

1918.

[PRIVY COUNCIL.]

Present : Earl Loreburn, Lord Buckmaster, Lord Dunedin.

BASNAYAKE NILAME (ELLEKEWALA) *v.*
THE ATTORNEY-GENERAL

D. C. Kandy, 22,466.

Free exercise of all modes of religious worship—Power to alter laws, whether they assume the form of an enactment or the form of a compact—Appeal withdrawn.

THE judgment of the Supreme Court is reported in
18 N. L. R. 193.

June 17, 1918. Delivered by EARL LOREBURN:—

Their Lordships are glad that this appeal has been withdrawn, and think that it was a wise course to adopt. Counsel for the appellant asked for a declaration that the Buddhist community are entitled to carry on their religious procession subject always to the paramount right of the Government to put such limitations as may

in their judgment be necessary in the interests of public tranquillity. It is satisfactory to know that in the year 1916 the Government composed the difficulty by assisting in an arrangement by which the times for the procession taking place without offence or disorder were agreed. Mr. Upjohn, on behalf of the Crown, says that there is no case for a declaration, because there is no ground for imputing to the Government any intention of interfering with the customary procession except to preserve public tranquillity, and their Lordships think also that there is no need for any declaration. Every one can be sure that religious opinions will receive all legitimate protection.

Mr. Upjohn read a letter from the Crown's solicitors, to which it would be as well to draw attention:—

We would point out that after the rebellion of 1818 a proclamation was issued in November of that year, and from that date down to the present time the Government of the Island has always been administered upon the footing that all persons inhabiting the Island should have full liberty of conscience, and the free exercise of all such modes of religious worship as were not prohibited by law, provided they be contented with the quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government. And it has further been a principle of administration that all laws, whether they assume the form of an enactment or the form of a compact, must be regarded as liable to such changes by competent authority as in process of time and under changing circumstances the general interests of the Colony or the interests of law and order may demand.

Their Lordships are completely satisfied that there will be no preference and no prejudice in this matter on behalf of His Majesty's Government, and that all His Majesty's subjects may rest assured of that.

Their Lordships will, therefore, humbly advise His Majesty accordingly.

There will be no order as to costs.

Appeal withdrawn.

1918.

EARL
LORREBURN

Basnayake
Nilame
(Ellekewala)
v. The
Attorney-
General

