

A Note on the Recent Riots

IN

CEYLON

With Special Reference to the

ARREST and IMPRISONMENT

OF

Buddhist Temperance Leaders.

BY

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Of Lincoln's Inn, Barrister-at-Law,

ONE OF THE ARRESTED.



Addressed to the

NATIVE RACES AND THE LIQUOR TRAFFIC

UNITED COMMITTEE.

LONDON.

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The riots broke out in Kandy on May 28th, 1915 (Buddha Day), on account of the obstruction by the Moors (Muhammedans) of a Buddhist religious procession. The trouble gradually spread to several other districts, mainly owing to false rumours that got abroad and also to the inaction of the authorities at the outset. The whole period during which rioting occurred in different parts of the country was about a week (May 28th—June 5th) while in most places the trouble lasted but a few hours.

The rioters, especially in Colombo and in the maritime districts, generally belonged to the ignorant and the criminal classes. All educated and respectable Sinhalese, both Christians and Buddhists, strongly condemned the outbreak, and wherever the opportunity presented itself, strove to maintain peace and to afford shelter and protection to the Moors.

The whole course of the riots clearly proves the absence of organisation and preconcerted action on the part of the rioters. The Governor himself reported to the Colonial Office that the outbreak was directed neither against the Government nor against Europeans. In fact, no other community except the Moors was attacked by the rioters, not even other

Muhammedans, such as Malays. Nevertheless, the measures adopted by the authorities were such as to show that the local officials were influenced by the belief that the riots constituted an organised attempt on the part of the people as a whole to defy the authority of the Government. Martial Law was proclaimed (June 2nd) in all the seven Sinhalese Provinces, and was continued in force in five of them until August 30th, that is to say, for nearly three months after complete tranquillity had been restored. The Sinhalese people complain that both the proclamation of Martial Law and its continuation after the restoration of order were not justified, the more so as under it repressive measures were taken which seemed to be intended not so much to bring the offenders to justice, as to inflict punishment upon the whole race. I do not propose to dwell here on the excesses committed under Martial Law, such as the shooting and flogging of men without trial days after the riots were over. I would only refer to these unjust and oppressive measures so far as they have affected our Temperance work.

The present Temperance movement has never been looked upon with anything like approval by the Ceylon Government. When it first came into existence a few years ago, upon the launching of a new Excise Scheme, it met with considerable active opposition from local officialdom, which was modified only through the powerful intervention of the friends of the Temperance cause in England, notably of the Native Races and the Liquor Traffic United Committee.

When the trouble arose last June, and the officials began to labour under the delusion that these riots were the outcome of a widespread organisation, the Temperance Societies and Temperance workers became special objects of their attack. It looked as if official hostility to our Temperance movement which for some time had laid dormant, broke out uncontrolled under the immunity of Martial Law.

(1). The houses of all prominent Buddhist Temperance workers in Colombo and at out-stations were searched by armed military and police in the second week in June.

My house was searched on June 8th, during my absence, and a large number of private documents and letters was taken away, though they contained nothing whatever to justify this removal. These papers have not yet been returned to me. The same procedure has been adopted in every case. Furtlier, our telephones were tapped, and our letters by post censored for over three months. The office of the Secretary of the Total Abstinence Central Union of Colombo and the offices of many of the Branch Societies were also searched at the same time.

(2) Though these extraordinary inquisitions produced not a tittle of evidence to connect the Temperance movement with the riots, most of the men whose houses were searched were subsequently arrested under *lettres de cachet* and were locked up in convict cells for several weeks. Except in a few instances, no charge was preferred against them, although attempts were made to obtain incriminating evidence against most of them.

Some of my own experiences may perhaps be quoted here, as they may give an idea of the causes which led to the spreading of the disturbances in different parts of the country, and also of the unjust proceedings of the Government.

The riots started in Colombo on Monday, May 31st, that is, three days after the original outbreak in Kandy. I was absent from home on professional duty from Monday afternoon until Tuesday night. When I returned, the town had quieted down. But there was a renewal of trouble on the following day (Wednesday). False rumours and alarms were spreading among the people as regards alleged atrocities by the Moors, who were attacked by the mobs whenever they met them. That morning I myself rescued a young man who was set upon by a gang of Sinhalese and Tamils of the rowdy type. I also sheltered three Moor women and a child who had taken refuge the previous night in a neighbouring house.

At about noon, Mr. R. W. Byrde, the Mayor of Colombo, came to my house and asked me if I would go with some other gentlemen to Hanwella (18 miles from Colombo) and try to

disperse an armed crowd that had been reported to be gathering with the intention of coming to Colombo. I readily agreed to go, and shortly after four of us—Messrs. F. R. Senanayaka, D. S. Senanayaka, Mudaliyar T. Rajapaksa, and myself—started in a motor car. On the way, in every village we passed through we met groups of men, most of them armed with clubs and greatly excited. On enquiry we found that they had heard alarming rumours referred to above, namely, that the Moors after committing various outrages in Colombo were coming to attack the villagers. In some places the women and children had been sent into the jungle while the men stood on the road prepared to meet the enemy (the Moors) that were said to be approaching. We spoke to these people, showed them the absurdity of the stories they had heard and believed, and asked them to return to their homes in peace. Where the men were not drunk, our advice was readily accepted and acted upon. On our return journey we found few men on the road and they had thrown away their weapons. When we got to Hanwella we met a huge procession of about 2,000 men, who had also been brought together by the same rumours. With some difficulty we got a hearing from them, and succeeded in inducing them to turn back and go to their homes quietly after having surrendered their clubs to us. We brought quite a load of these clubs to Colombo and delivered them at the Police station. It is interesting to note that this procession was headed by an elephant ridden by a man who was carrying the Union Jack.

On returning to Colombo about 5 p.m., we were asked to go along the Cotta-Battaramulla Road. So we did. Here also we found the same wild stories current. On our way we learnt that a respectable Moor family were hiding in a jungle and that their position was very unsafe. With some difficulty we succeeded in locating the refugees, and then we learnt that no less than 14, including some women and children, were hiding in the jungle. Two of our party, Messrs. Rajapaksa and D. S. Senanayaka, at once returned to Colombo to fetch another motor car, while Mr. F. R. Senanayaka and myself remained behind until they returned. Our arrival was noticed by the villagers, who began to gather round us. So I remained

with the crowd while Mr. F. R. Senanayaka went into the jungle with the Headman of the village, in search of the refugees. It was now getting dark and I was feeling uneasy, as I was not quite sure as to the attitude of all who were gathered there. One of them openly said that what had happened was due to the wrath of the gods incensed at the insult offered to the Relic of the Buddha at Kandy, which had been taken by the Moors and trampled in the mud. This man was quite convinced of the truth of this story and it took me some time to show him and his friends that it was an utter falsehood. At last, at about 8 p.m., our friends returned with a motor lorry and three Town Guardsmen. The refugees were soon brought out from the jungle, and placed in the motor lorry and safely brought to Colombo late in the night. On our way, several other Moors who had taken refuge in Sinhalese houses were also picked up.

On Thursday (June 3rd) Mr. F. R. Senanayaka and myself, with another gentleman, went along the Negombo Road as far as Ja-ela (12 miles from Colombo). At Wattala (4 miles) we went to the Roman Catholic Church and saw the parish priest (Father Boyer). He told us how on the previous day when he was performing a marriage ceremony the church bells were suddenly rung, how the people assembled excited over a rumour that had spread that the Moors had destroyed the Roman Catholic churches in the city, how he was obliged to keep up until midnight in order to pacify the people, whose excitement grew stronger owing to the ringing of the church bells on the Colombo side of the river. From there we went to see the Mudaliyar (the Chief Headman) of the district, and proceeded with him to Mabole (7 miles) where we found a wealthy Sinhalese gentleman who was sheltering and protecting a very large number (about 150) of Moor people. We passed on to Kandana. Here we heard quite a novel excuse for the attack on the Moors. We were solemnly assured by one of the crowd present that these Moors sent contributions to Turkey to aid the Sultan against the British Government! When we reached Ja-ela we found about 16 Moors in a house. Their boutiques had been looted on the previous day, and they were in great

fear for their own safety. We took all necessary steps for their immediate protection, and the Mudaliyar wired to the authorities in Colombo about them as well as about those at Mabile.

Returning home, we repaired in the afternoon to the Town Hall, where we met the Mayor and gave him a verbal account of what we had seen and done. On our way home we met the Hon. Mr. Abdul Rahiman (the Moor Member of the Legislative Council). He stopped us and told us that his daughter and husband, who had left Homagama in the morning, had not yet reached Colombo, and that he feared for their safety. He asked our help to find them. We at once offered to go in search of them. Securing a pass, we went to Pannipitiya at about 8.30 p.m. where we learnt from the station master that the lady and her husband had passed through safely. With this good news we returned to Colombo, where we found the missing party had already arrived.

Though we were thus doing our best to help the authorities to restore order and to give shelter and protection to the Moors, a few days after we found, to our very great surprise, that we were ourselves suspected. On June 8th, as stated above, our houses were searched. Then on June 21st—that is to say, thirteen days after the house-searching—I was roused at 5.30 a.m. by a European Town Guard attended by an armed Punjabi soldier, who took me into custody. On enquiring what was the charge against me, the officer told me that the warrant contained no charge and that I was arrested under Martial Law. I was then taken in a motor car to the Welikada Gaol, where at the gate I was handed over to a Superintendent of Police, who gave orders to the clerk in charge to remember that I was to be a "cell prisoner," which meant, as I subsequently found, that I was to be confined in the "penal" cells. In the meanwhile a number of other gentlemen who had been arrested like myself had been brought up, and all of us were taken into a ward, where each one was placed in a convict cell with the strict injunction that we should not attempt to communicate with each other. Throughout the period of our imprisonment we were locked up in the cells for not less than 18 hours a day. The daily routine was as follows:—Between

7 and 8 in the morning we were taken out and allowed to wash ourselves in a long open trough in the gaol compound. Then we had to go to our ward, where we were permitted to exercise ourselves by walking along a narrow corridor within. At 10.30 we were again locked up in the cells, where we had to spend the hottest part of the day. At about 3 p.m. we were let out once more and allowed to indulge in the exercise of walking in the corridor till about 5 p.m., when we were finally locked up for the night. No lights were permitted in the cells, so that we had a good fourteen hours for meditation and sleep, if either was possible. But the insanitary surroundings, the smells and the noises, precluded all possibility of rest. The ward contained only 150 cells, that is, accommodation for only 150 men. But during our confinement the cells, occupied by convicts, accommodated at night two and often three men, while in the central hall four or five hundred men were herded together. For their use three or four open buckets were placed at one end of the hall. Throughout the night these buckets were used, and the stench that emanated was simply unbearable. And the noise of singing, shouting and cursing that went on among the convicts for a good part of the night made sleep well nigh impossible. Added to these discomforts was the heat in the narrow cells, which was at times oppressive. On the other hand, when the weather was wet, rain beat in through an opening in the outer wall which, unprovided with panes or shutters, did duty for a window.

At first we were served with prison food. Most of us preferred to go without it. Served on a dirty plate with a tin of water, it was simply uneatable—it smelled so vile. After two days' fasting, however, through the intervention of some friends, we were permitted to get our meals from home under certain restrictions.

When I was arrested, the authorities had obviously received no complaint or information whatever against me. I was taken up and kept in custody for so long and in such circumstances, in the vague hope of securing some evidence which might be used against me. In fact, while I lay in prison, the Police appear to have gone all over the country visiting almost every place where I had spoken during the previous

twelve months, in order to secure some incriminating evidence. But no such evidence was forthcoming. Still, the authorities were obliged to produce some evidence. So they secured a few witnesses—whose evidence was of such a character that no impartial judge would have thought it worth while to record it in any judicial proceeding. Nevertheless, to record this absolutely worthless evidence, I was brought to the Police Headquarters about half a dozen times, each time escorted by a European officer and two Punjabi soldiers or Police Constables with bayonets fixed.

On the forty-fifth day of my imprisonment I was unexpectedly sent for by the Special Commissioner, who informed me that I could be released if I made a cash deposit of 5,000 rupees (about £330), and entered into a personal bond for another 10,000 rupees (about £666) as security for good behaviour for one year. I positively declined to make any cash deposit and went back to my cell. But on the following day my friends, who were getting anxious as to the state of my health, offered one thousand rupees (about £66), which was readily accepted, and I was released. The procedure adopted in the case of others was about the same—with this difference, however, that in most instances the cash deposit demanded was much larger. But all these deposits were refunded to us and the bonds cancelled within a few weeks—which clearly proves the utter hollowness and the illegality of the whole proceedings.

The result of this unjust and groundless attack upon the Temperance workers and Temperance Societies has been disastrous. It has very nearly killed our Temperance movement. No meeting has been held since last May in any part of the country outside Colombo. The excesses committed under Martial Law have instilled great fear in the hearts of the village people, who have come to think that our Government is opposed to Temperance work. Unless this impression is removed and the people are assured that they have a perfect right to go on with their Temperance work without any

interference on the part of the authorities, it will, I fear, be impossible to revive the village Societies and restore them to their former position.

Apart from what was done during the time the country was under Martial Law, a recent measure taken by the Government indicates the present official attitude towards popular movements. A clause has just been added to the Code for Aided Schools, enacting that—

“ Before any Government grant is paid the Department of Education will require to be satisfied that the owner, manager, or teachers of the school have not associated themselves in any way with movements or societies which are concerned in any political or social programme directed against the Government or calculated to disturb public tranquillity and excite unrest among any class of His Majesty’s subjects.”

Apparently the Director of Education is the sole judge as to whether any particular person has offended against this new rule, which will hit the Temperance work more seriously than any other social movement, as a good many of our Temperance workers in Colombo and in the country districts are associated with Buddhist Schools in the capacity of managers or teachers. It has already been interpreted adversely to the Temperance Societies in the Northern Province, and the resignation from the local Temperance Committee of the headmaster of the Karadive Hindu-English School is reported, as he is afraid of losing the Government grant should he continue on the Committee. The rule will, of course, apply to Christian Missionary Schools as well.

It is obvious that a reactionary current is at present flowing strongly in Ceylon. The only remedy is an Independent Enquiry, not conducted by Government officials, but by well-known public men sent out from England. This alone can check the attempt on the part of our local bureaucracy to crush all social movements among the people for their regeneration and progress.

LIST OF OTHER LEADING
Buddhist Temperance Workers
WHO WHERE
ARRESTED and IMPRISONED.

(a)

Those arrested without charge and discharged without trial.

(1) F. R. Senanayaka, B.A., LL.B. (Cambridge), Barrister-at-Law, elected member of the Municipal Council of Colombo, and landowner, arrested on 21st June and released on 5th August on his depositing Rs. 10,000 (£666) and entering into a personal bond for another Rs. 50,000 (£3,330) and binding himself not to leave Colombo for one year without the permission of the military authorities or Inspector-General of Police. While Mr. Senanayaka was detained in gaol, some of his employees were also arrested and kept in confinement apparently with the object of securing from them evidence against him.

(2) D. C. Senanayaka, landowner and merchant, retired President of the Hapitigam Korale Total Abstinence Union, arrested and released on the same dates and on the same conditions as No. 1 (his brother). E. D. Cornelis, a manager of one of his stores, was arrested and threatened in order to intimidate him to give evidence against his master. This intimidation was followed by his detention in gaol for fifty days without any charge or trial.

(3) D. S. Senanayaka, landowner and plumbago mine owner, member of the mounted section of the Colombo Town Guard, arrested and released on the same dates and on the same conditions as Nos. (1) and (2), his brothers.

(4) W. Arthur de Silva, Justice of the Peace, landowner, honorary General Manager of Buddhist Schools, arrested on the 21st June, and released a fortnight later on a cash deposit of Rs. 10,000 (£666) and a personal bond for Rs. 40,000 (£2,664). An application for a writ of *habeas corpus* was made on his behalf to the Supreme Court of Ceylon. On its refusal steps were taken to bring the matter before the Privy Council, when Mr. Silva was released.

(5) C. Batuwantudave, Barrister-at-Law, Advocate of the Supreme Court of Ceylon; arrested on 21st June and released on 3rd August on depositing Rs. 5,000 (£333) in cash and entering into a personal bond for another Rs. 10,000 (£666). At the time of his arrest and detention Mr. Batuwantudave was the President of the Buddhist Theosophical Society, Colombo, and honorary General Manager of Buddhist Schools.

(6) Dr. C. A. Hewavitarana, M.R.C.S. (Eng.), L.R.C.P. (Lond.), Honorary Secretary of the Ceylon Buddhist Educational Society, landowner, arrested on 21st June and released on bail after sixty days' detention.

(7) W. H. W. Perera, Proctor of the Supreme Court and Notary Public, arrested on 21st June and released on bail after a month's detention.

(8) Martinus C. Perera, retired public servant, President Maradana Total Abstinence Society (63 years old), arrested on 21st June and released on bail after a fortnight.

(b)

The following were tried before Courts-Martial and convicted.

(9) Arthur V. Dias, landowner, charged with rioting and looting, which was interpreted in this and in other cases as "treason," though no seditious act was either alleged or proved, was convicted (with his brother, Harry Dias, and uncle, Charles Dias) and sentenced to penal servitude for life. Mr. Eardley Norton, Barrister-at-Law, of Calcutta, the foremost English lawyer in the East, who was often retained by the Government of India to prosecute in sedition and conspiracy

cases, has given his written Opinion on this case at the conclusion of the trial, at which he appeared. The following extracts, taken from his Opinion, indicate the true character of these trials by Courts-Martial :—

“ Although no sentence has yet been promulgated, I think it may be taken as certain that Mr. Arthur Dias has been convicted probably upon all the counts on which he has been charged, and certainly on the charge of treason. My certainty is based partly upon the temper and attitude of this trying Court, partly upon my experience in four other Courts-Martial, where upon evidence as scanty and unreliable others of my clients have been convicted of treason. In my view the conviction on any of the charges preferred against Mr. Dias would be impossible before any tribunal trained and qualified to weigh evidence. I may go so far as to say that no evidence for the defence would have been necessary, and that after the case for the Crown Dias would have been acquitted on all counts. . . .”

“ Taking the facts as a whole, I am satisfied that there has been a grave miscarriage, and that an innocent man has been convicted upon evidence on which no competent legal tribunal would have acted”

“ That there was a riot at Panadura, accompanied by looting and the destruction of a mosque, is unquestionable. But there the evidence stops. There is not a scintilla of evidence to take any offence out of the category of rioting and to elevate it to the dignity of treason. . . .”

“ Courts-Martial, general or district, are accompanied by at least the forms of civil justice. A judge is usually present to advise the Court on all points of law. The proceedings are ostensibly judicial. The evidence is reported. There is the guarantee of publicity against the perpetration of grave and transparent injustice. The Court which tried Dias was almost a Drumhead Court, by courtesy styled a ‘ Field General Court-Martial.’ No senior lawyer supervised the proceedings. A shorthand reporter was by special permission allowed to take down

the evidence "for the convenience of counsel only"! On the last day the President roughly annexed the notes on the ground that the reporter was exceeding his license by recording the address of the Crown Counsel."

Mr. Dias and his brother, Harry Dias, have recently been released on payment of fines of Rs. 100,000 (about £6,666) and Rs. 50,000 (£3,333) respectively. The uncle has been released on a fine of Rs. 75,000 (£5,000).

(10) E. Hewavitarana, landowner, senior partner of Messrs. Don Carolis & Co., was convicted and sentenced to penal servitude for life. He was transferred to the Jaffna Gaol, where he contracted enteric fever and died under most distressing circumstances. He was to have been released at 5 p.m. on the day of his death, but his decease had occurred three hours previously.

(11) S. de Silva, Matara, was convicted and sentenced to twenty years' penal servitude. Subsequent to his conviction the Assistant Government Agent at Matara, happened to hold an enquiry into this case, and found it to be entirely false. But before his report could be sent in to the Government, this young man, the only son of a wealthy father, died in gaol.

(c)

Those arrested, tried and acquitted.

(12) F. H. Dias Bandaranayaka, landowner, President of the Hapitigam Korale Total Abstinence Union, arrested on 5th June and confined in prison till 8th of August, when he was handed an indictment and informed that he would be court-martialled on 12th August. Evidence had been recorded against him in his absence. With considerable difficulty a postponement of the trial to the 19th August was obtained. In the meantime enquiries led to the discovery that the Moor witnesses for the prosecution were on an estate some miles away from the scene of the rioting which they alleged to have seen. Upon the production of this evidence Mr. Bandaranayaka was ultimately acquitted. He had during the riots protected a number of Moors living near his own residence and saved their property from all harm.

(13) D. J. Amaratunga, landowner, President of several Total Abstinence Societies in Hapitigam Korale. He also protected and sheltered a large number of Moors, and was extremely serviceable to the authorities during the riots. But he was suddenly arrested on 14th June, and charged with leading a mob of rioters at a place about 17 miles from his own home on the afternoon of 2nd June. Fortunately, he was able to prove by the evidence of an English Superintendent of a mill that he was with him at the very time he was alleged to have been rioting and looting seventeen miles away. Mr. Amaratunga was then discharged, but was re-arrested on 22nd June upon the charge of having broken and looted the very mosque and the boutiques near his own house, which he had really protected from all harm. At the enquiry it was found that no damage had been done either to the mosque or to the boutiques. Thereupon he was finally discharged. Mr. Amaratunga applied personally and through his lawyer for a copy of the proceedings in order to proceed against the witnesses who gave false evidence against him, but his request was refused by the Special Commissioner, Mr. H. M. Moore. Upon the evidence of these very perjurers others had been convicted by the Courts-Martial.

(14) John de Silva, Proctor of the Supreme Court, well-known Sinhalese dramatist, arrested on 21st June, and was detained in custody till 5th August. In the meanwhile he was charged with several others (including a Buddhist priest) with having incited a mob to attack a mosque in Colombo. By unimpeachable evidence the charge was refuted, and all the accused were discharged.

(15) P. B. Ratnayaka, landowner and building contractor, the most enthusiastic Temperance worker in the Kandyan districts. Arrested on 5th June, he was kept in prison till 30th August, when, upon the withdrawal of Martial Law, he was discharged. But the Police immediately charged him before the Civil Courts with having led the rioters on 28th May. When the case came up for trial, the additional District Judge (Mr. Carey) disbelieved the evidence for the prosecution and discharged Mr. Ratnayaka without calling for the defence.

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