

experience of Ceylon and to the suggestions put forward for Tanganyika (also see other material enclosed).

In Ceylon where full self-government is envisaged though not yet attained, despite contrasting religious and racial differences in the population, the aim has been the formulation of a unitary state. There, under the latest constitution (1950), the 95 members of the House of Representatives are elected on a universal adult suffrage. Electoral divisions are based on population and the area of the provinces. The latter factor is introduced on account of the need to give adequate representation to such minorities as the Tamils without bringing in a system of separate electoral rolls. There is also a proviso that lays down that if in any province there is a substantial concentration of persons united by a community of interests, whether social, religious or otherwise, but differing in one or some of these respects from the inhabitants of the area, that Province may be so delimited into constituencies as to render possible the representation of that interest. Such provisions modify the strict application of the "one man one vote" principle.

Ceylon is of particular interest because initially the communal system was introduced to meet the expected sectional minority interests of Ceylon Tamil, Indian Tamil, Muslim, Coloured and European groups. The Sinhalese are in a numerical majority as the following table shows:-

<u>Racial Group</u>	
Europeans	6,000
Burgers and Eurasians	48,000
Sinhalese	5,236,000
Ceylon Tamils	831,000
Indian Tamils	885,000
Ceylon Moors	423,000
Indian Moors	40,000
Malays	25,000
Veddas	3,000
Others	47,000

The Donoughmore Report (1928), dealing with the operation of the communal system in Ceylon, stated, "Communal representation was devised with a view to assisting the development of democratic institutions in countries with different races and religions and in the hope of eliminating the clash of these varying interests during elections. It was expected to provide peacefully an effective legislative assembly which would give a fair representation of the different elements in the population and would also promote unity. Unfortunately, the experiment has not given the desired results, but has had, if anything, the opposite effect. The representatives of the various communities do not trust one another, and communal representation has not helped to develop a uniting bond or link. The minority communities are fearful that any preponderance of governmental power held by another community will eventually be used against them. Communal representation in Ceylon has no great antiquity to commend it, and its introduction into the constitution with good intention has had unfortunate results." The Donoughmore Commission recommended territorial representation and on that recommendation the constitution of Ceylon was based until 1950.

The 1945 Soulbury Commission after an examination of the working of the constitution over the previous 15 years recommended the scheme at present in operation. In arriving at its recommendations it remarks, -- "There is, it is true, abundant evidence to show that the hopes of the Donoughmore Commission that communal tension would eventually disappear as a result of territorial representation, have so far not been realised. For instance, no Sinhalese has any prospect of election in the Northern and Eastern Provinces where the Ceylon Tamils predominate The electors undoubtedly tend to vote on racial, and, to some extent, religious / grounds."

grounds." But the report later goes on, -- "We therefore reject any proposal calculated to reinforce the communal basis of election, and we prefer to develop the territorial method. We think, however, that there is force in the contention of the All-Ceylon Tamil Congress that territorial representation under present conditions tends to become simply numerical representation ~~and~~, and it seems to us that to that extent, and in the light of results, the recommendations of the Donoughmore Commission have pressed too hardly upon the minorities".

Of particular interest is the new approach to racial problems contained in the Report published by Tanganyika Government and the British Colonial Office in April 1953. Tanganyika is a ~~de~~ dependent territory, has an African population of 7 million, an Asian community of 60,000, and a white settler community of 20,000. Under the proposals now being considered, the introduction of common roll with a limited franchise for all voters is suggested. The franchise would be based on an educational qualification (a knowledge of English being required) to ensure that all the electors were of about the same educational standard and capable of grasping general political issues in the same way, and through the same media of political communication. Under these proposals, each of the groups would be entitled to seven representatives in the Legislative Council but the Government would still maintain an official majority. As an experiment, each constituency in the larger urban areas would elect one European, one Asian, and one African. Candidates would have to be accredited members of the appropriate race, each backed by a strong list of nominators from his own racial group. Electors would vote in the usual way, but each voter would have three votes. They could use only one vote and cast it for a candidate of their own race; they could use ^{all} all three votes but cast them ~~for~~ for different candidates of one race; or they could cast a vote for three candidates, one from each race. This

/ would mean

would mean that members of the three groups would all have a share in deciding who should be the representatives of each constituency. It should be noted in relation to Tanganyika that the proposals are a step towards democratic self-government.

In drawing attention to these, and to other constitutional developments, the Institute wishes to emphasise that the trends in the world today are towards a full application of the common franchise, not towards communalism. It considers that the Bill under consideration is retrogressive.

RECOMMENDATION THAT A COMMISSION BE APPOINTED

While the Institute has directed its attention particularly towards the Cape Coloured franchise, it is naturally concerned with the repercussion of the implementation of the Separate Representation of Voters Act on other Non-European groups. While it realises that the political representation of all Non-Europeans is outside the terms of reference of the Commission, it would, nevertheless, respectfully suggest that the Commission recommend the setting up of a Commission to study constitutional developments in other multi-racial countries and to travel to such other relevant countries to examine the functioning of such constitutions in situ.

CONCLUSION

In Conclusion the Institute is of the opinion that unless the present status of the Cape Coloured people is maintained racial friction will increase over the next few years, and the highly undesirable position be reached that European and Non-European blocs will face each other in bitter and mutually destructive animosity.

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