculture laid down trials in different parts of the dry zone to find out whether annual cultivation was possible. But they did not produce any useful or worthwhile results largely because there was ^[no] continuity of either the executive or supervisory staff.

In 1937, the department launched a new kind of trial. It decided to select ten industrious village families from the area, and allocate ten acres of contiguous high land each, to clear the land for them, help them to build a house each and place them on the land to cultivate it with annual crops under the supervision and guidance of a departmental officer. They would be given different forms of assistance including a cow each. If they maintained the cultivation for ten years and proved that a village family settled in this manner on ten acres and growing high land crops for ten years could earn a reasonably good living and could still maintain the soil in good condition the land would be settled on them absolutely. A hundred acre block of land by the high road only three miles from Anuradhapura town were ^[sic] selected for the purpose, and the departmental officers did everything they could to find ten families who were willing to join. They could not induce a single family of the villages in the district to come in. They were willing to chena the land but not to undertake permanent cultivation on any terms. Eventually the department brought in ten families who were not used to the dry zone conditions and began the trial with them. How it went I cannot say.

- A. 1. True, assuming the "Govt. regulations" = no felling without a permit.
2. True.
3. Untrue.
4. Quite possibly.
5. - do -

The entire passage seems to be an implicit plea for de-reservation, with which I am in complete disagreement. No attempt is made to dispute the undoubted wisdom of a policy of preservation of a country's forests for climatic and many other reasons, and the argument is based on the puerile ground that villagers resent being prohibited from doing exactly as they like, regardless of the interests of the State. They also object to the embargo on the illicit distillation of arrack, and, in the ultimate resort, to any law limiting their freedom of anti-social action.

2. This is purely a matter of inefficient administration. Would one abolish penal laws because it may take years for a case to come up for trial (vide the Coup trial)?

3. My experience is that it is almost certainly untrue. It is well known that the ordinary village house, shelter, cattle gala, etc. can be constructed and is habitually constructed from materials locally obtainable from an unreserved forest. Moreover, no villager would be foolish enough to suppose that he could steal timber from a Reserve and use it in broad daylight without the risk of immediate detection.

N.B. The obvious bias of the writer, as a substitute for reasoned argument against forest laws, is evident in his brushing aside a breach of the salutary laws as a mere "technical offence".

4. Where there are regulations, their mere existence is an open temptation to the cupidity of minor officials. Is that a reason for abolishing or relaxing the regulation? Not peculiar to Ceylon!

5. Similarly with working off a grudge on an enemy by reporting an offence. Is there any country in the world where you will not find evidence of this human weakness?

I would add that in my time there was no difficulty or delay in obtaining building materials from an unreserved forest. This was done locally, without reference to the F.D. [Forest Department]. I have myself got villagers to erect, within a few weeks,

fn. 1 cont.

frowned upon by the Controller of Revenue of the time (Strong said it was Brayne but his memory must be playing tricks because Brayne did not become Controller till after Strong had left Matara.)

Strong refers to this scheme at several other points in this paper and his discussion of Dr. Leach's comments on the Land Development Ordinance of 1935 is coloured by this scheme rather than the L.D.O. itself. This is not surprising. He was Collector of Customs in the mid 1930's and left the C.C.S. in 1935, returning as Chairman, Colombo Port Commission for the period 1942-1945. As such he had little first-hand knowledge of the L.D.O.

For some details of his Matara scheme I would refer the reader to the transcript of my interview with Mr. Strong, 15 December 1965.

a school 60' x 20', plus living quarters, kitchen, etc. from local "timber".

I have found these questions very easy to answer, but perhaps I have missed something important, not having spent a few months in A'pura or received any training in social anthropology, whatever that may mean.

- B. I never heard of "peasant proprietorship" until the Matara experiment of 1926-7.¹

Communal tenure is admittedly pre-British in point of time. Hayley says "probably in the earliest times, when the relationship of all the members of a small village was an existing fact, the whole field was possessed in common". Elsewhere, he outlines the reasons for the disappearance of communal ownership (including ownership in undivided shares) and its replacement by "full ownership" in the completest sense", and adds that a student will find few indications of traces of the survival of the communal notion.

When therefore we are dealing with conditions which were beginning to disappear 2 centuries ago, what evidence is there that this "communism" was condemned on principle? By what Government? And on what principle? And what happened to cause its replacement (peasant proprietorship) to disappear, that is, if it is true that it only re-appeared in the 1920's?

I never heard of Crown freeholds being sold to individuals, in extension of their communal fields.

I cannot follow the inconsistency between encouraging the peasant proprietor and his exclusion by selling in relatively large lots.

Your notes:-

(i) I agree. It depends. One may see a trace of "communism" in undivided possession, or in a family living in joint community of property, but is the question not rather academic?

(ii) I have touched on this above. I would like to know on what evidence it is stated that Govt. had a publicly declared objective. I would tentatively conjecture that there was no such declaration, and if there was, that no traces exist of any attempt at implementing the policy. And on the facts before us, the critic's view is based on no more solid evidence than mine is?

1. This reference pertains to a scheme initiated by Strong when he was A.G.A. Matara from April 1925 - May 1928. He sought to circumvent the auction system and grant land only to candidates approved as deserving by the G.A.'s and A.G.A.'s. At the same time he sought to prevent the subsequent alienation of the land by the grantees by making it conditional leasehold grant rather than a freehold one. As far as I know, this scheme was not inspired by what Brayne had been working out in the Eastern Province in the early 1920's. Strong's attempt to give these sort of grants were

(iii) Point x. Here again we have a supposed "official policy" which seems to have escaped the notice of historians.

I never heard of the sale of paddy fields in 5 acre blocks, in any case too large for one individual (and his family).¹

As you say, the rule was always to advertise lands according to the acreage specified in the applications.

From personal experience, going back to pre-1914, I entirely support your criticism that Banda never had the least chance of competing with the mudalali or the neighbouring tea estate. This point was one of the main features of the "landless" scheme.

In fact, once this scheme was launched, I went a stage further in an attempt to help the "middle-class" person who was not poor and not necessarily landless, but was likewise unable to compete. Whether the sale was on the basis of lease or freehold, I forget after so many years - the real point was that the bidding should be restricted to "approved" applicants - e.g. that they should not already own more than fairly a small maximum extent of land and that the block applied for should also be subject to a reasonable maximum (possibly 30 acres? I forget. Anyhow it could be varied according to circumstances).

You will understand the type I had in view. For example, a Head Clerk owning 5 or 6 acres of coconuts, thrifty and having saved, wishes to extend his holding and build a house on it, to serve him in retirement.

I only had time to put forward the main principles, with bare details. It was publicly welcomed by the Press (and the Min. of Lands, D.S.S.)² but I never heard what action, if any, Govt. took.

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1. This is contradicted by Mr. Frank Leach (Comments on "Pul Eliya" Material) and was certainly not Government's view from the late 1930's(?) onwards. In this period, five acres (of paddy land alone? or paddy and highland?) was considered an economic unit for one man and his family and was followed in many of the colonisation schemes.
 2. An error here in that D.S. Senanayake was not Minister of Agriculture and Lands when Strong was in Matara. He filled this position from 1931 when it was established with the Donoughmore Constitution.

fn. 1 cont.

clarity and lends itself to considerable confusion - illustrated in the other Comments as well.

2. Popularly known as chena cultivation in Ceylon. This is a form of shifting cultivation but the latter term is largely a modern usage and is obviously new to Mr. Strong.

(iv) Last para. Why should the notion (of a number of separate small holdings) conflict with the traditional "theory of land-holding" or with common sense, whether "technological" or otherwise? And it is startling news that villagers should resort to (unspecified) devices to "get round the law" as regards purchase of Crown freehold. How does one get round a higher bid at an auction? And, more startling, how does a villager get round the laws of inheritance? ¹

In effect, this para, seems to me tripe.

As I find so often, with modern sociologists (??) a mere ipse dixit takes the place of proof and awkward points are concealed by verbiage. And why, at my age, do I not understand what kind of common sense is technological?

C. I have never heard of shifting cultivation (it sounds very inefficient, and are one maha and one yala crop worth the hard labour of asweddumisation?)² Is it peculiar to the N.C.P.?

D. I never saw this Ordinance, but it appears to have legalised the Matara landless peasant scheme.

Certain of the "defects" are clearly due to alterations or additions which did not appear in the scheme as originally devised, as will be seen below.

(a) I do not like the sneer in "a supposed category", and the foolish suggestion that all this trouble was taken in order to benefit a class of people who did not in fact exist.

"It was definitely intended" Here again we have the "mind-reader". In fact, I alone am qualified to say what my intention was. Leach is talking complete nonsense. The sole intention was to help the peasant, and the position of the freeholder never entered into the question. In any case, why on earth should one want to damage a freeholder's interests? Incidentally, the last dozen words in this para, seem to suggest that the peasant scheme ("now") created an antipathy to the freeholder which did not previously exist. In point of fact, my experience was that any antipathy (and there was plenty) was directed against the landlord qua landlord, and the nature of his tenure was wholly irrelevant, not all landlords being freeholders. In passing I may observe that, in the Matara District at least, the main complaint seemed to be that the (absentee) landlord did nothing but sit at home and take his full $\frac{1}{2}$ share of the crop, while the tenant's $\frac{1}{2}$ had first to meet all the costs of buffaloes,

1. Mr. Strong has misunderstood Dr. Leach here. The laws that were circumvented were those under which land was granted on a new form of protected tenure by the L.D.O. of 1935, not those arising from the previous system (auction, etc.). While this misunderstanding is due in part to the fact that the quotation has been lifted out of the context of a book, I must say this passage lacks
fn. cont.

irrigation rates, ploughing and so on, plus seed paddy at exorbitant rates of interest. On the other hand, I had no reason to doubt (what I was told) that the landlord was lucky if he got over 5% on his capital (I am speaking only of paddy, of course).

(b) I never used the word "poor", which is a purely relative term, and is not capable of a legal definition as L. seems to think it is. I never used any term other than landless. The object was therefore defeated by the N.C.P. attempt to define poverty by the use of a tape measure. Leach apparently failed to notice the inconsistency in the inclusion of the "richest man in the village" in the Headman's list of the deserving "poor".

(c)¹ Another defect, due to the later insertion (presumably by Govt.) of the specified heir proviso. I had thought of this, but quickly discarded the idea, mainly because it involved messing about with the existing law of inheritance and because many changes might take place (owing to death, quarrels, removal to other parts, etc.) to render the heir of today wholly unacceptable in 20 years' time.

(d) Leach's knowledge of the people is no doubt superior to mine, as well as more recent. So I can only say that I never heard of any resentment owing to the right of eviction. In the original scheme, this right was severely restricted and could be used only on failure to pay a peppercorn rent Rs. 1/- p.a.?) or on failure to exercise good husbandry. But why should any one jump at a lease (much in demand in my time) only to allow the land to revert to jungle? Anyhow, the Headman's annual report would be sufficient for the G.A. to warn the lessee of the consequences of continued lack of attention.

(Leach admits, curiously enough, that anxiety on the score of eviction was exaggerated, and also that after nearly 30 years "very few" evictions had in fact taken place.)

The last 4 lines of this para contain the final piece of nonsense.

I have lived to see the day when any intelligent observer could condemn, as a defect, a provision which is clearly the essential backbone of a scheme entirely directed to improving the lot of the peasant and protecting him from the known results of force majeure in the shape of land-grabbers, blackmail, economic pressure and in some cases improvidence, which however might often be involuntary, being dictated by inescapable social conventions, as with marriages, etc.

1. Mr. Strong had marked Quotation D as presented with the letters a, b, c and d. (c) refers to the third paragraph. The other references are obvious enough.

Mortgages are very frequently the first stage in an insidious process resulting in foreclosure and consequent loss of the freehold. Leach perspicaciously observes that leased land cannot be converted into capital. Precisely! This was the main object. His implication that all would have been well had the leasehold only been freehold reveals that he has no conception of the essential nature of what he is criticising. As you may remember, it was a form of blackmail which first put the idea into my head.¹

By the way, a "wealthy parasitic absentee landlord" seems to reveal a bias and a complete lack of objectivity which is entirely out of place.

E. The meaning of this defeats me.

"Fair shares for all" sounds like 1964-1966. If it means equal shares it is demonstrably untrue. If it means shares varying with the individual's stake in property under the traditional laws of inheritance, it is not clear to me why that should reflect or not reflect the question of village solidarity. What is meant? Did the cohesive unit bring into being the system of land tenure, or did the system create the solidarity? Did the chicken or the egg come first? And what does it matter, if land tenure had nothing whatever to do with the question?

The last sentence is equally obstruse. "The English system" is said to have failed to do "this". What is this? Presumably, as I read the verbiage, it failed to impose social solidarity on the village. Hence social dissensions (uncorrobarated)^[sic]. But where does one look for examples of English models of land tenure?

The implication seems to be: in the early days, the Sinhalese (Kandyans?) laws of land tenure produced harmonious village life: when their laws were abolished in favour of our English model,² harmony was displaced by dissension.

I know too little of the subject to argue: I do not even know when the change took place. But I wonder whether the ordinary citizen would sacrifice his present (comparative) pros-

1. Vide interview with Mr. Strong. A road-worker, having applied for the title to a plot of land he had asweddumised and planted up, subsequently asked Mr. Strong to make the title out to his (the worker's) kangany. Mr. Strong decided to inquire into this and discovered that the kangany had threatened to send the road-worker to another locality and away from his own village if he did not give him the land. [N.B. This account I have jotted down from memory, without reference to the tape-recording.]

2. Footnote by Mr. Strong: Hayley attributes the theory of full ownership in all respects (unknown in early times) to a kind of natural evolution over a long period. Leach would possibly argue that King Wickremesinghe made a public declaration that it was the policy of Govt.?

perity for the sake of greater village cohesion and less dissension.

Addendum

Land tenures and concomitant laws of inheritance must have come into being long before kings and lawgivers, and in considering them we must discard anachronisms; there can be no place for modern ideological concepts, especially when we have natural and easy explanations, such as fair shares.

Obviously, we begin with the aboriginal Veddas, living in jungles as separate families before the evolution of villages. The first step would be to make a clearing and learn the arts of cultivation. Still family by family. More and more land was cleared as the family grew, but except by marriage, growth would not rise through the infusion of strangers. The "village", as it would tend to become, would naturally run on communal lines. This factor would be intensified by the very nature of wet (rice) cultivation, which demands the closest co-operation. For example, the regulation of water supplies, fencing against wild animals, the joint use of buffaloes, the importance of all seed having the same period of germination and maturation all contributed to cohesion, and no doubt in very early times, with all members belonging to one family, the field would be possessed in common, though divided into small allotments, each the hereditary share of an individual or family. Hence the 'cohesion' necessitated by the facts of cultivation; the system of tenure is irrelevant.

We have thus agreed that at some stage in the country's history village life came to present a picture of cohesion under communalist influences. But for very different reasons (I have endeavoured to suggest one) - Leach however appears to suggest another, namely, the systems of land tenure. He gives no reason whatever for this conclusion,¹ and I would go so far as to suggest that systems of tenure had absolutely nothing to do with the creation of the social solidarity to which he refers. Indeed, he attributes the advantages of communalism (which I prefer to "communism" which is the antithesis of private property) to a "principle" of fair shares, which I regard as nonsense, for it presupposes a deliberate action thousands of years ago rather than a natural and spontaneous evolution. Modern writers tend to

1. An illustration of the dangers of extracting small portions from a book. "Pul Eliya" is partially concerned with illustrating and proving this point. The reference here is part of Dr. Leach's conclusion.

seek a "principle" everywhere, while history is littered with examples of developments based on human resistance to oppression, greed, religions or other forms of bigotry and anything but a principle.

I said "advantages", because the alleged failure to achieve village solidarity is held up against the English model. From the Portuguese onwards, all invaders left land tenures alone, and the rare legislation was tacked on to the basic existing feudal system. I know of no "English model", and the gradual emergence of the concept of complete possession was the result of natural development, not a specific imposition from outside.¹

The whole passage is difficult to comprehend. The argument seems to be:- Whether or not based on an anachronistic concept of 'fair shares, the traditional land tenure produced a cohesive village unit. This is followed by a non sequitur, in the form of the statement that prosperity, which has nothing to do with land tenures, has produced social dissension.

In other words, two unconnected statements - one, no doubt true, but leading us nowhere, and falsely attributed to systems of tenure, the second a highly debatable conclusion of which no proof is advanced and for which indeed no proof is possible in the absence of historical criteria. I might equally well argue that prosperity, in the form of exploitation of natural resources, road and rail communications, education and the general widening of a parochial outlook have on the contrary tended to reduce the dissensions more common in a self-contained village unit. And I must resist the implication that in the communal village there were necessarily fewer of those land disputes which are today one of the chief sources of litigation.

P.S. An interesting thought - how different would Ceylon now be, had rice been a "dry" grain, calling for no synchronisation?

1. On the whole, I would disagree with Mr. Strong here. While there was a noticeable and increasing amount of individualism in concepts of land holding both in the Kandyan Kingdom and in the Maritime Provinces under the Dutch and while admitting that natural development had its influence, my research has revealed that, from the 1830's in particular, the British Administration consciously sought to establish freehold rights in land, certainty of tenure, English forms of conveyancing and so forth.

Subsequent Comment on C, 7 June 1966.

Thanks also for explanation of "shifting cultivation". I accidentally suspected that it sounded like chenaing. I have little to add. I seem to have overestimated, not being anything like an agronomist, the rapidity of natural recovery of chena'ed land, deceived, no doubt, by the early appearance of vegetation - on the other hand, I was probably thinking of the restoration of moisture rather than fertility. I am glad to note that Dr. L.[Leach] shares the same view as Woolf and myself. (To conclude the subject, I never had any kind of comment from Govt. although they read (perhaps) my diaries, e.g. casually mentioning that I "visited the village of - did this and that, and allotted 40 acres of chenas"!)

Extract from Letter, A.N. Strong - M.W. Roberts, 15 June 1966.

"Shifting cultivation". I see now that there was nothing I could find in the context which was inconsistent with my false assumption that we were concerned with clearing land for asweddumisation - so please cancel my silly comments.

I confess to a feeling of annoyance with much of the Social Anthropologist's work and no doubt this will be clear to you between the lines. One evening I became a little angry (re "landless peasants") and the next morning, reading it over, I had to destroy and re-write it, as disclosing too great a degree of lack of self-restraint!

His main fault, I felt, was a lack of objectivity, not to be expected from a Dr. of Phil. or whatever it is. His bias against landlords, Govt. regulations and so on seemed to show through. And I found several passages difficult to follow from the aspect of English style, not to mention several unexplained inconsistencies. Sometimes I even felt as if I were checking a schoolboy's essay rather than arguing quietly with a man of far superior intellect, which of course I should have preferred.

I have the feeling that he has been influenced by the villagers' "tales of woe", without realising that what superficially seemed hard-heartedness may really be a benign move for his own good or so often for his protection against the designs of evil men, among whom I class the land-grabber in particular. But you will pardon the emphasis which I place on my senile hobby-horses, pet aversions and the like?

.....
Another fault, as you will see, is a tendency to substitute an ipse dixit for proof, which is at the bottom of those passages where he attributes motives and intentions "definite policy" of which he cannot possibly have any evidence. However I have no business to be criticising the critics.

omit

A. There is probably a good deal of truth in ^{a, b, c, d, e} 1, 2, 3, 4 and 5. The regulations of course are designed, and to a considerable extent used to achieve their object, to preserve valuable forest timber and ensure adequate climatic reserves. Having since been to East Africa, much of which suffers from having lost its original climatic reserves, I should be very chary of modifying the general principles of the regulations, though they could probably be made less cumbersome and onerous if education has had its proper effect.

B. I cannot make much useful comment, except that I know that it was common for undivided shareholders who had left the village to return from time to time and claim their share of the improvements made by the other shareholders, thus effectively discouraging the improvement of holdings held in undivided shares. The procedure for getting the holding divided by a partition action in the Courts was usually too lengthy and expensive to be of any use. Hence the decision to include special inheritance provisions in the new tenure under the Land Development Ordinance.

I cannot remember any rice land being sold in my time by the Government, except under the Land Settlement Ordinance, when in fact the sale was merely a device to give clear title to a portion in exchange for a vague claim to a larger area. In this case the amount "sold" would be proportionate to the value of the claim established.

C. With due respect I do not believe it would be practicable in Ceylon, or anywhere else, to arrange for land used for shifting cultivation to be cleared only once in 20 or 25 years. The existing regulations, whatever their defects, at least limit the area which is ruined by shifting cultivation.

D. I don't think that the regulations specified who were to be allotted permits or grants under the Land Development Ordinance. The policy in applying them, in my time, was to select people who (a) had no land of their own to cultivate and (b) were willing and likely to be able to cultivate the land allotted - with the twofold object of relieving the problem of landlessness and increasing the country's food supplies.

Regarding inheritance, see remarks under B.

Regarding rights of ejection - these were considerable during

the "permit" stage which should normally last 5 years during which the holder should prove himself and develop the holding. Provided he did this satisfactorily, he was given a "grant" and from then on rights of ejection were minimal. I agree that the real source of hostility to the system was the provision which precluded the land being given as security for debts. This was in my time, and I imagine still is, quite essential if a large number of the holders were not to be made landless again. I believe that, since my time, the Government has set up some kind of development credit institution.

- E. A rather idealised description of the traditional system I fear. Nonetheless, there is an element of truth in it. But land tenure is not the only cause of the break up of the cohesive village unit. Better communications is a major cause. See also under B. Incidentally this same process of economic improvement accompanied by loss of solid cohesion is going on in Worton and the surrounding villages.¹

1. Worton, Wiltshire: Mr. Tilney's present residence.

- A. The 5 statements are only partially correct - 50 years ago they were not universally or always true.
- B. There was no strictly communal ownership in my time though the cultivation under a village tank was to some extent communal. There was no explicit policy of "favouring" the relatively wealthy peasant. As far as I can remember, when crown land was put up for sale, there was no rule about 5 acre plots. I think in the Hambantota district if a man wanted to buy a saleable piece of land adjoining his, his application would be favourably considered.
- C. In my time the official policy was strongly against chena cultivation. Theoretically it was totally forbidden, but in practice it was a wobble. In some places, without chena cultivation the people would have literally starved. It was therefore either allowed "as an exceptional measure" or there were illegal chenas. It was always an inefficient, wasteful, and destructive form of cultivation.

- A. I did in fact serve in Anuradhapura for about 18 months in 1922-23 and as far as I remember Dr. Leach's statements regards Reserved Forests are substantially true. In principle the Govt. policy in this regard was sound enough but in my view overdone. There can be no doubt that but for such a policy the vast wealth of these forests would have been dissipated by unbridled chena cultivation and illicit fellings. While provision was made for the legitimate needs of villagers for scheduled timber to be met they certainly did encounter the difficulties Dr. Leach mentions - in particular the petty tyranny of Forest Rangers and Chena Muhandirams and indeed, in other spheres, Sanitary Inspectors and minor (unpaid) headmen. The administration on the ground of Govt. Laws generally was largely in the hands of these minor officials and all too many of them feathered their own nests at the expense of the villager. They were of course stamped on severely if caught and senior officials were often preoccupied in stamping out such abuses but control was too remote to be very successful. The abuses were often connived at by the villagers when it suited them. Part of the trouble too was that these minor officials were underpaid and in consequence power corrupted! It was this state of affairs which led to charges in the Legislative of Govt. persecution of the "poor villager" - quite unjustified except in so far as the Govt. must be held responsible for the misdemeanours of its minor officials.
- B. I find it difficult to believe that the supposed existence of some form of communal tenure formed the basis of official policy unless such an idea springs from the Govt. sponsored cooperation movement¹ - introduced round about 1930, I believe, and which led to the establishment of village Cooperative Societies over the whole Island. Along with it was the development of peasant proprietorship. I certainly cannot agree that "official policy was designed to favour the relatively wealthy peasant at the expense of his poorer neighbour". At the same time the wealthier peasant very often bought up his poorer neighbour and left him stranded. To try and counter this peasants were given long leases (?99 years) of land which could not be alienated but this was unpopular

1. This had nothing to do with the question. The Cooperative Movement itself dates back to the decades before the First World War but caught the public eye only from the 1920's.

because the peasant could not mortgage his leasehold or raise money on it.

In my time at any rate it was not true that Crown Lands were sold only in relatively large plots the poor peasant being thus excluded from the market. It would I think be of great use to you to study the operations of the Land Settlement Dept. in this connection and the 'archives' of the Controller of Revenue's Dept. which formulated and carried out the Govt's land policy and controlled the Land Settlement Dept.

- C. My own view, based on my short knowledge of the N.C.P., was that the restrictions on chena cultivation, though very necessary, were too harsh and intensified rather than alleviated the struggle for existence of the poverty ridden and malarial stricken peasant. He was driven to illicit shifting cultivations resulting in hundreds of prosecutions in the courts every year, resulting in heavy fines and reducing him once again to near destitution. Often he could only escape prosecution by bribing the headman or Chena Muhandiram and in consequence was little better off. Solution of the problem is very long term. It was to be found as I saw it by providing sufficient highland and paddy land to every peasant to enable him if he [was] industrious to be independent of the admittedly wasteful shifting cultivation - easier said than done! Unrestricted Chena cultivation would unquestionably have turned the villagers into a nomadic existence and village disintegration.

The N.C.P. with its huge tanks and remarkable irrigation system was at one time as you know the granary of the East for rice. Malaria more than anything else brought about decay and the degree to which this has been conquered will largely be the degree to which a permanent solution will be found for all the ills from which the province is suffering.

In my humble opinion the soundest policy for the Ceylon Govt. to adopt is to make the Island completely self supporting in foodstuffs. This is basic and can be and should be achieved as a prime objective.

I have not found it easy to make any useful comments on Dr. Leach's statements. His book deals mainly with the conditions prevailing in the village of Pul Eliya in the Anuradhapura District - a part of Ceylon in which I have never been stationed, and of which I know very little. It is true that he occasionally criticises certain features of the law, and of the policy of the Ceylon Government; but I imagine that his criticisms are intended to apply chiefly to the operation of the law and official policy in Pul Eliya and the neighbourhood, and not necessarily to their operation in other parts of Ceylon. Indeed, I have an idea that he has made a statement to that effect in his book. Even if I had first-hand knowledge of the Anuradhapura District, I should hesitate to criticise any of Dr. Leach's remarks about it, for the following reasons. First, he lived in Pul Eliya for several months on end, and thus was able to study it far more closely than I have ever been able to study any village. Secondly, his book is based on notes that he made when he was actually living in Pul Eliya, while any criticisms I might wish to make would be based only on my memory, which is far from being infallible. I have, however, tried to consider his remarks about Pul Eliya in the light of my experiences in other parts of Ceylon, and to examine his criticisms of law and policy as if they were meant to apply generally.

A. In order to appreciate Dr. Leach's statements, it is necessary to consider the conditions prevailing in Pul Eliya. Elsewhere in his book he makes the following remarks:

- (a) He - i.e., the ordinary villager - considers that, by ancient tradition, he has the right to clear land for shifting cultivation where and when he will.
- (b) If we exclude the very rocky areas and certain temple ruins, nearly every part of this rough jungle has at one time or another been cleared for shifting cultivation.
- (c) To-day, as a result of the increase in population and the depredations of shifting cultivators, the forest cover is mostly very thin.

It appears, from these and other passages, that there has been little or no control over chena cultivation in and near Pul Eliya, with the result that, when Dr. Leach was there, there was nothing but scrub jungle left in what are technically called 'other Crown forests'. Consequently, if any villager needed timber for building a house or some such purpose, he could not get it except from a reserved forest, either lawfully

or unlawfully. If he tried to keep within the law, he found himself up against a complicated set of regulations, and the inefficiency and corruption of the minor officials of the Forest Department. I have no doubt that this is substantially a true picture of the predicament villagers found themselves in. Petty officials often have a bad name, and there is ground for suspecting that it was often well deserved - particularly in the case of the Forest Department. In my time, Ceylon was cursed with a mass of detailed regulations on many subjects - often so complicated, or so badly drafted or arranged, that it was not easy even for an experienced official to understand them or apply them correctly. What a villager, or even a poorly-educated minor official, made of such regulations I cannot imagine; but it is clear that, even with the best will in the world, it must have been extremely difficult to make sure of keeping within the law, while the opportunities of petty oppression and corruption must have been innumerable.

Dr. Leach states that 'large sections' of the available land are treated as reserved forest. I presume he means to suggest that the extent of the reserved forests was excessive. This view was frequently expressed, and I have reason to believe that there was a good deal of substance in it. As far as I remember, a new policy was imposed on the Forest Department in the thirties, of which the main features were as follows. First, the Department was relieved of all (or practically all) responsibility for 'other Crown forests', so that it could concentrate on preserving and developing the reserves in its charge. Secondly, all the existing forest reserves were reviewed, and the Department was obliged to give up all those that were not absolutely necessary. Even so, the view persisted that the Department had retained more land than it needed or could manage; and evidence could be produced in support of that view, to my knowledge.

As regards statements 1 to 5, I must first explain that I have no clear recollection of any villages in which there was as great a shortage of timber as in Pul Eliya - though I am sure there must have been many such. It was certainly the policy of Government to prevent such a state of things from occurring. Statement 1. It was the policy to set aside 'village forests', from which the villagers could obtain the timber and other forest produce they needed. It is difficult to say how far these village forests went towards meeting the villagers' needs; but where they were adequate the villagers could get what they wanted without infringing any regulation. Statement 2. Even if the village forest were inadequate, the

villager can fall back on 'other Crown forests' - i.e., forests other than reserved forests, and so not under the control of the Forest Department. I forget the procedure, but I rather think it was necessary to get a permit from one of the headmen. The latter might well expect a small bribe, but if that were forthcoming there need be no such delay as Dr. Leach contemplates. Statement 3. This is contrary to my experience. Whenever I went into a village, I was shown new or partly-built houses as a matter of course, with no suggestion that their builders had committed a breach of the law.

Statement 4. It is reasonable to suppose that all forest regulations must [sic] 'a constant source of grievance to the villager' - especially to the chena cultivator. This would, I think, be true even if the regulations were just and reasonable, and administered by sympathetic and uncorrupt officials - simply because the object of all such regulations must be to restrict the villager's right to do as he chooses. I have no doubt that the existing regulations give the minor officials of the Forest Department plenty of opportunities for making money out of the villagers, which many of them take as a matter of course.

Statement 5. In my time, most departments received any number of spiteful petitions, and I have no doubt that the Forest Department got its share. I do not know, however, whether such petitions were taken seriously by any of the recipients.

I suspect that the position was as follows. It was the policy to provide adequate village forests, and the regulations were based on the assumption that this had been done. It was further assumed that practically all of the villagers' requirements that could not be met from the village forests could at any rate be met from the 'other Crown forests', over which the Forest Department had no control. If this view is correct, it follows that it was considered that villagers would not need to have recourse to a reserved forest, save in exceptional circumstances; and the regulations were framed accordingly. It would not be unreasonable to prescribe conditions for the grant of an exceptional privilege which would be quite unsuitable to an everyday transaction. If this suggestion of mine is correct, it follows that the root cause of the evils that Dr. Leach mentions in this extract was the failure of the Forest Department to realise that the conditions in such villages as Pul Eliya were different from those contemplated by the framers of the regulations or to take action to remedy matters - for instance, by amending the regulations or releasing part of the reserved forest. It would be interesting to find out whether my hypothesis is anywhere near the truth.

B. I must confess I find it difficult to follow Dr. Leach's statements, even when read in their proper context. I wonder if he is referring to the land policy of the nineteenth century, of which I know very little. In the circumstances, it is not easy to offer any useful comments, and I am afraid that some of my observations may prove to be wide of the mark.

At the beginning of my service, it would not have been far from the truth to say that there was no land policy, and that the ruling principle was *laissez-faire*. Exceptions apart, the Government did not take the initiative in disposing of Crown land, nor were any steps taken to bring about the systematic development of the land. If anyone wanted land, he chose a plot to meet his requirements, and applied to the G.A. or A.G.A. for it. A series of inquiries were made; and if there proved to be no objection to the sale of the land, it was eventually surveyed, and thereafter put up for sale by auction. This was the system that came to be known as the 'application system'. As far as I know, it had been in force for many years, with only trifling changes. I do not know how Crown land was disposed of before the application system was introduced.

This system had obvious faults. It was very slow, and years might elapse between the original application for a piece of land and its sale by auction. The original applicant was not given preferential treatment, and might well be outbid at the auction by a wealthier neighbour. The cost of the process was considerable, and might amount to a large part of the sale price. It resulted in haphazard development of the land, without any real control by the Government.

There were several variants of the system. For instance, land in towns was not usually sold outright, but leased on long terms for building. For a time, the sale of land for agriculture was discontinued, and such land was leased on condition of its being properly planted. In some parts of Ceylon, land suitable for paddy cultivation was sold under 'Sir Henry Ward's minute', the main feature of which (as far as I remember) was that the price was paid by instalments. Land under major irrigation works was surveyed as a matter of course, without waiting for applications from prospective purchasers, and was usually divided into small plots - of an acre or so, if I remember rightly. Land that was claimed by villagers, or occupied by them, was commonly put up for sale to the claimant or occupant only, at a price fixed in advance. In such cases, the formality of advertising the land for sale was presumably intended to make the transaction public, and to give rival claimants the opportunity of coming forward. Latterly it was quite common for

the auction to be restricted to certain classes of person - for instance, members of a particular family or residents of a particular village - , in the (probably vain) hope of preventing the land from falling into the hands of the local mudalali.

The application system was eventually superseded by the Land Development Ordinance, which was open to objection on quite different grounds.

Question (i). It is not clear what Dr. Leach means by 'communal tenure'. I can only say that I do not remember ever having seen or heard the term used of land tenures in Ceylon.

Question (ii). I have never heard it stated that the 'publicly declared objective' of the Ceylon Government was to substitute a system of peasant proprietorship for the 'supposed village communism'. In fact, I do not remember seeing any statements of official policy (except such statements as the prohibition of sale of land above the 5000-foot contour), and should have said that the general rule was laissez-faire, though individual G.A's had a pretty free hand in developing land policy for their own provinces.

Question (iii). In my time, official policy was not 'explicitly designed' to favour the relatively wealthy villagers at the expense of the poorer ones. I was not aware that such had ever been the policy, though the application system certainly had that effect. In my time, indeed, this was one of the chief grounds on which the application system was criticised; and I believe that the main object of the reform of the land system was to give the poorer villagers - particularly those with little or no land of their own - a fair chance to get land from the Crown on reasonable terms. In my time, Crown land was not sold only in relatively large plots, nor was it the practice to sell irrigable land only in plots exceeding five acres in extent. On the contrary, the size of plots put up for sale under the application system depended solely on the applicants: indeed, the system was sometimes criticised because, from time to time, it led to the survey and sale of plots so small that the value of the land was no more than the cost of survey. Most of the irrigable land that was offered for sale was under major irrigation schemes; and in my time the plots into which such land was divided for sale were always quite small - not more than an acre or two, as far as I remember.

Question (iv). I am afraid I do not understand Dr. Leach's last paragraph.

C. Dr. Leach raises two questions: the best method of conducting chena cultivation, and the control of chena cultivators. The first is a question of agricultural practice, about which I am hardly qualified to express an opinion. The second is a question of practical administration, on which Dr. Leach confines himself to criticising the prevailing practice, without (as far as I can see) suggesting a remedy.

I do not question Dr. Leach's statement that the ideal system of chena cultivation would be to clear any particular piece of land only at very long intervals, and have no doubt that it would be more satisfactory if the land were cleared not oftener than once in every twenty or twenty-five years. However, such a system would need far more land than is required for the ten-year cycle that Dr. Leach condemns; and the first question that arises is whether there is enough land available. Even if there is enough now, it is doubtful how long it would suffice, in view of the rapid increase in the population of Ceylon. I see the force of Dr. Leach's criticism of the rule prohibiting the clearing of jungle that is more than ten years old; but it seems to me that there is another side to the picture. The object of this rule was to try and preserve a certain amount of mukalana; and if this had been done the villagers would have benefited, by being able to get timber etc. without having to obtain the permission of the Forest Department. In fact, it would seem from Dr. Leach's statements (quoted above) that the rule was not obeyed in Pul Eliya, at any rate; and the evils of which he complains in Extract A are, to some extent, due to the disregard of the rule. In any event, it seems unreasonable to blame the rule for the excessive soil-erosion that has taken place, if in fact the rule was not obeyed.

Suppose, then, that it has been decided what the cycle of chena cultivation should be, and on what conditions chena cultivation be allowed, and that a sufficient extent of land has been set apart for that purpose. The question of how the scheme is to be put into effect then has to be considered; and it seems to me extremely difficult to find an answer. The villagers, as Dr. Leach points out, consider that, by ancient tradition, they have the right to clear land for chena cultivation when and where they choose; and they are therefore likely to object to any rules, however wise, that seek to regulate the practice of chena cultivation, and to resort to passive resistance if a serious attempt is made to enforce such rules. It would, I think, be very difficult to draw up a set of rules that would be acceptable to the villagers, and it would not be practicable to enforce the rules in face of the villagers' opposition. I doubt, indeed, whether it would be possible to

D. At one time, I had a pretty thorough knowledge of the Land Development Ordinance, the regulations made under it, and the relevant Land Orders, and I can still remember their main provisions. I can therefore speak on this subject with rather more assurance than I could on many of the points raised in the foregoing extracts from Dr. Leach's book. I must confess that some of Dr. Leach's statements on this subject seem to me to be very wide of the mark. I must repeat, however, that I am writing entirely from memory, so that I cannot be sure of being strictly accurate in every detail.

It is true that one of the main objects of the L.D.O. was to help landless peasants. I think there is no doubt that there were, at that time, many villagers who either had no land of their own or had insufficient land for their support. The L.D.O. enabled such persons to obtain allotments of land on easy terms and on an exceptionally secure tenure.

Landless villagers had previously been at the mercy of the landowners, since they could not obtain land except on the landowners' terms. No doubt some landowners were reasonable in their demands; but certainly others abused their position by imposing harsh terms on their tenants. In particular, absentee landlords often had a bad name in this respect - and I believe many of them deserved it.

In such circumstances, it is clear that any measure calculated to improve the condition of the landless villagers may act to the detriment of the landlords. I am rather surprised, however, at Dr. Leach's statement that:

It was definitely intended that these new regulations - i.e., the provisions of the L.D.O. - should operate to the disadvantage of the owner of freehold land who now began to be thought of as a wealthy parasitic absentee landlord.

It would be interesting to know the grounds on which this statement is based.

It is not correct to say that land could be allocated under the L.D.O. only to poor peasants. On the contrary, it could be, and often was, mapped-out for alienation to other classes as well; and in particular a great deal of land was allotted to 'middle-class Ceylonese'. As far as I remember, the expression 'poor peasant' was not used either in the L.D.O. or in the regulations thereunder, so that there was no occasion to define it.

The method of selecting villagers to receive allotments of land was, if I remember rightly, laid down in principle in the L.D.O. and in some detail in the Land Manual. Its main feature was that the final selection had to be made by the G.A. or other

ensure that chena cultivation was carried out in an efficient manner unless the unfortunate villagers were dragooned in a way suggestive of Stalin. It is hardly surprising, therefore, that the present rules appear to be unworkable, and that the practice is very far removed from the legal theory.

It is true that, at times, chena cultivation has been allowed with little or no restriction, at any rate in some parts of Ceylon. In this, as in other matters, much depended on the attitude of individual officers; for there was little control from Colombo, and the degree of strictness with which the rules were enforced varied greatly. I do not think it correct to say that, for the most part, the rules regarding chena cultivation have always been similar to those in force in recent years. When I first came to Ceylon, chena permits were issued at the Kachcheri; cultivators had to apply for them a long time ahead, and pay a fee when applying; the Chief Headmen were required to report on every application; and the Forest Department was given a copy of every permit issued, and was expected to exercise some degree of supervision over the chena cultivators. About thirty years ago, the procedure was drastically altered, and new rules were drawn up for each of the districts concerned. The new rules differed in their details; but as far as I remember they all provided for the issue of chena permits by the Chief Headmen, with as little delay and formality as possible. Further, in some districts, if not in all, these permits were issued free. The late Mr. H.R. Freeman interested himself in this question, and I rather think that the rules eventually adopted were based on his recommendations. However, it seems that even the revised rules have proved unsatisfactory, and I can't help wondering whether it is worth while trying to control chena cultivation at all. I wonder if it would be possible to hand it over to the villagers themselves, and leave them to decide what land should be cultivated each year, and who should be allowed to cultivate it. If such a scheme were at all practicable, it would have much to commend it.

responsible officer at a public meeting, at which the claims of the various applicants would be considered, and any dissatisfied person would be free to make any representations he liked. It would appear that this method was not followed in the Anuradhapura District. If so, the failure of the officers concerned to obey the instructions on the subject can hardly be regarded as one of the defects of the L.D.O.

The tenure of land under the L.D.O. is not leasehold, and it is decidedly misleading to describe it as such. This is not a mere quibble; for this tenure was devised for the very reason that leasehold had been found unsatisfactory, and it differs from leasehold in several important respects, some of which are discussed in the following paragraphs.

Leasehold land is subject to the ordinary law of intestate succession, and is therefore liable, in the course of time, to become minutely subdivided. On the other hand, a small allotment of land under the L.D.O. is transmitted intact, on the death of the allottee, to the successor he has nominated. (Larger holdings may be subdivided, but only to a limited extent). Dr. Leach's statement that this provision of the L.D.O. 'conflicts radically with the ordinary principles of Sinhalese land inheritance' is an admission of this material difference between leasehold and tenure under the L.D.O. He describes this provision as 'well-intended': it is a matter of opinion whether it should be regarded as a defect.

As regards mortgages, Dr. Leach states:

The real source of their - i.e., the villagers' - hostility to the leasehold element in the system was that the ultimate insecurity of tenure precluded a tenant from using such land as security for a mortgage.

I must confess I find it difficult to understand this statement, in view of the following facts. First, a holder of land under the L.D.O. has complete security of tenure as long as he observes the - not very onerous - conditions on which the land was allotted to him. Secondly, the prohibition of the mortgage of such land is not based on any supposed insecurity of tenure, but on the express provisions of the L.D.O. Thirdly, these provisions constitute an important difference between leasehold and tenure under the L.D.O. They were, in fact, designed to protect the allottee from the consequences of his own improvidence, by ensuring that he should not lose his land on that account; and it seems strange to regard them as a defect in the L.D.O.

Dr. Leach also remarks:

Finally, the leasehold character of badu tenure, whereby the government retained the right to eject the holder in certain special circumstances, was one which the Sinhalese villagers themselves bitterly resented.

The first part of this statement is very misleading. The right of eviction to which Dr. Leach refers, so far from being a feature of leasehold, exists only in the case of land alienated under the L.D.O. On the other hand, if a lessee fails to observe the covenants of his lease, the only means of obtaining redress is to raise a civil action against him - a proceeding that is apt to be dilatory and expensive, and uncertain in its result. It is easy to understand why the villagers resented this right of eviction, in spite of the fact that it was very rarely used. Certain of the provisions of the L.D.O. are very unpopular, for various reasons; and the natural reaction of the villagers is doubtless to try and find means of evading them. This would have been comparatively easy if the tenure had been leasehold; for the trouble and expense of suing defaulters in the civil courts are such that proceedings would have been taken against only the most flagrant offenders. The L.D.O., however, provides a comparatively simple and speedy way of dealing with defaulters, and the sanction it imposes in the last resort - namely eviction - is probably the only sanction that the villager really fears. Thus the L.D.O. not only imposes conditions on the allottees that many of them dislike, but also provides effective means of enforcing them. However, so much depends on close supervision, for which there is seldom or never sufficient staff available, that probably many breaches of the L.D.O. remain undetected.

I doubt if anyone who has had much practical experience of the working of the L.D.O. would deny that it has many defects, and I do not wish to appear to defend it uncritically. I do not happen to agree with the adverse views expressed in Dr. Leach's book, but I think there are many other grounds on which the L.D.O. is open to criticism, and my considered opinion is that the time has come for a thorough review of its provisions, in the light of thirty years' experience of its working.

E. I do not know enough about the 'traditional system' referred to by Dr. Leach to be able to offer any useful comments. From what I remember of his book, however, I think that his views on this subject are probably sound.