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20th August, 1948

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(HANSARD)

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HOUSE OF REPRESENTATIVES

10.04 A.M.

Friday, 20th August, 1948

The House met at 10 a.m., MR. SPEAKER [THE HON. MR. A. F. MOLAMURE] in the Chair.

ORAL ANSWERS TO QUESTIONS

Hali Ela Water Supply Scheme

1. **Mr. J. C. T. Kotalawela:** Will the Hon. Minister of Health and Local Government please state:—(a) Whether there is a water supply scheme for Hali Ela in Bogada korale, Badulla District? (b) If so, what is the delay in implementing the scheme?

The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Health and Local Government and Leader of the House): (a) The water supply scheme for Hali Ela, estimated to cost Rs. 82,200, has been drawn up.

(b) The delay in implementing the scheme is due to the lack of staff in the P. W. D. hitherto. A Loan Resolution to release the estimated cost for the construction of this scheme will be introduced in this House very early.

X'Ray Technicians

2. **Mr. J. C. T. Kotalawela:** Will the Hon. Minister of Health and Local Government please state whether he is aware that there is a shortage of X'ray technicians in the Department, trained in India, for Deep Ray Therapy work?

The Hon. Mr. Bandaranaike: There is no shortage of X'ray technicians.

SITTINGS OF THE HOUSE

The Hon. Mr. Bandaranaike: I move,—

“That this House at its rising this day, do adjourn until 2 p.m. on Tuesday, 24th August, 1948.”

Question put, and agreed to.

CITIZENSHIP BILL

Order read for resuming Adjourned Debate on Question [19th August.]

“That the Bill be now read a Second time.”—[Hon. Mr. D. S. Senanayake.]

Question again proposed.

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Mr. G. R. Motha (Maskeliya): When we adjourned yesterday, Mr. Speaker, I was referring to the manner in which the Indo-Ceylon negotiations were being by-passed and I also asked why this Bill was being introduced in such a hurry. In fact we have yet to know from the Hon. Prime Minister himself and the two Ministers who have spoken, why this Bill is being introduced in such a hurry. Some of us were under the impression that the passing of the United Kingdom Citizenship Act was the reason which necessitated the bringing in of this Bill. We tried to find out whether that was so. The Hon. Prime Minister himself, not only did not say that that was so, but also did not attribute as a reason for the urgency the passing of the United Kingdom Act. On the contrary, he said that because the Act itself had not come out but had just been passed, he was actually postponing the introduction of the Commonwealth Citizenship Bill which is to be associated with this Bill. If there was any urgency in this matter, Mr. Speaker, the urgency should have been only with regard to co-ordinating and unifying the citizenship position in the Commonwealth, because it would be necessary for citizens of this country to be citizens also of the Commonwealth. That is what I presume would have been the contents of the Commonwealth Citizenship Bill. I cannot understand why this truncated Bill, which affects only a part of the population, is being rushed through this House in such a hurry.

The Hon. Minister of Finance also said that it would be wrong for this country to provide citizenship rights for only a part of the population. I noted those words of his. Well, Mr. Speaker, there is no doubt that this Bill admittedly makes provision for only a part of the population and on a basis which, as has been pointed out by the previous speakers on this side of the House, is most obnoxious and is against all the canons recognized among other nations.

The Hon. Minister of Finance did try to make a point that the views of the three Marxist Opposition groups were of a peculiar kind, and he was replying to them. I can assure you that there is

[Mr. Motha.]

no difference at all between the views of the various groups in the Opposition. Amongst the members of the Opposition there are many intelligent men and men with humane feelings. They are naturally anxious to see that justice is done to that part of the population of this country which is adversely affected by this Bill. This Bill may be passed in this House by the sheer weight of numbers, but I believe that the voice of conscience will one day prevail. The only reason that they can properly adduce in support of this Bill is that it is necessary for international reasons. But there are no such reasons. The common grounds of opposition by the hon. Members on this side of the House were that this measure does deny a section of the population their rights and that it is wrong to base citizenship rights on racial descent. The Opposition is not so disunited as the Hon. Minister of Finance and the other Hon. Ministers wish to make out.

The Hon. Minister of Food and Co-operative Undertakings was even less relevant to the issues involved. He has the reputation of being a good debater, but I am sorry to say that, in this instance, he certainly allowed his feelings to get the better of him and thus got himself involved in various contradictions. He shed a few crocodile tears over the position of the Kandyan peasantry. He said that they were dispossessed, and there was a conspiracy on the part of the British capitalists, for the purpose of keeping them down. Strange to say, he ended by saying that the Britisher is a good boy and that he has been very good to the people. That is an attraction of mutual self-interest—a prejudiced self-interest. Each wants to foster some peculiar prejudice, some peculiar racial advantage which is at the root of the disunion in the country, and it will be fraught with disaster unless it is nipped in the bud.

The hon. Appointed Member represents an interest which is unrepresented and which is democratically not entitled to any representation. People have been refused adequate representation—I refer to the poor working-class estate people. Weightage should be given

interests which democratically deserve more representation. Why is that not done? It is because the present Government, when it suits its purpose will favour a particular interest, when they want to safeguard their own interests, will support any injustice to any other section of the community. The Appointed Member will squeal if the Government adopts measures to secure better prices for the commodities of this country, but will not hesitate to support this sort of glaring discrimination against a particular section of the population—a section which they themselves brought in here and who are today still living in semi-slavery. When the Donoughmore Constitution was being discussed, the objection raised to the enfranchisement of the Indian estate labourers was that they would be instrumental in returning European interests to this House.

Mr. Speaker: All this is totally irrelevant.

Mr. Motha: Well, Sir, I have to point out certain facts.

Mr. Speaker: Yes, but the hon. Member must not speak of things that have no bearing on the subjects at all.

Mr. Motha: I belong to a group which is greatly affected by this Bill. If you will permit me, Sir—

Mr. Speaker: I have given the hon. Member forty-five minutes whilst the others had only half an hour. What you were saying just now was totally irrelevant.

Mr. Motha: It is relevant only in one sense, Sir, namely, that one of the reasons why the discrimination against us commenced was that we would be supporting the European interests. Now the European interests have found that the labourers are not the fools that they expected them to be. The Hon. Minister of Food and Co-operative Undertakings made a point of it, and he can be very inconsistent and perhaps very forgetful in his arguments.

The Hon. Mr. J. R. Jayewardene (Minister of Finance): What about you?

Mr. Speaker: Are you replying to something which is also irrelevant?

Mr. Motha: I shall be brief, Sir. I want to quote to this House what the Hon. Minister of Food and Co-operative Undertakings said about the Indian question some years ago. Hon. Members on this side of the House have been accused of contradicting their previous views, but this is certainly worse than that. This is what he said in the year 1941:

"But the Indians are right when they take up the attitude that in the past we invited them to Ceylon; and they naturally wish to know under what conditions they can continue to come to Ceylon. They are concerned with the status accorded to Indian nationals in Ceylon, and we have to pay heed to the complaints or grievances of their nationals who came to Ceylon at our invitation. That is a perfectly legitimate attitude to take up. I have no quarrel with the Government of India, but if we say: 'We do not want any more non-Ceylonese to come to Ceylon', the Indian Government would be mad to ask us to consult them about that."

You can compare the statement he made yesterday with what he said in 1941. What he said yesterday was for the purpose of this Bill. As far as the Indian labourers are concerned, there is no doubt that, beyond a certain elevation there were scarcely any villages lower down. The richer feudal lords deprived the peasants of their lands and sold them to the European capitalists for profit.

The Speaker: All that is irrelevant.

Mr. Motha: We must justify our existence in this country, and what is proposed is harmful to us. We certainly base our rights upon what the Indian estate labourers have contributed to this country. Under this Bill they will become stateless people. It is for that reason that I am pointing out these facts. Once this Bill is passed, these poor people will suffer and will ultimately be taken to be helots without rights, without citizenship in this country. That is the position.

That is the position which we cannot contemplate with any equanimity. That, I believe, will be appreciated from the contents of this Bill itself, because it is essential that this

matter of citizenship should have been brought up in a unified Bill. It gives the citizen, the individual, the fundamental clothing, so to say, and, if I may use a Christian phrase, "the infusion of grace" which will entitle him to live in this country and enjoy the rights and privileges of its citizens while, at the same time, doing the duties and fulfilling the obligations of a citizen. That is what we want.

Then, Sir, the hon. Minister of Food says that he is afraid, but vain fears can be very dangerous. What is his fear? We are a population which, since this dispute over immigration arose, has decreased by 200,000: we have not increased. We do not want to swamp Ceylon. Long before even the homogeneous Board of Ministers of 1936 was asked for a ban on immigration from India, we asked for it. We did so as early as 1927 and 1928. We do not want surplus labour here. It is the European interests that want surplus labour, those interests that today shamelessly support this Bill. It is those interests that wanted it, and I remember how on one occasion the present Hon. Prime Minister told them that he would not get them their supply of labour unless they stooped to support what he wanted them to support against the Indian interests.

The Hon. Mr. D. S. Senanayake (Prime Minister): Where did I say so? Please quote it.

Mr. Motha: I have the quotation; I am not speaking without references.

We are apprehensive of the fact that there has been gradually growing in this country the disease of Indophobia. The Hon. Prime Minister himself, speaking on the Donoughmore Commission's Report, said that he welcomed the Indians who were willing to settle down but not those who merely wanted to be birds of passage. That is what he said at that time.

Then, as the hon. Member for Wellawatta-Galkissa (Dr. Colvin R. de Silva) pointed out, he has come by 1940 to the position that the Indian population must be reduced, that it must be liquidated as far as possible and as early as possible. And today we have before us a Bill under which the Indian population will be nowhere. The qualifications that are stipulated in this

[Mr. Motha.]

Bill are inhuman, and totally ignore human ties and the development of human society.

We are recent arrivals in this country, but we are a people who came here, as the Hon. Minister of Food himself admitted five years ago, by invitation, to do useful work; and whatever may be said against us by the European community, it is certainly true that the tea and the rubber industries and, in the beginning, even the coconut industry, did benefit by Indian labour. Today the tea and rubber industries are absolutely dependent upon our labour, and whatever the complaints that time and again are levelled at us may be, it cannot be denied that the bulk of the national income of this country is derived from the industries in which Indian labour is found to be indispensable.

Populations in a country grow, Sir; and if recent comers and old comers are differentiated, there may be other differentiations. For instance, the people of South India might claim that, Ceylon being just twenty miles from them, they are entitled to be citizens of this Island. They are not like the people who were thrown out of Bengal and came out here. I am not, I must assure hon. Members, meaning any disparagement of the Sinhalese community; but that type of argument has been advanced, and it can be pushed back far enough to include any group or any family in the country. But I am credibly informed that even among the Sinhalese community there are very large groups of very recent origin, descendants of people who have come from South India, and not from Bengal.

Yet, populations grow, and the essential brotherhood of man must be recognized. It is only on that basis that we can work for an interdependent world for the realization of which even the Hon. Prime Minister has shown himself to be very enthusiastic on several occasions without, however, being an absolute revolutionary internationalist.

If you admitted people into your country, not on the basis of short-term contracts, but have allowed them to develop local contracts and remain here for generations, you cannot suddenly tell them, "Go back!" They also have human ties. A poor man may have a

son who is known to a few of his friends who are influential, or perhaps to his previous employers, as a good young man. That will be all the capital that his father has accumulated for him—the goodwill of some influential people among whom he has been useful. Are they now going to deprive him even of that? It is certainly wrong to deprive them of those essential social contacts which are of inestimable value to the poor man, much more so to him than to a rich man.

It has been stated that the Indian people bolted back to India during the April raid of 1942; but I wish to say that almost all of those who bolted were merchants. Even they did that in the same way as the people of other communities in Ceylon fled back to their villages. They fled back to the only place where they knew they would be known. For many of them of course, it was India; for a good many others it was somewhere else. But it must not be forgotten that a good many of the Indians were still in Colombo. I was one of them, and I lived fairly close to the Colombo Harbour. As a matter of fact, I actually cancelled my trip Up-country and decided to remain in Colombo because I did not want to be inconvenienced by the crowds of refugees flying from Colombo.

Whatever tea shops there were in Pettah at that time were Indian tea shops.

The Hon. Mr. Jayewardene: Tea shops?

Mr. Motha: Tea boutiques, or tea rooms, if you like.

Mr. Speaker: All right, go on.

Mr. Motha: If, in the face of danger, people took the advice of the Government and left Colombo, that should not be taken as an incident to indicate any lack on their part of permanent interest in this country. I, of course, hold no brief for those who fled, particularly the merchants—they are well able to take care of themselves—for, as one great soul told me, such people "can bribe their way through life."

It is not so with the poor labourer, and the bulk of the Indian population consists of the poor labourers. As for the merchants, even today, they are friends of the Party in power. At the time the elections were held, all the seven of us here who represent the Ceylon Indian Congress, did not have one-tenth of the number of cars which their Indian friends provided for the U.N.P. candidates.

The Hon. Mr. Jayewardene: But you got acres.

Mr. Motha: We did not have cars; we managed without them. I did not have even one car at each polling booth. Yet I might say that the Indian estate labourers are well organized and we can speak for them with more authority than anybody else can speak for his constituency.

When we go to India, why should we be insulted? Yesterday, it was said that it was not necessary for us to go there and have those exclusive *kusu kusu kootams* with Pandit Nehru. Pandit Jawaharlal Nehru may be a great genius, he may be a great statesman, but he is not aware of certain conditions that affects us. It is only the man who wears the shoe that knows where it pinches him.

Therefore, it is because things are in this state that I would ask the Government to reconsider this Bill and even at this late stage to withdraw it for the present and bring a comprehensive Bill which would provide for Commonwealth citizenship, Indian citizenship and for the citizenship of every man who can be called a permanent resident and who is willing to be a permanent resident.

Where are the principles underlying the policy laid down by this Bill? Canada started this principle of individual citizenship applicable to each Commonwealth territory. There, birth is the final qualification. In England and India, too, the qualification is birth. If that principle is left out, it would mean truncating any Citizenship Act. It is what the jurists—I am myself not a jurist—call *jus solis*. What should apply to those people who have been born outside is the principle called *jus sanguinis*: they should be able to claim citizenship through descent, that is to

say, their parents should have been citizens of this country. As for the rest, if a man is born in a country and also lives long enough to enjoy any privileges and rights or to fulfil any obligations as a citizen in that country, is he not permanent? What more permanency will you demand of him?

Particularly in Ceylon, where you are applying this policy with differentiating qualifications, it will adversely affect a large mass of hundreds of thousands, all illiterate, ignorant people who have no access even to the ordinary petition drawers whom the townfolk can find seated near courts and post offices. They are people living in estates, and they are expected to understand the implications of their laws well enough to make their applications in due time, to prove that their father was born in Ceylon, or that their grandfather was born here!

Is this law going to be administered in such a way that while the Sinhalese community is automatically recognized, it will be incumbent on the others to prove their citizenship? We hon. Members of this House, belonging to our group, whose fathers were born here, might not be able to prove it if asked to do so. A Member who is asked to do it would only be able to point to his father's grave as the only proof that the old man died here. Well, under this Bill, however, I am sure he will be asked to prove that his father was born here. But if his name, instead of being, say, Rajalingam or Rajaratnam, is Rajakarna, probably nobody would inquire from him where his father was born!

That is inherent in the administration of this Bill. The provisions are such that they are bound to be partial. You will not be asking proof of people belonging to a particular community, while you will be insisting on such proof in the case of members of other communities. That is inevitable; or else, as was pointed out by previous speakers on this side of the House, it will be impossible for you to administer this Bill.

If every man in this Island were asked to prove where his father was born, there will be very few who will be able to do it. I wonder whether even the Hon. Prime Minister can prove by documentary evidence that his father was born in this country. Does this not

[Mr. Motha.]

support the view that this is asking for the impossible? And are we, one section of the population, called upon to prove what may be the impossible, while in the case of other sections it is taken for granted? Is this not discrimination?

Can the hon. Appointed Member who helped to bring these people, and whose subordinates have been registering births without including the names of the children, prove that a particular birth certificate refers to a particular labourer? Sir, it is impossible.

It is the custom in many communities, and I believe it is so even among the Muslims, that when the birth is registered, the child is not yet named. Even among the Muslims it is the custom not to put in the name of the child at the time of registration of its birth. It may be that among "enlightened" people it is the practice to have the name of the child inserted in the register at the time of the registration. But if one is required to prove the registration of the birth of one's father, it may be necessary to go back 50 to 70 years, and one may find that his parents had not been sophisticated enough either to have named the child at the time of birth, or to have had the name inserted in the register of births at the time of registration. The parents may not have foreseen the time when an ingenious Cabinet in Ceylon would think of inventing this method of disqualifying a large number of workers in this country, of preventing them from obtaining the ordinary, elementary, rights of citizenship.

We know that even the wives of *ex*-Ministers of this country have found it difficult to prove that they were born in this country. They found it necessary to apply to the Court to have their names inserted in the register of births. If that can happen to people of education, people of means, people who have available to them the necessary facilities to set matters right, to see that their legal rights are safeguarded, what is the fate of the estate labourer?

We are merely asking for justice. Now that Ceylon has entered certain International Organizations, and is seeking to enter other International Organizations,

we ask that Ceylon should observe, as far as possible, certain international standards.

It is necessary to evolve a common arrangement among the South East Asian countries. In the course of the movements of population between these countries, their peoples are bound to come in frequent contact with each other, and conflicts of any kind must be avoided among the South-East Asian countries.

During the last four or five decades, questions relating to migration have been settled and more or less well recognized principles have been evolved. It is necessary that we in the South-East Asian countries should settle these questions amicably, if we are to live in peace. These countries should no longer look for protection to Imperial Britain. It would have been ideal if India, Burma, Ceylon and the near by countries could have met together and formulated a common method of arriving at citizenship rights, and settled the problems of migration between one country and another. That course of action has not been followed by Ceylon.

Today India objects to this Government method of dealing with the question. India feels that action is being taken contrary to the undertakings given during the last 140 years. India allowed the emigration of her people at the express request of the countries concerned, for the development of those countries. Today India finds that the descendants of those very people are being discriminated against, humiliated and treated badly. When that is the feeling in India, is this the time to pass a Bill of this nature?

It may be that India is generous. She is bound to be generous at all times. Having attained her freedom, not in any spirit of narrow nationalism, but under the inspiration of Mahatma Gandhi, it is certain that at least for some considerable time, there will be no imperialistic tendencies in India. But if the time should ever come when India became imperialistic, then, Sir, you will find the Indians in this country, who claim to be citizens of this Island, standing shoulder to shoulder with all the other inhabitants of this Island in the vanguard of the fight against even India, if that unfortunate necessity should ever arise.

That assurance I can give on behalf of the Indian community, not so much on behalf of the Indian merchants, who are the allies and friends of the Party now in power in Ceylon, but certainly on behalf of the Indian workers, the working class Indians. I give the assurance that even against India, if these people are given the rights of a citizen of this country, they, valuing those rights, will fight in defence of the interests of this country, if such a fight ever became necessary. Except for sentimental ties, they have no interest in India. Some Indians in Ceylon do have interests in India, and these people would not care to become Ceylon citizens. I am not pleading for these people.

It is not that we Indians in this country are anxious to swamp this Island, or that we are greedy for power. We are not anxious to emulate some people in this country who insist on having four Members in the House of Representatives to represent about 8,000 people! We are satisfied with much less!

I was surprised to hear the Minister of Food and Co-operative Undertakings say that we Indians in this country were communal-minded, that we obstructed the grant of self-government to this country. May I remind this Minister that the Indian community in this Island was the only minority community, when the Donoughmore Commission was here, to plump for pure territorial representation?

What thanks did we get for that? Immediately after the report of the Donoughmore Commission was published, discrimination against the Indian community in the Island started, because opportunity was given to certain sections in this Island to build up power and to consolidate that power in their hands by raising the racial cry—

Mr. Speaker: Will the hon. Member take much more time?

Mr. Motha: I shall finish in five minutes. I shall not go counter to your directions, Sir.

The Indian community feels strongly on this matter. It is not merely a question of a few of us being able to enter Parliament; it is not merely a question

of the franchise for the Indians here. The Indian community has been discriminated against, contrary to all international standards. That must cease. Today you have introduced a Bill that will put the Indian community in a corner, completely at the mercy of an individual Minister.

It is not that we do not completely trust the Prime Minister. But even if we did trust the present Prime Minister, is it fair to ask any community to place themselves at the mercy of a Minister? What is the grave emergency that is feared if this Bill is not passed into law this month? Will the heavens fall if there is a few weeks delay? No cogent reasons have been adduced for rushing this Bill through in this manner.

Why should not the Prime Minister treat the Indians here as human beings, entitled to the elementary rights of human beings? Not long ago the Minister without Portfolio was anxious that his Labour Party should represent Ceylon in the International Labour Organization. Let him remember that this country is now a Member of the I. L. O. Let him also remember that discrimination against the Indians resident in this Island, of which discrimination the Minister without Portfolio is the prime mover, is contrary to the principles laid down by this International Organization. The Minister smiles, but, Sir, as you have asked me to be brief, I shall not refer at length to this aspect of the question. I have here with me five sheets containing the recommendations of the I. L. O., every one of which has been disregarded by this Government during the last fifteen or sixteen years.

We claim to be an independent country, and are anxious to become a member of International Organizations. The hon. Member for Ruwanwella was right when he characterized this Bill as narrow. As the hon. Member for Wellawatta-Galkissa correctly said, the Prime Minister is trying to build a Chinese wall round this Island. But, Sir, geography will assert itself; human considerations will assert themselves. If the Indians want to come over to Ceylon, no immigration laws will stop them, the fear of not being made citizens of this country will not stop them.

[Mr. Motha.]

But, Sir, the Indians do not approach this problem in that spirit. We feel that there must be cordial relations between the two countries. It would not be to our advantage to irritate the other communities in this Island. We are a minority community. When we find that we are not given our rights, the papers in this country which support the Government find fault with us for going to India and placing the facts before the Prime Minister of India, with whom the Prime Minister of Ceylon wants to discuss the question of our rights—

The Hon. Mr. A. E. Goonesinha (Minister without Portfolio): You also went to discuss matters with the Prime Minister of India.

Mr. Motha: We are prepared to tell the Government of India that they are not the ultimate arbiters of our rights and position in this Island. During the last 140 years the Government of India allowed Indians to come over to this country, and the Government of India owes a duty to these people to see that the pledges and assurances given by the Ceylon Government to the Indian Government in this matter are honoured by the Ceylon Government. We expect the Government of India to perform that duty, and see that we are given our rights and allowed to live as honoured citizens of this country.

None of us Indians in this country have surrendered our rights to fight for our legitimate position in this country, to Pandit Jawaharlal Nehru, however eminent he may be, however great our regard for him personally may be. We did agree to certain matters being referred to him, because we thought that being interested parties our views may be subjective, that we may be taking an unreasonable attitude, and that the Prime Minister of India would look at these questions objectively and advise us. We thought we might be helped to see light if we put certain aspects of the problem before the Prime Minister of India, that it might be helpful if some person, detached from the actual conflict, were to examine the problem. We felt that the Prime Minister of India

having no personal interest in the matter would view the position dispassionately and advise us. We greatly value his advice.

But; Sir, we would not be worthy to be citizens of Ceylon if we were willing to abide by the decision of some one outside Ceylon on matters affecting us in this country. If we want to be citizens of Ceylon, does the Prime Minister or anybody else expect us to abide by the decision of some body outside this country?

We do not want the interference of even the Government of India in the internal affairs of this country, but India owes a duty to see that justice is done to the people here who happen to have come from that great country. It is India's duty to see that we are not discriminated against with impunity, that we are not insulted or humiliated. Other countries have sought to do that to Indians settled in those countries, but one day, somehow or other, those countries will feel the consequences of the injustice they are perpetrating against the Indians. I beg of the Government of Ceylon not to perpetrate that type of injustice and iniquity against the Indians here, a section of the population which is harmless, which is admittedly necessary in the interests of this country.

You say you will not give citizenship rights to these people who are here today. Is it suggested that this section of the population is unnecessary in this country? You have made use of them for generations. Is it not wrong to leave them in isolation without conferring on them the rights which are their due?

I make an earnest appeal that justice be done to these workers.

Mr. Speaker: The hon. Member for Welimada wishes to speak in Sinhalese.

10.41 A.M.

Mr. K. V. D. Sugathadasa (Welimada):
සාමාන්‍යව, මේ අවස්ථාවේදී—

Mr. W. Dahanayake (Galle): අනෙක් නමුත්.

Mr. Speaker: Louder, please!

Mr. Sugathadasa : සභාපතිතුමනි, මෙරට පුරවැසි භාවය පිළිබඳ ප්‍රශ්නය විසඳෙන මේ ප්‍රශ්නාවේදී නමුත් නාන්ද්‍යයා ඉදිරිපිට මගේ මාතෘ භාෂාවෙන් මේ සම්බන්ධව වචන සම්ප්‍රදායක් කතා කරන්නට ඉඩ ලැබීම ගැන මා ආඩම්බර වෙතවා.

මා පළමුවෙන් ම කියන්නට කැමැත්තෙන් මේ පනතේ පුරවැසි භාවය නොදෙනවා ය කියා කිසි ම සාධනාත්මක සඳහන් වී නැති බව යි. නමුත් මේ පුරවැසි භාවය පිළිබඳ පනත සම්බන්ධව මේ පැත්තෙන් කථා කළ මන්ත්‍රීන් එයට බලවත් ලෙස විරුඬතාව දැක්වීම, ඇත්ත වශයෙන් ම මගේ ප්‍රද්‍රව්‍යයට හේතුවක් වී තිබෙන බව කියන්නට කැමතියි. මක්නිසාද? රුසියාවට පන්දම් පත්තුකරන ඒ මන්ත්‍රී වරුන් වූවන්—

Dr. Colvin R. de Silva (Wellawatta-Galkissa): Why does not the Front Bench clap?

Mr. Sugathadasa :—මෙවැනි විශේෂ වැදගත් ප්‍රශ්නයකදී ඔවුන්ගේ යුතුකම විය යුත්තේ, ඊට අනුබල දීමට නොහැකි නම් නිහඬව සිටීම යි. නමුත් මේ වැදගත් අවස්ථාවේදී මේ පුරවැසි භාවය සම්බන්ධයෙන් ඒ මන්ත්‍රීවරු කථා කළේ සමුදායී විරුඬතාව ප්‍රකාශවන අන්දමෙනි. මේ මන්ත්‍රීන් රටට හෝ ජාතියට හෝ ආලයක් ඇති අය ය කියා කෙසේ සිතන්නට ද?

Mr. Speaker : Not so fast please. I am afraid the shorthand-writer cannot take you down.

Mr. Dahanayake : හෙමින්, හෙමින්.

Mr. Sugathadasa : මස්කෙලියේ මන්ත්‍රී වරයා මේ රටේ ඉන්දියානු කම්කරුවන්ගේ දුක් ගැනවිලි ගෙන හැර පාමින්, ඔවුන් මේ රටට කරන විශාල සේවය නිසා, ඔවුන් ගැන විශේෂ සැලකිල්ලක් මෙහිදී දැක්විය යුතු බව පෙන්වා දෙමින් කථා කළා. නමුත් අප විසින් මෙවැනි වැදගත් ප්‍රශ්න සම්බන්ධයෙන් ක්‍රියා කළ යුත්තේ විදේශවලින් මෙරටට පැමිණ සිටින අය ගැන සලකා ගෙන නොව, මේ රටේ පිහිටි බඳු පළාත්වල සිටින අපේ දුප්පත් ජනතාව ගැන කල්පනා කරගෙන යි. ඇත්ත වශයෙන් ම, මේ ඉන්දියානුන්ගේ දුක් ගැන විලී කියමින් කිසිදු කළමනාකරණයක් නොවන බව මන්ත්‍රී

වරුන් අපේ පිහිටි ගම්වල, විශේෂයෙන් උඩරට ගම්වල, දහසක් දුක් විඳින ලක්ෂ ගණන් දුප්පත් සිංහල දරුවන් කවදවත් දැක නැති බව මගේ විශ්වාසය යි. මෙරට වැසි ගම්බද දුප්පත් ජනයාගේ දිළිඳු ස්වභාවය දැක තිබේ නම්, ඔවුන්ගේ ඒ දුෂ්ඨ තත්ත්වය කෙරෙහි විකල්ප වත් අනුකම්පාවක් තිබේ නම්, ඔවුන්ට යහපතක් සිදු විය හැකි මෙවැනි දෙයකට ඒ අය කිසි දිනක විරුඬ නොවෙනවා ඇති.

මේවා මහතා විසින් දැන් සම්ප්‍රදාය වේලාවකට ප්‍රථමයෙන් කියන්නට යෙදුනා ඉන්දියන් කම්කරුවන් වහලුන් මෙන් මෙහි රක්ෂාවල් කරනවා ය කියා. නමුත් මා ඔහුගෙන් අසන්නට කැමතියි, මේ පරිසරයේ ජනයා මෙහි ගත කරන ජීවිතය සම්බන්ධයෙන් කථා කරන විට, ඔවුන් දකුණු ඉන්දියාවේ ගත කරන ජීවිතය විකල්ප වත් ඔහුගේ කල්පනාවට භාජන වූණ ද ගත වග. දකුණු ඉන්දියාවේ සිටින, දණ්ඩෙන් පහලට රෙදි කඩක් අඳින්නට නැති ඉංග්‍රීසි කාරයින් මෙහි පැමිණීමෙන් පසු, සමාජයේ උභයානායකත්වය ඔවුන්ට තිබී වන නිසා එය උසස්කොට සලකනවා වෙනුවට, ඔවුන් මෙහි වහලුන් මෙන් සිටිනවා ය යන හැඟීමක් ඒ මහතාගේ සිතෙහි ඇතිවීම, ඇත්තෙන් ම, කනගාටුවට කරුණකි. එය කාටත් පහසුවෙන් තේරුම් ගන්නට පුළුවන් කාරණයක්. ඉංග්‍රීසියේ සිට ඔවුන් මෙහි එන්නේ ඔවුන්ට මෙහි ගත කරන්නට ලැබෙන ජීවිත තත්ත්වය හුඟක් උසස් නිසි. එවැනි උසස් තත්ත්වයකින් ජීවත් වීමට ඉඩ පහසු කම් සලසා දීම ගැන ඔවුන්ගේ භායානායකත්වය කාතමු නොවී ම ප්‍රද්‍රව්‍යයට කාරණයකි.

විරුඬ පැත්තෙන් කථා කළ හැම මන්ත්‍රී වරයෙක් ම මේ පනතින්, විශේෂයෙන් ම ඉංග්‍රීසි කම්කරුවන්ට, නදබල පහරක් වදින්නේ ය යි කී නමුත්, එයින් එක ම මන්ත්‍රී වරයෙක් වත් ඉන්දියන් කාරයන්ගේ ආක්‍රමණයෙන් මෙරටට සිදුවී තිබෙන අපරාධය ගැන හෝ මෙරට ජනතාව—විශේෂයෙන් ම පිහිටි පළාත්වල සිටින දුප්පත් ජනතාව—වැඩි සිටින දුෂ්ඨ තත්ත්වය ගැන හෝ කිසිවක් සඳහන් කළේ නැහැ.

මේ ඉන්දියන් කාරයින් ඇත අතීතයේ පටන්ම කණ්ඩායම් වශයෙන් මෙරටට පැමිණ, මෙරට වතු වල රක්ෂාවල් අයිතිකර ගැනීමෙන් පිහිටි ගම්වල සිටි දුප්පත් ජනයාට නදබල

[Mr. Sugathadasa.]

පහරක් වැදුණ බව වත් නොසලකා, මෙරටට පාඩුවක් කරන මේ අයට ආධාර දීමට පසුයක් අප අතරේ ඇතිවීම කනගාටුදායක යි.

පුරවැසි භාවය පිළිබඳ පනත් ඉදිරි පත් කරන හැම රටකට ම වුවමනා කරන්නේ තම තමන්ගේ දුප්පත් ජනතාව දුප්පත් කමින් මුදු ඔවුන්ගේ අනාගත ඉරණම සම්බන්ධයෙන් ප්‍රයෝජනවත් ක්‍රියා—පිළිවෙලක් ඇතිකර ගැනීම යි. මොන ම රටක හෝ වේවා, මේ කාණ්ඩය ඉටු කර ගැනීමට, මේ සම්බන්ධයෙන් මතුවන හැම ප්‍රශ්නයක් ම තම රටේ ප්‍රයෝජනය පිණිස විසඳා ගැනීමට, හැකිවන්නේ ජාති මතයක් ඇති පුද්ගලයන් ඇති වුවහොත් පමණ යි. මේ රටේ අය තුළ ද මෙවැනි හැගීමක් තිබෙන්නට ඕනෑ. දැන් කථා කළ මස්කෙළියේ මතුවීරයා මොන යම් හැගීමක් ඇතිව කථා කළා ද යන්න අප තේරුම් ගන්නට ඕනෑ. ඒ මහතා පෙනී සිටින්නේ ඉන්දියන් ජනතාව වෙනුවෙන් බැවින් ඔවුන්ගේ යහපත ගැන කථා කිරීම ගැන කාටවත් පුදුම විය නොහැකි යි. එහෙත් ප්‍රශ්නය මෙය යි. ඒ මහතා ඉන්දියන් ජාතිකයින්ට යහපත සලස් වන්නට යන්නේ අපේ ලාංකික ජනතාවට සිදුවන අයහපත, විපත ගැන නොසලකා නොවේ ද? එය කෙසේ නම් යුක්ති සහ ගත වැඩක් ද? ඉන්දියන් ජනතාව වෙනුවෙන් පෙනී සිටින හැම නායකයකුගේත් ඉන්දියානුන්ගේ සභාවලත් ප්‍රතිපත්තිය මෙය යි. මෙරට ජන තාවගැන ඔවුන් තුළ ඇති සැලකිල්ලක්වත්, මෙරට ට ඇති ආදරයක් වත් නැහැ. මේ ලහදි ලංකාවට නිදහස ලැබුණ අවස්ථාවෙහි ඔවුන් ඔසෙව්වේ ලංකාවේ කොඬය ද? නැහැ. ඔවුන් ඔසෙව්වේ ඉන්දියාවේ කොඬය යි. මෙයින් අපට පෙනී යනවා ඉන්දියන් කාරයන්ගේ ලංකාවට ඇති ආදරය.

Mr. Speaker : All this is irrelevant. Speak to the subject, please.

Mr. J. C. T. Kotalawela (Second Badulla) : He has memorized it, Sir.

Mr. Sugathadasa : I challenge the hon. Member.

මේ පනතට මා කිසිසේත් විරුධ නැති බව පළමුවෙන් මා විසින් කියන්නට ලැබුණ එසේ විරුධ නොවන්නේ විවර්ධනයට

හිතමනාප ලෙස මෙරටෙහි පදිංචි විමට ඉඩ දීමෙන් ලංකාවට වූ අනවශ්‍ය මා හොඳ හැටි කලාකර බැලූ නිසා යි. මෙවැනි පනතකින් මෙරට වැසියා ආරක්ෂා නොකළහොත් අනාගත යෙහිදී අපේ දේශය, අපේ දේශයේ ආතීත තත්ත්වය, බොහොමයකින් පහළ බසිනවාට කිසි ම සැකයක් නැහැ. ගරු මුදල් ඇමතිවරයා ඊයේ පෙන්වාදුන් විධියට, රට වැසි භාවය නියම කිරීම පිළිබඳ පනතක් ලංකාවෙහි නොතිබීම නිසා, අප රට ආතීත තත්ත්වය නොයෙක් අයුරින් දියුණු වන්නට තිබුණ මාගේ කෙතරම් ඇහුරුණ ද කියා තමුන්නාන්සේලා විශෙෂයෙන් කල්පනා කරන්නට ඕනෑ. එම නිසා මා කියන්නේ මෙවැනි පනතක් පැනවිය යුතුව තිබුණේ, ඇත්ත වශයෙන් ම, මීට අවු රුදු බොහෝ ගණනකට උඩදී යි. අද දවසේ, විශෙෂයෙන් ම, මෙරට උපදින මෙරට ජනතාවට ආදරයක් ඇත්නම්, මේ රටේ වැසියන්ට උසස් තත්ත්වයක් ජීවත් වී මෙරටෙහි ම මිය යන්නට ඉඩ දීමට බලාපොරොත්තුවක් තිබේ නම්, මෙය අපේ විශෙෂ සැලකිල්ලට භාජන විය යුතු යි.

මේ වැදගත් අවස්ථාවෙහිදී මේ පනත ගැන වචන සවිලායක් කථා කිරීමට මා ඉදිරි පත් වූයේ සෑම අතින් ම දුකට වැටී සිටින ලංකේ ජනතාවගේ දුෂ්ඨ තත්ත්වය ගැන මා හොඳ හැටි දන්නා නිසා යි. අවාසනාවකට මෙන්, ලංකාවෙහි හැම දෙයක් ම නගා සිටුවීමට යි කියා ඉදිරි පත් වන මතුවීරුන් හැම දෙනෙක් වාගේ, මේ දුප්පත් ජනතාව නගා සිටුවීමට උපකාර වන මෙවැනි පනතකට විරුධ බවම පෙනී යයි.

මේ පනතට විරුධවීමෙන් කොපමණ වාසි පහසුකම් ලබන්නට පුළුවන් වුවත්, මා එවැනි නක් කරන්නේ නැහැ. ප්‍රතිඵල කුමක් හෝ වේවා, පුද්ගලික ලාභ ප්‍රයෝජනවලට කුමක් හෝ වේවා, මා මේ පනතට පසු වන්නේ, ඇත්ත වශයෙන් ම, මේ දුප්පත් ජනතාව මගේ දේශයේ ජනතාවය යන හැඟීම මා තුළ තිබෙන නිසා යි. ඒ නිසා ඒ ජනතාවගේ යහපත සඳහා කරන්නට තිබෙන ඕනෑ ම වැඩක් කරන්නට ඉදිරි පත් විමට මා කිසිසේත් හය වන්නේ නැහැ. කිසිසේත් හය වන්නේ නැහැ.

දුරදරී කලානාමක් නැතිව, එවේලෙහි ලැබෙන වාසිය, ලාභය හෝ ආත්මානීය බලා පොරොත්තුවෙන් අප කටයුතු කළහොත් ඇත්ත වශයෙන් ම එය ලොකු අපරාධයක්.

ඉංග්‍රීසිකාරයන් එංගලන්තයට අදාළයි. අමෙරිකන්වරු අමෙරිකාවට අදාළයි. අනෙක් හැම රටවල ම මිනිස්සු නම නමන්ගේ රටවලට අදාළයි. ඒවාගේම ලංකාව ජන්ම භූමිය කොට ඇති ජනයා ලංකාවට අදාළ දුක්විය යුතු යි. ඔවුන් ලංකාවට අදාළ නොදක්වනවා නම්, අදාළ දුක්විය යුත්තේ කොයි රටට ද? පිට රටවලට ද? හැම මිනිසෙක්ම තමාගේ ජන්ම භූමියට අදාළයි. එහෙත් යම් කෙනෙක් තමන්ගේ රටේ ජනතාවට වඩා පිට රටක ජනතාවකට සැලකිලි දැක්වීමට සූදානම් වෙනවා නම්, එය ආචාරිකාමය, ඒ වේලාවෙහි වාසිය තනා කරන ක්‍රියාවක්. එවැනි අයගෙන් රටේ ජනතාවට සිදුවන්නේ මහත් විනාශයක්.

අප අනාගතය දෙස බලන්න මිනැ. විශේෂයෙන් ම අප නිදහස් වූ මේ අවස්ථාවෙහි, ඉදිරියෙහි ඇති අනාගතය හැන අප හොඳ හැඟීමක් ඇතිව වැඩ කරන්නට ඕනැ. එබැවින් මේ පණතට විරුඬවුවත්, දැනට දුකින් මිරිකෙන ලාංකික ජනතාවන්, ඒ වාගේම මතුවට ඉපදී නොයෙක් දුක්වලට මුහුණ පාන්නට සිදුවන ජනතාවන්, ඇත්ත වශයෙන්ම, එකසේ ශාප කරනවා ඇති.

An Hon. Member: That word is unparliamentary.

An Hon. Member: No. Learn your Sinhalese.

Mr. Sugathadasa: ඔව්, ඇත්ත වශයෙන්ම ශාපකරනවා ඇති.

ඒ නිසා මේ පණතට විරුඬව නැගී සිටි හැම දෙනාගෙන් ම මා ඉල්ලා සිටින්නේ, ඔවුන්ගේ පසු ක්‍රමය කුමක් වුවත්, පසු හැඟීම් කුමක් වුවත්, ඒ ඒ පසුවල අදහස් කුමක් වුවත්, මෙරට වැසියාට ප්‍රයෝජනය සැලසෙන මේ පනතට පසුව කැමැත්ත දෙන්නට කියා යි.

10.50 A.M.

Mr. J. A. Martensz (Appointed Member): I do not myself wish to cast a silent vote in this matter. Although the principles of the Bill have been discussed fully I nevertheless feel that I should just touch on one or two matters.

I feel that the cry of discrimination has been raised and canvassed without any real justification in this Debate. As far as I can see, the scope and objects of this Bill are merely to define who is a citizen of Ceylon. On that point I can see no reason why anybody should quarrel. The Bill sets out what it is exactly, and therefore this cry of discrimination is unfortunate. We have been used for many years to refer to ourselves either as Sinhalese, Tamils, Muslims or Burghers and place ourselves in these compartments politically. Is this idea good and should it continue? My own feeling is that it should not. My contention is that this Bill, if it is accepted by this House, will create the status of a Ceylon citizen, and if it becomes law, we will tend to forget, and have no reason to place ourselves in those political compartments to which I referred earlier, and be proud to call ourselves citizens of Ceylon. I therefore say that we, who claim this country as our Motherland, should without fear declare ourselves in favour of this Bill.

10.52 A.M.

Mr. H. Sri Nissanka (Kurunegala): The Bill we are discussing today is one of great constitutional importance. I therefore feel that it is my duty to inform the House as to what is my particular attitude in respect of this Bill, and if I vote against it at all, my reasons for doing so.

I am not, speaking quite frankly, opposed to every provision or every section in this Bill. I recognize that even within the circumscribed ambit of our freedom,—and since we are still struggling on towards complete freedom,—it is time that a Citizenship Bill was introduced. I also feel that this little country of ours has got its own peculiar problems, not unlike the problems that the peoples of Burma have *vis a vis* the people of China. We have the same problems that probably South Africa or other parts of the world have in regard to questions of mass immigration from other countries. I can sympathise with people who have a past to boast of, and who want to see that their traditions and their culture are protected. But I feel that the method of approach to the solution of this difficult problem might have been different.

[Mr. Sri Nissanka.]

The question of citizenship has to be considered in the light of the definitions given to it from ancient times. A citizen is defined by Aristotle to be one to whom belongs the right of taking part both in the deliberative and legislative; and in the judicial proceedings of the community of which he is a member. Those are weighty considerations which apply to the residents of any country, and it is necessary at this stage—in spite of the time limit that has been imposed upon me and with which I propose to comply—to consider the distinction between the subject and the citizen. The citizen principally has the right to rule whereas the subject has the right to be ruled.

With that distinction well implanted in our minds, it is necessary to go back to the early history of the rights of citizenship and how the law with regard to citizenship developed. In the ancient Greek community we know that right of birth was considered to be the principle upon which citizenship was conferred, and later the intellectual sovereignty of Greece was not forgotten by the material prosperity of Rome, when the Roman Emperors followed the same principles in their laws, and, I believe, it was in Emperor Caracalla's time that every free inhabitant was permitted to be a citizen of the State. Later, Justinian brought about a law that all persons born in a particular country should enjoy the rights of citizenship of that country. This ancient law which had developed from the time of the ancient Greeks up to the Roman times was continued without interruption by France, by England and by America and later by Britain. I would like to quote—much as I do hate quoting—from the Encyclopædia of the Laws of England. It is stated at page 414:

“Under the existing law two classes of persons are deemed to be ‘natural-born British subjects’:—

1. Those who are such from the fact of their having been born within the dominion of the British Crown.
2. Those who though born out of the dominion of the British Crown are by statute declared to be natural-born British subjects.

Subject to these distinctions, to which we shall revert later on, any person—

1. Born within the British dominions, except the child born to an enemy father at a place in hostile occupation.

2. Born on board a British ship while on the high seas.
3. Who, though born out of the British dominions, is the legitimate child of a natural-born British subject.
4. Who, though born out of the British dominions of a legitimate father, also born out of the British dominions, is the legitimate grand-child of one born within the British dominions.

The first four of the above classes of British subjects are entitled, wherever they may be, to all rights possessed by and protection due to natural-born British subjects.”

Hon. Members will, therefore, see that I have made an endeavour to emphasize the word ‘born’, and I can compare it favourably with that Biblical fable of Saint Paul where he was referred to as a ‘free-born’ citizen. I am surprised that in the Bill that is before the House, the question of descent has been introduced in such a manner as to negative the principles upon which the great jurists of the world have defined citizenship.

As somebody who is supposed to know the law, I feel that I am not in a position to vote upon a measure which ignores the first principle of the law, as I understand it. I do not approach this subject upon sentimental issues, nor do I propose to whip up racial hatred. I do wish to assure my hon. Friends of the Government that I love my people; I love the traditions, the culture and the religion of my people as they love it themselves, but I do feel that the way to protect them should in some measure have been a little more diplomatic than the ones they have just followed.

For these reasons, Mr. Speaker, I feel that I have to oppose this Bill, unless the Hon. Ministers of the Crown shall deem it proper, even at this stage to refer this Bill to a Select Committee where they may be able to remove the various anomalies that may be pointed out to them by friendly and free discussion. The future holds no security for any nation in the world. I agree with the Hon. Prime Minister that his policy should be one of friendship with all nations, but if we are to pursue that path we must not place upon our Statute Book an enactment which will throw two powerful dominions like Pakistan and Hindustan entirely against us. It may be that at this hour they will not

be able to take retaliatory measures because they are going through a period of travail, but one must not lie under the comforting illusion that things will remain in this condition for all time. Therefore, let prudence guide our judgment, and let me appeal to the Ministers of the Front Bench—and I do not generally use the word 'appeal' unless it be a matter of the gravest importance—to seriously consider the question of submitting this Bill to a Select Committee.

Mr. Speaker: The Hon. Leader of the House will now reply.

11.0 A.M.

The Hon. Mr. Bandaranaike: In winding up this Debate for the Government, I feel that although all hon. Members who would have liked to speak had not the opportunity of speaking on the Second Reading, sufficient has been said by the leaders of the various groups of the Opposition to bring forward all the points that are necessary.

May I congratulate my hon. Friends opposite on having done that? Some of them were irrelevant and a good many of them were indirectly relevant. But still they put forward the points which they had every right to bring forward and for which we are very much obliged.

The question of citizenship has been explained from the days of the Greeks, as set out today by my hon. Friend who spoke last, the Member for Kurunegala (Mr. Sri Nissanka). I am told that a certain Roman Emperor, whom I knew as the Emperor Caracalla and whom the hon. Member thinks fit to call Carasalla—

Mr. Sri Nissanka: Some pronounce it softly, some hard.

The Hon. Mr. Bandaranaike:—did certain things or some things. But all I can say is this. In these days when copies of the Encyclopædia of the Laws of England and those sections therein which refer to the subject of citizenship are not easily obtained by the ordinary Member, we must be grateful to the hon. Member for Kurunegala for even giving us a very imperfect, inaccurate, but no doubt from his point of view, adequate, exposition of the very intricate subject of citizenship.

Mr. Sri Nissanka: You had better look up your law.

The Hon. Mr. Bandaranaike: The subject is undoubtedly important in one sense. It is formal in the sense that it is a matter that does not need discussion, that every country, particularly a free country, needs citizenship laws.

One of the first steps that should have been taken long ago should have been the introduction of a Citizenship Bill for our country. Therefore, there can be no question that the Bill is urgently necessary. In a sense it is formal because a definition of citizenship is one of the first steps that any free country should take, which has been taken by every other country that has attained freedom in recent years. In that sense, this Bill is formal.

The Bill is also important because, on a definition of citizenship will depend a great deal the entire future progress, happiness, well-being, and the direction in which that well-being is to take place, of the people of this country. It is therefore in a sense one of formality; it is also in a sense a very important step that has been taken.

May I, without going into elementary discussions on the origins of citizenship, give a brief historical survey, by way of a background to the understanding of this Bill, of the position of citizenship in the so-called British Empire, as it is very relevant to this Bill and the context in which it has been introduced.

In former days there was only one thing, British nationality of all inhabitants, not only of the British Isles but of British possessions. They all possessed one nationality; they were all British subjects. But, in actual practice, that did not connote equal rights and privileges for any inhabitant of one part of the British Empire in every other part of the British Empire.

For the first time, in the first Imperial Conference held after the first world war, there was General Smuts of South Africa—it was a fact that had been growing up in the past—pointing out, for the first time then, that in fact there was no common British citizenship. It was a very interesting memorandum that General Smuts placed before the First Imperial Conference. Some of the members did not

[Hon. Mr. Bandaranaike.]

like it, but still it was admitted to be a fact. That is the next milestone in the development. But in the former British Empire—the present British Commonwealth of Nations—it was admitted that there was no common citizenship by virtue of the fact that one was a British subject in the various possessions that come under the Crown. In practice it had been followed in Canada, South Africa, and Australia where discrimination was made between a British subject from one part of the British possessions and another from certain other parts of the British possessions. That was admitted, I believe, in 1918 or 1919.

The next step came when Canada, a few years ago, passed an Act defining special Canadian citizenship. Until that time there was no special citizenship laws which were passed by any part of the British dominions or possessions.

Canada passed this Act which created a new situation. In that Act Canada created separate Canadian citizenship in contradistinction to the general position occupied by those possessing British nationality.

What was the result of that Act of Canada? The result was that various forms of citizenship then began to emerge within the British Commonwealth. There may be citizenship of that particular dominion or that particular territory. There was then the common citizenship that a British subject had and, thirdly, the rights and privileges which each territory would accord to different types of British subjects who did not possess the citizenship of that particular territory.

When that situation arose, obviously the whole matter had to be examined; and two years ago there was a conference held for that purpose in England. We ourselves sent a delegate who was a very distinguished lawyer—Mr. L. M. D. de Silva. And what is it that emerged at that Conference? This is the position generally as it became clarified there. Clearly, with a dominion, three points arose, three types of citizenship.

A dominion had the right—the fundamental right of a country—in deciding the composition of its own citizenship.

The second point that emerged was citizenship of the Commonwealth where all members of the Commonwealth had a common citizenship which did not, as a matter of right, entitle them to any particular privileges in any other territory, but would operate only to this extent, that a member of the Commonwealth, let us say in Ceylon, would be given reciprocal rights—let us say—in Canada provided that both countries agreed to confer those rights on the citizens of those two countries. The third was British citizenship where you became a citizen of Britain—here British including not only Great Britain but the colonies that were not dominions. A common British citizenship applied to Britain and the colonies such as, for instance, let us say Malaya, Trinidad or whatever it may be. These three things were the three points that were clarified at that Conference in London.

In pursuance of those decisions the new British Citizenship and Nationality Bill which was introduced in the House of Commons—certain amendments were made in the House of Lords, and the Bill was sent back to the House of Commons; I think the House of Commons has refused to accept some of the amendments suggested by the House of Lords—has now become law. That happened a few days ago. It is true that we have not yet received a copy of that Bill, but by and large what I have just explained will be the provisions of that Bill that has finally been passed by the House of Commons a few days ago.

It is in that context, Mr. Speaker, that we, possessing Dominion status, had to approach the problem, drafting our own legislation on this subject. What is that legislation? Surely the first and foremost bit of legislation must be a general Ordinance defining Ceylonese citizenship. There are various bits of legislation required for the whole purpose. The first is defining Ceylon citizenship. Without that you cannot proceed to take the other steps. For instance, one of the most urgent steps necessary in this country, which should have been taken long ago, was a Bill for the control and restriction of immigration. Now even such a Bill cannot operate unless you first have a

Bill defining citizenship. It is not possible to deal administratively with problems of immigration and emigration without first having a definition of citizenship. Now it is for that reason—and quite rightly for that reason—that this Bill has been brought before the House and brought first.

One of the objections raised—I will deal with it at this stage—is, why do you not bring all these Bills before us? What are the Bills that will have to be brought? A Citizenship Bill and an Immigration Bill. These two Bills are now before us which, in themselves, should not be controversial.

Then there is the third Bill which, after consideration and discussion, will have to be brought forward dealing with the position of one section of the present residents of this country, namely, the Indians, whether they will have an approach to citizenship of this country that is, in its terms, broader than is provided in the general Bill for citizenship.

Then there is a fourth Bill that is necessary, a Bill dealing with Commonwealth citizenship where we come into line with the English Bill that has been passed, providing for Commonwealth citizenship for citizens of Ceylon and also setting out the machinery for reciprocal benefits under that to be granted to such other members of the Commonwealth who possess that citizenship and are prepared to extend to the citizens of Ceylon the same privileges.

Now, Sir, those are the four Bills which will come up before the House. I do not think there is any great substance in the argument that this Bill should be opposed merely on the ground that the other Bills, or some of the other Bills, are also not presented to the House at the same time. Those Bills will come up in due course, and a number of arguments that have been urged, may I suggest, might more properly be put forward at that stage. Meanwhile, the necessity to bring forward a general Bill—I am not coming to the merits of this particular Bill which I will discuss in due course—a general Bill defining citizenship, as has been brought forward now is of absolute urgency. In fact, the complaint should have been that such a Bill was not introduced long ago.

I would, therefore, reply to hon. Members, such as my hon. Friend the Member for Kurunegala, who seems to be sitting on the fence, and the hon. Member for Dandagamuwa who made an extraordinary speech, Mr. Speaker. He said that we do not want people who have one leg here and another leg somewhere else. While, on the one hand, he thinks of the problems that our own people in this country have to face, particularly economic, which is in jeopardy; on the other hand, he says he is going to vote against this Bill. Why? Because the other Bill has not been brought before the House at the same time with this one. I feel, and the hon. Members should feel, that it is not an argument that holds water, that can be held by this House, or by the public outside, to justify the very grave step they propose to take in voting against this Bill on that ground alone.

Now, Sir, there are various objections that have been raised against this Bill to which I would refer briefly because I think, on an important occasion like this, some reference must be made to the various types of arguments and objections raised. I have divided them into different categories. The first is purely fantastic. There are certain types of arguments that have been adduced by some Members of the Opposition which I can only describe as fantastic. For instance, my good Friend, the hon. Member for Kankesan-turai, seems to see this Bill as one which would divide Ceylon into a new Pakistan and a new Hindustan such as his *Dravidstan* and *Sinhalesetan*, and he launched a most eloquent, complicated and ramified argument in order to try and prove his case, and even went to the Report of the Languages Committee to try and establish the fact that as there is a certain number, a fairly large number of Indians who are Tamil-speaking in Sinhalese provinces, an attempt is being made to deprive them of citizenship and divide these people into two groups—an argument that has only to be mentioned to be refuted. In other words, I do not think that anybody who takes a reasonably impartial view of this Bill can urge seriously that any such step could conceivably have been in the minds of the Government when they introduced this Bill.

[Hon. Mr. Bandaranaike.]

Then, Sir, that is not all. There are the arguments of the hon. Third Member for Colombo Central. May I, in passing, say that the only real effort to put forward some kind of arguments came from the hon. Third Member for Colombo Central on the opposite bench. I congratulate him on his speech, but what are those arguments? What do they amount to? First of all, he sees in this Bill a bit of class legislation, an attempt to discriminate between the workers as such on the one side and the capitalist class on the other. Well, Sir, on what does he base that argument? Presumably, it is chiefly based on that section of this Bill which provides for the admission on the ground that they are distinguished persons, and so on, of a number not exceeding twenty-five. That is a part of the argument. That refers to section 12 of the Bill. He says this will enable certain capitalists to be included while a large section of the workers are excluded.

Then he goes on from the class distinction to the party distinction, and he points out that under section 22 of the Bill a person who is a registered citizen under this Bill, can be deprived of that citizenship if he is convicted of any of the offences against the State specified in Chapter VI. of the Penal Code. He gives a very distorted view of the provisions of Chapter VI. of the Penal Code. Chapter VI. of the Penal Code deals with insurrection, waging war, preparing for war, and so on, against the King. There is one section there which refers to the creation or causing of disaffection to the King or to the established government, but it does not explain that that section is limited to the creation of disaffection which would lead to acts of violence. The explanation to that very section of the Penal Code makes the position quite clear, namely that criticism and the adoption of constitutional and lawful methods of altering the state of affairs are excluded from the purview of that section.

An Hon. Member: Read that section. The provision of that section will bolster up the U.N.P.

The Hon. Mr. Bandaranaike: Yes, I know the section. I have read it. That is not a section which will bolster

up the U.N.P. That is merely a section that preserves the fundamentals of a democratic government. Let the hon. Member read that section for himself again.

Therefore, Sir, to those hon. Members of this House who have fears and sinister suspicions in their minds, I say that I do quite *bona fide* and sincerely contend that those fears and those suspicions are not justifiable, and the reasons that they have adduced are not cogent reasons which can be urged on the Floor of this House against the passage of this Bill. That deals with a certain type of objection which I cannot help but characterise as fantastic.

Then there are objections to certain details of this Bill. To some of them there are trivial objections raised and to some there are important objections. I will deal with one or two important objections. What they ask is for provision to be made here for the conferment of citizenship on those who are born here. Why is birth as an ingredient of citizenship omitted? Well, my answer to that is this: The form of citizenship by descent and by registration which is provided for under this Bill is the practice that has been obtaining in this country for many years where, although we had no definition of citizenship, a partial attempt at such definition has been made in such Ordinances as the Land Ordinance, Fisheries Ordinance and the Motor Ordinance. In these Ordinances an attempt to define the term "Ceylonese" has been made. The best that was acceptable to the people of this country and the Government servants was done in the last State Council. Therefore, hon. Members need not feel that something extraordinary, something entirely new, something preposterous is going to be done in this country. It is not so. That is the prevailing practice, and a practice which I justify on the ground of the actual circumstances existing in this country.

If, Sir, the principle is accepted that a country has a right to determine the nature of its own policy, let hon. Members consider what is the precise meaning, and what are the implications, of that right, that inherent right, to decide the rights of citizenship in some form.

let us say, that may or may not obtain in other countries, to decide the rights of citizenship in that country in the precise context, in the circumstances that exist in that country.

Before the bar of public opinion of this country we are perfectly prepared to justify the provisions of this Bill, which may in certain respects, I admit, differ from the provisions in other countries where some of the problems that we have do not exist, where such problems have not been permitted to arise for the simple reason that immigration laws have existed in those countries from the very start, where a situation obviously arises which is quite different from the situation that exists in our country. I state it quite plainly that the provisions of this Bill are directed to our particular circumstances, and I say that even so, there may be some who feel that even these provisions do not meet the dangers, some of which were described by my hon. Friend, the Minister of Food, who expressed the view on behalf of a very large section of the people of this country—

Dr. Colvin R. de Silva: We challenge that.

The Hon. Mr. Bandaranaike: Yes, we are perfectly willing to accept that challenge and put the issue before the people of this country, and we shall see what will happen.

I know, Sir, how the hon. Member for Wellawatta-Galkissa in some statement of his which misconstrued the position regarding restricted immigration in this country—

Dr. Colvin R. de Silva: I have not said that. Sir, on a point of Order—

Mr. Speaker: What is the point of Order?

Dr. Colvin R. de Silva: The point of Order is that Mr. Speaker shall not permit any member to misquote and misrepresent others. That is the point of Order.

Mr. Speaker: The hon. Member who is a Parliamentarian of some experience should know that that is not a point of Order.

The Hon. Mr. Bandaranaike: Not only that it is not a point of Order, but it is in line with the type of sophistry which we are accustomed to in this House.

Let me remind the hon. Member for Ruwanwella about a matter which was referred to by the Hon. Minister of Finance yesterday. I remember at that time it was the Member for Avisawella who took up a certain attitude regarding the daily-paid workers in this country. I may be corrected if I am wrong.

11.30 A.M.

He and his party had their eyes opened at a meeting which they had either organized or attended to oppose the proposal of the Government, where the force of public opinion was such that, quite rightly, they subsequently came to the State Council and adopted it. They did that.

Dr. Perera: That is not so.

The Hon. Mr. Bandaranaike: I stand to be corrected.

Dr. Colvin R. de Silva: It is easy for you to say what is not true and then withdraw it.

The Hon. Mr. Bandaranaike: I have a very clear recollection of those facts. That is why I say we are ready to test the public opinion of this country on this issue at any time, anyhow, anywhere, and abide by that.

Dr. Perera: It is in your hands.

Dr. Colvin R. de Silva: Resign tomorrow!

The Hon. Mr. Bandaranaike: That is the question about non-inclusion in this Bill of certain types of provision such as birth or even residence, let us say a period of residence, five years or whatever else it may be. That is the reason why we are not including it here.

Now there are certain objections raised to the details of the Bill, which are comparatively trivial, which I will not deal with here now, and which will no doubt be raised in the Committee

[Hon. Mr. Bandaranaike.]

Then there is another set of objections on ideological grounds. The key phrase there was used by the hon. Member for Wellawatta-Galkissa—

Dr. Colvin R. de Silva: I did not use that phrase. That is why I say the Hon. Minister must not misrepresent us.

The Hon. Mr. Bandaranaike: I have not yet said what he said, Sir. I said the hon. Member used the key phrase and was about to say what it was, when up he jumps and says, "I did not say so". It is a pity that the hon. Member should expose his own weakness in this way.

What is the key phrase that he used? He said he stands for this principle, that anyone who works in a country must, by virtue of that work, have the citizenship of that country.

Dr. Colvin R. de Silva: The rights of citizenship.

The Hon. Mr. Bandaranaike: He agrees now. What does he object to then? According to the peculiar and particular ideology which he professes, that might well be his view. All I can say is that we do not accept that. The vast bulk of the countries of this world do not accept any such thing. That is why I said it was the key phrase. If my hon. Friends who hold that particular ideology—they are quite at liberty, quite justified from their point of view in putting that forward—if that is the whole basis of their objection to this Bill, all I can say is that there is such a vast gulf of opinion between those who feel that way and others on that issue that there cannot be any argument on a common plane. I repudiate any such principle, that the privileges involved in citizenship should be given to such people.

I would like to come to another point. I am touching briefly on it—the position of Indians in this country. I am only briefly touching on it because I admit that it is not really relevant, but so much has been said that there are just a few remarks that I find myself constrained to make. In that connection I am somewhat provoked by some of the

members who spoke of nationalism and racialism as discarded and discredited things. The hon. Member for Kanke-santurai (Mr. Chelvanayakam) first said that these are worn-out ideas of the seventeenth century. He corrected himself and said, "No, the tenth, twelfth or fifteenth centuries." The hon. Member for Ruwanwella (Dr. Perera) just airily brushes aside this important subject on the footing that they are the discredited theories of Houston Stewart Chamberlain. What on earth has Mr. Chamberlain to do with it who in Germany put forward the idea of a Germanic superior race, the origin of the *Herrenvolk* idea? Surely, that is a very superficial understanding of the matter and only shows a desire not to face the real issue by referring to the ideas, the half-baked idea of the narrow sphere of Houston Stewart Chamberlain? The hon. Member for Wellawatta-Galkissa also said, more or less, the same thing. He brushes it aside. This is also one of the tantalising by-paths of this discussion. So I do not want to deal with it here. *Bona fide* opinions may differ. But may I refer them to a very interesting book which I found in my library, by Sir Arthur Keith, published at the end of the Second World War? It refers to human evolution. There Keith, whose word is authoritative, traces human evolution and progress to the national, even racial, idea.

Dr. Colvin R. de Silva: So you come to it!

The Hon. Mr. Bandaranaike: Of course, you come to it; but the nation is bigger than the race.

I will just read a little paragraph:

"If we desire a world studded with free and independent nations engaged in friendly and peaceful rivalry, then we shall regard the interminglings of people, whether by conquest or by peaceful penetration, as prejudicial and evil. I do hold that if mankind is to be vigorous in mind and peaceful in spirit its division into nations and races must be maintained."

I am not engaged in an argument with my hon. Friend. I am only pointing out that a little knowledge or learning is always a dangerous thing, that the airy dismissal of a subject, of a very important subject of this sort in this manner is thoroughly unjustified.

However, Sir, I say only this regarding that matter that it is not the elimination of racialism or nationalism that we want in this world today: it is the harmonisation of nationalism and racialism for future progress. I am only expressing my opinion, an opinion that is forced out of me by the airy, superficial remarks that some of the hon. Members chose to make.

I would say this: It has been stated by the Hon. Minister of Finance quite rightly that this is primarily an economic issue, but let this point also be realised: it is an economic issue that merges into a national issue. Let that point be not forgotten, that in the four or five provinces of this country where this problem exists, that economic unit which is most effective also happens to be a racial unit. It is a point, therefore, where the economic aspect merges itself imperceptibly into the racial. Now I would like to say this. I was at the Delhi Conference last year.

Mr. Motha: How is it harmful?

The Hon. Mr. Bandaranaike: What is harmful? My friend would inveigle me into a detailed discussion of the Indian problem in the Up-country areas. I will have to spend hours over that to explain—

Mr. Speaker: I will not allow it.

The Hon. Mr. Bandaranaike: I will not in any way trespass on your generosity and kindness by engaging in an argument on that. If my hon. Friend wishes me to do so on an appropriate occasion, I will most certainly do so.

I was at the Delhi Conference last year. One of the questions at that Conference dealt with the problem of population and immigration. I remember stating my views, which my hon. Friends know very well. My views on this subject have been stated fairly plainly. I was interested to find that I was fully supported in those views both by the representatives of Burma and the representatives of Malaya—two countries in which similar problems exist.

I would like to say one word on this point. I have no doubt that that great man, the Prime Minister of India, Pandit Jawarhalal Nehru, will be very obliged

to my hon. Friend, the Member for Maskeliya, for telling him exactly where he gets off.—

Mr. Motha: I told him.

The Hon. Mr. Bandaranaike: That as long as he may be helpful or useful his services will be accepted, but that if my hon. Friend and his followers here choose to differ from Pandit Jawarhalal Nehru, who does not know their conditions, who may be out of touch with them, and so on, they reserve for themselves the liberty of acting, presumably, even against the views of the Prime Minister of India. I say the Hon. Prime Minister of India will be obliged to know that attitude of the hon. Member.

Mr. Motha: He knows it.

The Hon. Mr. Bandaranaike: I am glad that we are enabled to know it. We are very glad that that information is now always available to us. I had the great privilege of the acquaintance, I might almost say of friendship, of Pandit Jawarhalal Nehru. On one of the occasions on which he came to Ceylon we discussed this question in Ceylon. This is what he told me—a point of view that must be taken into consideration. He said, “Mr. Bandaranaike, this is our point of view. If you don’t want these Indians here, we will be glad to take them back. What difference will seven or eight lakhs make in a country of four hundred million people? But if you feel that you must have them, if you feel that you cannot be without them, then it becomes a matter of honour with us that they should also be given the rights to which all other citizens are entitled.”

That is the point of view of Pandit Jawarhalal Nehru. I am saying that because there was some criticism against my own people. It is a point of view that deserves the utmost consideration. The difficulty has arisen in the past when some of our people wanted to have their cake as well as eat it—

Dr. Perera: That is the point of view.

The Hon. Mr. Bandaranaike:—when they wanted to have Indian labour—cheap, efficient, easily managed

[Hon. Mr. Bandaranaike.]
labour—to work their estates, but also were afraid of the results of granting citizenship rights to them. You cannot have your cake and eat it. We must on our side make up our minds that, if we do not require all or a certain proportion of them, we are prepared as men to face the difficulty that will arise from that situation. I told Pandit Jawarhalal Nehru when I was last in India that, as far as I am concerned, we would probably be prepared to face the issue.

From my point of view—I say from my personal point of view—these provisions go further than I would have liked personally. Though I support them in the interests of statesmanship and wisdom and in the interests of peace, I would have preferred the problem to be approached from another angle, that of deciding, not so much the claims to citizenship of these people, but the safe absorbable maximum in this country and giving them the rights and telling the others, “You came here to work, and if you choose to remain, we will give you the fullest amenities of labour in this country. If you want to go back, do so. We will even give you fair and just and, if necessary, generous terms. Go back.” Let them go back. Let us face the economic and other difficulties that arise in our country. I am perfectly sure that the people of this country are capable of working and managing the estates under suitable conditions of labour. That is what I would have liked. That is what Pandit Jawarhalal Nehru, when he came some years ago, mentioned to me.

Apart from that, the point we have to bear in mind finally is this: You talk of justice. Justice itself is very often, Mr. Speaker, like most things in this world, a relative term. It is not an absolute term; it is a relative term. If I may quote the Cavalier refrain:

“I could not love thee, dear, so well,
“Loved I not honour more.”

if I may adopt that saying, we want to be friendly with the great continent of India. There is so much we owe to India. There is so much we have to admire in India and look up to in India. We would be friends, but

friends on what terms? On the terms of a betrayal of our own people? Never, never, never, can friendship be based on a betrayal of our people.

In this imperfect world, as I said, most things are relative. We are prepared to give the Indian population of this country rights and privileges, fair play and justice, but within the limits of the safeguarding of our own fundamental interests, economic and otherwise, in this country. Within those bounds, justice. Justice outside those bounds will be a gross injustice to our own people. My hon. Friends pleaded for the Indians eloquently and vehemently. The hon. Member for Ruwanwella referred to the bleached bones that lie along the roads to these prosperous tea and rubber plantations, but he did not think once of casting some stray and errant thought at the situation of his own countrymen, the position that has arisen in the Kandyan provinces today, the millions of our people who are deprived of their lands—however that came about—living in a state of misery. Justice to them did not enter into his consideration.

This is the supremely important moment in our history where, even more than the attainment of freedom or independence, we have to decide an issue on which is dependent the entire future of this country.

Mr. Speaker, we are facing that issue. We are facing it with justice—as much justice as is conceivably possible. But, we are also facing it with determination. We are facing it with the determination to perform that duty that is entrusted to us by the majority of the people of this country so that future generations will have no cause to curse us as the hon. Member for Welimada said. He said they would curse the legislators of today. That is a duty which we will perform without fear or favour. That is a duty which we will perform, whatever be the public opinion of this country or of those elsewhere.

It is not a matter of annoying India as the hon. Member for Ruwanwella tamely put it. We do not want to annoy anyone. We value the friendship of all people, particularly, the friendship of the Indians. But we value still

more than that justice and fair play to our own people. That justice and fair play are embodied in this Bill.

Question, "That the Bill be now read a Second time", put, and agreed to.

The House divided (under Standing Order 48): Ayes, 53; Noes, 35.

Bill accordingly read a Second time.

Bill committed to a Committee of the Whole House. [*Hon. Mr. D. S. Senanayake.*]

Mr. Speaker: The Sitting is suspended till 2 P.M.

Sitting accordingly suspended until 2 p.m., and then resumed.

2.0 P.M.

Mr. Speaker: The House will now go into Committee to consider the Citizenship Bill.

Considered in Committee.

[*Mr. Speaker in the Chair.*]

Mr. Dahanayake: What is the procedure in regard to Amendments?

The Chairman: The hon. Member for Ruwanwella has sent in certain Amendments.

Dr. Perera: But that would not preclude others from moving Amendments.

The Chairman: Hon. Members can move any number of Amendments they like, but they must put them down in writing and send them to the Table.

CLAUSE 1.—(*Short title and date of Operation.*)

Clause 1 ordered to stand part of the Bill.

CLAUSE 2.—(*Status.*)

Dr. Perera: I have an Amendment to move. I move that the following new sub-clause (a) be inserted;

"(a) by right of birth as provided by this Act;"

This Amendment would necessitate the present sub-clauses (a) and (b) being altered to read (b) and (c).

The Chairman: You move that there should be a sub-clause to read "by right of birth"?

Dr. Perera: Yes; and another sub-clause to read: "By virtue of naturalization as provided by this Act."

The Chairman: I am afraid I cannot accept those Amendments. The whole principle of the Bill is whether citizenship rights should be by birth or by descent. The Second Reading of the Bill has been passed. Some hon. Members said that citizenship should be by birth, and other hon. Members said that it should be by descent. You cannot re-agitate that point again. The hon. Third Member for Colombo Central saw me in my office, and I told him the same thing. That Amendment goes to the root of the whole Bill.

Dr. Perera: That will not invalidate the Bill. You will not preclude Members from moving an Amendment so long as the Title is intact?

The Chairman: An Amendment which is repugnant to the principle of the Bill cannot be accepted.

Dr. Perera: What is the principle of the Bill?

The Chairman: Is it citizenship by descent or is it citizenship by registration?

An Amendment should not be inconsistent with the Bill as far as it has been agreed to by the House at its Second Reading. This Amendment is entirely inconsistent with the Bill. The hon. Member knows it as well as I do.

Dr. Perera: I will make a submission. The principle of the Bill, as I understand it, is the granting of citizenship rights—

The Chairman: In two ways.

The Hon. Mr. C. Suntharalingam (Minister of Commerce and Trade): Only two ways.

The Chairman: I do not think much discussion on that point is very necessary. The hon. Member knows it as much as I do.

Dr. Perera: Would you also delete new sub-clause (d) which I have submitted?

The Chairman: Only there is a restricted form of naturalization under Clause 12, under which the number to be granted citizenship rights is fixed at 25.

Dr. Perera: Therefore we will be in Order in providing for naturalization on a broader basis than that provided under Clause 12.

The Chairman: Both Amendments are not accepted.

Dr. Perera: My Amendment—

The Chairman: Does the hon. Member agree with me that his Amendment is inconsistent with the Bill that is passed just now?

Mr. Motha: In birth—

The Chairman: That is why this is inconsistent.

Mr. Motha: Mode of descent—

The Chairman: That is also another matter.

The Hon. Mr. D. S. Senanayake: My Friend voted against the Bill.

The Chairman: The whole argument was done in the Second Reading Debate.

Mr. Motha: We wanted it only on birth.

The Chairman: Hon. Members wanted birth to be the first consideration and the Government's reply was in the negative. They said that they were opposed to the consideration of birth. This is entirely inconsistent.

Mr. Motha: We said that the consideration should be birth as well as residence for those people in the country, and descent for those people who are outside.

The Chairman: You want to re-agitate the whole Question over again.

Mr. Motha: That is one more form of descent.

The Hon. Mr. Suntharalingam: That is birth.

The Chairman: I am afraid that the Amendment is out of Order.

Dr. Perera: Might I know whether that would not preclude us from moving an Amendment to clause 12?

The Hon. Mr. D. S. Senanayake: When we come to that, we shall see.

The Chairman: I shall see that when we come to that Clause.

Mr. Dahanayake: My Amendment is to insert a new Sub-clause which reads as follows:

" 2. (2) (c) On application made to the proper authority by a person not being other than a citizen whose labour has at any time been utilized by any person in Ceylon."

The Hon. Mr. Suntharalingam: I rise to a point or Order.

The Chairman: I must see the Amendment before I can say whether I can accept it or not.

Mr. Dahanayake: No mention is made in my Amendment of descent or birth.

The Chairman: Will the hon. Member allow me to read the Amendment so that I might see whether it is in Order?

It will be appropriate to move this Amendment under registration. When we come to that particular Clause, you can move it. I shall consider it later but that does not mean that I allow you to move it.

Mr. Motha: I sent in an Amendment to Clause 2 (3). I move, that in page 1, line 25, to insert after "context" the words "in this Act".

Mr. P. G. B. Keuneman (Third Colombo Central): What is the Amendment?

The Chairman: I am just trying to see what it is. I do not take it as an Amendment yet. The hon. Member's

suggestion is that the words "in this Act" be inserted after the word "context" in line 25.

Mr. Motha: The draft Bill provides—

The Chairman: The hon. Member wants line 25 to read as "In any context. . .".

Mr. Motha: As it is, it reads, "In any context in which a distinction is drawn according as that status is based on descent or registration, a citizen of Ceylon is referred to as 'citizen by descent' or 'citizen by registration'; and the status of such citizen is in the like context referred to as 'citizenship by descent' or 'citizenship by registration'".

This might mean that this distinction can be carried on to any other Act. We want the rights, privileges, duties and obligations of the citizens by descent and the citizens by registration to be assured. That is why I also move that the following words be added to make it clear: "That the powers and privileges. . .".

The Chairman: What are you reading from?

Mr. Motha: I sent you a copy of the Amendment.

The Chairman: The hon. Member wants the words "in this Act" inserted between the word "context" and the word "in" in line 25.

2.15 P.M.

The Hon. Mr. D. S. Senanayake: The words "hereinafter referred to as 'a citizen of Ceylon'" would make this Amendment unnecessary.

Dr. Perera: It must be confined to this Act only.

Mr. Motha: The words "in any context" in this Clause would mean that this would apply in the case of other Acts also.

The Hon. Mr. Suntharalingam: Quite so.

Mr. Motha: I was given to understand that that is not the intention.

the question of discrimination between a registered citizen and any other citizen.

The Hon. Mr. D. S. Senanayake: I will explain the position to you. As far as we are concerned, there are two methods of obtaining citizenship—by registration and by descent. In the case of registration, any benefits accruing to those people would continue not only in this Act but in all Acts that will follow.

Mr. Wilmot A. Perera (Matugama): Is there to be a distinction between those whose citizenship is granted by registration as against those whose citizenship is granted by descent?

The Hon. Mr. D. S. Senanayake: That is so. If there is any distinction, that distinction will go. We are not binding ourselves to anything. These are two classes of citizens, as I told you. This is only a description. We are not just now contemplating conferring any benefits by this. There are the two distinctions and that status will remain in all Bills.

Mr. Motha: We fully understand that, but does this Bill allow room for two distinctions and for discrimination as between citizens by descent and citizens by registration? Does this Bill give room for discrimination in the future?

The Hon. Mr. Suntharalingam: The Bill, as it is, postulates two classes of citizens: citizens by descent and citizens by registration. We must keep to that postulate.

The Hon. Mr. D. S. Senanayake: There are laws in existence now which discriminate between citizens by registration and citizens by descent. Take, for instance, the Land Bill where a person benefits because of the fact that his father was registered. There is that discrimination even today. That is a thing that we have to decide. We are not conferring any benefits, neither are we taking away any.

The Chairman: I am going to put the Amendment of the hon. Member for Maskeliya. The Amendment of the hon. Member for Kopai is to delete all the words after "Ceylon" in page 1, line 25, to the end of the Clause.

The Hon. Mr. Jayewardene: It will read nonsense.

The Chairman: It cannot be helped. If any hon. Members do not like it, they can vote against it.

Dr. Perera: What is the purpose of this?

The Hon. Mr. D. S. Senanayake: There is no purpose.

Mr. C. Yanniasingham (Kopai): I want the words "In any context" and the words following in that sub-clause deleted. My hon. Friend the Member for Maskeliya wants it confined to this Act alone. To remove any doubts, I am moving that the whole sentence be deleted so that there will be no difficulty if it is introduced in any subsequent Act.

Question, that the words "in this Act" be inserted after "context" in line 25, put.

The Committee divided (under Standing Order 48): Ayes, 30; Noes, 44.

The Chairman: The next Amendment is that of the hon. Member for Kopai.

Question, that the words—

"In any context in which a distinction is drawn according as that status is based on descent or registration, a citizen of Ceylon is referred to as 'citizen by descent' or 'citizen by registration'; and the status of such citizen is in the like context referred to as 'citizenship by descent' or 'citizenship by registration'."

proposed to be deleted, do stand part of the Clause, put, and agreed to.

Question, that the Clause stand part of the Bill, put, and agreed to.

Clause 2 ordered to stand part of the Bill.

Clause 3 ordered to stand part of the Bill.

CLAUSE 4.—(*Citizenship by descent in the case of persons born before the appointed date.*)

The Hon. Mr. D. S. Senanayake: There is a small Amendment that I wish to move in sub-clause (1). I move, in page 2, line 4, to leave out "descent—" and to substitute therefor "descent, if—".

The Chairman: You want the word "if" in sub-clause (1) (a) to go to the top?

The Hon. Mr. D. S. Senanayake: Yes.

Mr. G. G. Ponnambalam (Jaffna): Then you must delete "if" in (a) and (b).

Question, that the words proposed to be left out stand part of the Clause, put, and *negatived*.

The Hon. Mr. D. S. Senanayake: I move, in page 2, lines 5 and 6, to leave out "if".

Question, that the words proposed to be left out stand part of the Clause, put, and *negatived*.

Dr. Perera: I have an Amendment myself, and that is in page 2, line 5, to leave out "born in Ceylon" and to insert therefor "ordinarily resident in Ceylon". I move that Amendment and I would like to explain my reasons.

The Chairman: Surely no explanation is necessary as we are in Committee now.

The Hon. Mr. Jayewardene: Is not that against the principle of the Bill?

Dr. Perera: No. The whole purpose of this Amendment that I have proposed is to catch up those who are ordinarily resident in Ceylon.

Question, that the words proposed to be left out, stand part of the Clause, put.

The Committee divided (under Standing Order 48): Ayes, 43; Noes, 30.

Dr. Perera: I have another Amendment to propose. I move, in page 2, line 12, after "father" to insert "or mother".

The Hon. Mr. D. S. Senanayake: One thing I might say with regard to that is, since our nationality is derived from the father, there is the possibility if the mother is included, of dual nationality being claimed. We are opposing it.

Dr. Perera: That position obtains in the United States legislation.

The Hon. Mr. D. S. Senanayake: Never mind, but we will not have it here.

Dr. Perera: Why are you so unique?

The Hon. Mr. D. S. Senanayake: We want to be unique.

Mr. Dahanayake: The word "motherland" is used more often than the word "fatherland"!

Dr. Perera: Supposing a citizen of Ceylon, a woman, is married to an outsider. How can those children be given the same rights as the children of the male citizens?

The Hon. Mr. D. S. Senanayake: There is provision for that in Part III—Citizenship by registration. There an applicant could be a person whose mother is or was a citizen of Ceylon.

Mr. Motha: He wants it to be by descent and not by registration.

Dr. Perera: So far as I understand it, in the United States that distinction is not made.

Question, that those words be there inserted, put, and *negatived*.

2.30 P.M.

Mr. S. Thondaman (Nuwara Eliya): I want to move an Amendment in line 5—

The Chairman: I am sorry, I cannot go back to something which has already been passed. We have come to line 14.

Mr. Dahanayake: In line 5, I want to move an Amendment to delete the words, "was born" and substitute therefor the word "lived".

The Chairman: That has already been put to the House, and the House divided on it. The hon. Member forgets that I previously put this question to the House, that the words "born in Ceylon" do stand part of the Clause. That was accepted by the House, and I cannot put it for deletion now.

Dr. Perera: Sir, I move, in page 2, line 14, to leave out "and" and to insert "or".

The provision as it stands in the Bill requires a person to prove that his paternal grandfather as well as his paternal great grandfather were born in Ceylon. Surely it is enough to have proof only in respect of the grandfather. Does the Hon. Minister know that registration of births started only fifty or sixty years ago, and that this requirement would cast an unfair burden on—

The Hon. Mr. D. S. Senanayake: That is, if his father was not born here.

Dr. Perera: Surely, Sir, the Minister's position is sufficiently covered by accepting proof only in regard to the paternal grandfather? Here, you have to prove birth in Ceylon in regard to the paternal great grandfather also.

The Hon. Mr. D. S. Senanayake: Here we have provided for a contingency where, out of three generations, one has been absent from Ceylon; not for a case where two have been absent.

Dr. Perera: Now, take the people who have gone to Malaya. Let us say that the children are born in Malaya; then, they will have to prove, if their father was also born in Malaya, not only that their grandfather but also that their great grandfather was born in Ceylon. It is just as likely that the great grandfather was born here, but I am thinking of the difficulty of adducing proof.

The Chairman: What the hon. Member says is that the difficulty is in proving.

The Hon. Mr. D. S. Senanayake: As far as the people who go away from here are concerned, they are already safeguarded.

Mr. Ponnambalam: Might I explain this, Sir?

There are a large number of Tamils, normally recognized as citizens of Ceylon, who have for more than one generation been settled in Malaya. I think it is well known that even where the present generation, that is the father and the son, have both been born in Malaya, they come here periodically for their holidays, and also that they always marry among their people in Ceylon.

[Mr. Ponnambalam.]

Now in the case of the son, when he comes here permanently to settle down in Ceylon, the father not being born here, this sub-section requires proof of the birth of both his paternal grandfather and paternal great grandfather.

The Hon. Mr. D. S. Senanayake: That can be met—

Mr. Ponnambalam: I know the Hon. Prime Minister is thinking of the discretion vested in the appropriate Ministry to grant a certificate in cases of doubt or of difficulty, but, in point of fact, a person is inclined to the view that proof will be impossible in the case of a person who is domiciled here, in spite of his having property here and settled down here, or one who is settled down in Malaya, by his having to produce the legal content of this sub-section by proof of birth in respect of his grandfather and great grandfather.

The Hon. Mr. D. S. Senanayake: In fact, our purpose has been to safeguard the very interests of those in Malaya. What we have to be careful about is about those people who had left this country three generations ago and are now seeking citizenship. Supposing an Englishman was here sometime ago and went away; he cannot get citizenship under this Bill.

Dr. Perera: The Hon. Minister is taking an extreme case.

The Hon. Mr. D. S. Senanayake: We want to be satisfied in regard to certain conditions regarding three generations.

Mr. Ponnambalam: If I may interrupt the Hon. Prime Minister, let us take the case of somebody who was here three generations back—who had interests in Ceylon—and one of whose descendants is today seeking citizenship here. I am thinking of generations of people who have their roots here, who have their property here, and who have married in Ceylon but who, through some misfortune—I am not sure whether it is his fortune or misfortune—had been born outside Ceylon.

I fully appreciate the Hon. Prime Minister not wanting to grant citizenship rights to some off-shoot of a family

or families who were normally resident in Ceylon three generations back, who have no further interest in Ceylon.

If you reverse the process, you will find that it is merely a case where, if the paternal grandfather and paternal great grandfather had been born outside Ceylon, anybody seeking citizenship can be shut out.

Mr. Motha: What the Hon. Prime Minister is contemplating is absolute proof in regard to two generations. But, actually, the father or the grandfather might have died here. If one of them had come back and died here, a complete break in the two generations would not have taken place.

The Hon. Mr. D. S. Senanayake: This refers to people whose father was not born here. It is only in such a case that you want proof in respect of the grandfather and the great grandfather.

Mr. Motha: But both might have come back and died here.

Mr. Dahanayake: How can one prove that a paternal great grandfather was born in Ceylon because, very likely, he may have been born even before the advent of the British. In such a case are you going to ask the headman to find out the fact?

The Hon. Mr. D. S. Senanayake: If proof is difficult, there is provision in the Bill for the Minister to certify in case of doubt.

Mr. Wilmot A. Perera: This is very complicated.

The Hon. Mr. D. S. Senanayake: No, it is not complicated.

Mr. Dahanayake: Is the Minister expected to be a crystal-gazer? How will he decide? In the case of a big man, he will decide in his favour; but in the case of an ordinary man, he will decide against him.

The Hon. Mr. D. S. Senanayake: That is the usual practice followed by his people, not ours.

We are contemplating an alternative here. In one instance, if the father was born in Ceylon, it is all right. Secondly,

if his father was not born here, then the condition will be satisfied if his paternal grandfather and paternal great-grandfather were born here.

Question, that the word proposed to be left out stand part of the Clause, put.

The Committee divided (under Standing Order 48):

Ayes, 43; Noes, 32.

Question, that the Clause, as amended, stand part of the Bill, put, and agreed to.

Clause, as amended, order to stand part of the Bill.

CLAUSE 5.—(*Citizenship by descent in the case of persons born on or after the appointed date*).

Dr. Perera: I move, in page 2, line 19, after "father" to insert "or mother".

It is only in this case that provision has been made for a person born in Ceylon "on or after the appointed date". I want to provide for the case of children who will be able to claim citizenship through their female parents.

Question, that those words be there inserted, put, and *negatived*.

Mr. Vanniasingham: I move, in page 2, lines 19 and 20, to leave out "a citizen of" and to insert "ordinarily resident in".

The Chairman: You want the words "a citizen of Ceylon" deleted?

Mr. Vanniasingham: Yes, Sir. Might I explain the position? Yesterday the hon. Member for Bandarawela mentioned the case of a person, say "X", an Indian who is born in Ceylon, but who will not be a citizen of Ceylon because his father was not born in Ceylon. But his son, who is born before the appointed date, will be a citizen of Ceylon because his father, who is "X", was born in Ceylon.

Now take the case of another son of the same individual "X", who is born after the appointed date; he will not be a citizen of Ceylon because his father does not happen to be a citizen of Ceylon although born in Ceylon.

Therefore I am moving this Amendment to remove that anomaly where citizenship is conferred on the elder

brother because he happened to be born before the appointed date, but it is not conferred on the younger brother because he was born after the appointed date. To meet the latter case I move the Amendment to include a father who is "ordinarily resident in Ceylon".

2.45 P.M.

The Hon. Mr. D. S. Senanayake: We want the date fixed. After the father becomes a citizen of Ceylon, the younger son would come in.

Mr. Motha: The law actually will bring about this state of affairs. In the same family, the father will be a citizen of Ceylon, while the children will not become citizens, and will be completely barred from citizenship for generations. It is wrong in principle to provide that people living in this country should not become citizens of this country.

The Hon. Mr. D. S. Senanayake: In a family one brother may be a Ceylonese, while another brother may be an Indian!

Mr. Motha: That is a different matter. The case of a brother is different. I am referring to the children of the father who is a citizen—

The Hon. Mr. D. S. Senanayake: That is—

Mr. Motha: I am referring to a case where the father is already here.

Dr. Perera: How does the Minister get over that anomaly?

The Hon. Mr. D. S. Senanayake: The children take the nationality of the father. If the father becomes a Ceylonese, well then, all the sons come in as Ceylonese.

Dr. Perera: The father is ruled out.

The Hon. Mr. D. S. Senanayake: He can become a citizen by registration.

Mr. Dahanayake: He cannot become a citizen by registration. The illustration given was that of a father born in Ceylon, whose father was not born in

The Hon. Mr. D. S. Senanayake: You must draw a line somewhere. A person can become a citizen by right of descent up to a certain date. Those who come here after that date will not be eligible to become citizens by descent.

The Chairman: In other words, the Amendment means that a person born in Ceylon on or after the appointed date shall have the status of a citizen even if his father is not a citizen of Ceylon but is only ordinarily resident in Ceylon.

The Hon. Mr. Suntharalingam: If the father is born in Ceylon—

The Chairman: This Bill provides that for a person to be a citizen of Ceylon by descent his father must have been born in Ceylon. The Amendment seeks to provide that a person born in Ceylon can be a citizen of Ceylon if his father is ordinarily resident in Ceylon.

Mr. Ponnambalam: A father born in Ceylon has sons born before the appointed date. Those sons will all become citizens of Ceylon. This father may have another son born after the appointed date, and that son does not become a citizen of Ceylon by descent. If the Government objects to the words "normally resident in Ceylon", we will take the case of a father, born in Ceylon, who has a son born after the appointed date. That son should have the same status and rights—

The Hon. Mr. D. S. Senanayake: If the father takes Ceylonese nationality, if he becomes a citizen of Ceylon, he will get citizenship for all his children. If he does not take it—

Mr. Ponnambalam: The Prime Minister is—

Mr. Vanniasingham: I am willing to have the Amendment altered to read,—
"if the father was born in Ceylon—"

Dr. Perera: That is all right.

The Hon. Mr. D. S. Senanayake: We want a line of demarcation, a date—

Mr. Ponnambalam: Have it, but as between a child born one year before,

and a child born a few months after the appointed date—

The Hon. Mr. D. S. Senanayake: That is the demarcation in law. After a certain date, we are not going to have any citizens by—

Mr. K. V. Nadarajah (Bandarawela): May I make a suggestion—

Mr. A. Reginald Perera (Dehiowita): As a special case—

Mr. Nadarajah: May I make a suggestion to obviate the difficulty? There should be no discrimination as between two children, one born after and the other born before the appointed date. The difficulty could be met without any drastic amendment, merely by adding the word "or after" in line 2 of clause 4.

The Chairman: We have dealt with that clause. We cannot go back to it now.

Mr. Nadarajah: I submit that Amendment. I am asking for the permission of the House and your permission, to add these words, "or after" so that clause 4 would read,—

" . . . a person born in Ceylon before or after the appointed date".

The Chairman: We cannot go back to a clause that has already been passed.

Mr. Nadarajah: With the permission of the House—

The Hon. Mr. D. S. Senanayake: We have a fixed date, and there would be no anomalies if—

Mr. Vanniasingham: My Amendment would solve the trouble.

Mr. Nadarajah: By adding the words I suggested—

The Chairman: You want clause 4 (1) to read as follows:—

"Subject to the other provisions of this Part, a person born in Ceylon before or after the appointed date shall have the status of a citizen of Ceylon by descent—if at the time of birth his father was also born in Ceylon".

Mr. Nadarajah: Yes.

Mr. Vanniasingham: I suggested the insertion of the words,—

“(a) if his father is a citizen of Ceylon or was born in Ceylon.”

The Hon. Mr. D. S. Senanayake: According to the Amendment of the hon. Member for Bandarawela the father and son would have to be born at the same time!

The Chairman: If the father was born in Ceylon.

Mr. A. Reginald Perera: This raises some difficulties. We have had instances of twins being born within twelve hours of each other. Under this clause, one might become a citizen of Ceylon and the other—

The Chairman: The Government is not willing to accept the Amendment?

The Hon. Mr. D. S. Senanayake: No.

The Chairman: The Amendment proposed by the Hon. Member for Bandarawela is that Clause 4 (1) do read as follows:—

“(1) Subject to the other provisions of this Part, a person born in Ceylon before or after the appointed date shall have the status of a citizen of Ceylon by descent if at the time of his birth his father had also been born in Ceylon.”

Mr. Dahanayake: That reads nonsense.

Mr. Nadarajah: Omit the words “if at the time of birth”.

The Chairman: You want those words to be deleted?

Question, that the words, proposed to be left out stand part of the Clause, put, and agreed to.

The Chairman: Any other Amendment?

Mr. A. Reginald Perera: I referred to the case of the twins.

The Hon. Mr. D. S. Senanayake: I move, that in page 2, lines 28 and 29, to leave out “in country” and to insert “in the country”.

Question, that the words proposed to be left out stand part of the Clause, put, and *negatived*.

Question, that those words be there inserted, put, and agreed to.

Question, that the Clause, as amended, stand part of the Bill, put, and agreed to.

[Clause, as amended, ordered to stand part of the Bill.]

CLAUSE 6.—(*Certificate of citizenship of Ceylon by descent in case of doubt*).

Mr. Keuneman: I sent in an Amendment to this Clause. I want to delete the whole clause. I move to leave out the Clause and insert:

“Every person ordinarily resident in Ceylon and claiming Ceylon citizenship shall, until the contrary is proved by a person or persons objecting in the prescribed form, be deemed to have the status of a citizen of Ceylon.”

Clause 6 as it stands at present vests the discretion in the Minister, in case of dispute. This will stir up disputes. One of these points urged against this clause is that owing to the fact that official registration of births came into existence only in 1875, there would be great difficulty in a person proving the fact of birth in this country, especially in relation to the grandfather and great grandfather, and also, in the case of illiterate people, the birth of their fathers.

The purpose of my Amendment is to place the onus of proof on any person objecting, not on the person whose claim is objected to.

The Hon. Sir John Kotelawala (Minister of Transport and Works): The Government must object?

The Hon. Mr. D. S. Senanayake: That makes it impossible—

Question, that the Clause stand part of the Bill put:

The Chairman: The “Noes” have it.

The Hon. Mr. D. S. Senanayake: Divide!

Mr. Ponnambalam: I hope the defeat of this Amendment will not preclude the moving of verbal Amendments to some part of this Clause—

The Chairman: You should have sent in the Amendments in time.

Mr. Ponnambalam: I want to know whether the defeat of the Amendment of the hon. the Third Member for Colombo Central to delete the entire Clause, as it stands, will preclude material Amendments to the Clause as it stands.

The Chairman: It does.

Mr. Ponnambalam: In that case the hon. Member might withdraw his Amendment.

The Chairman: I have no other Amendments to this Clause before me. If I had any Amendments, I would have put them to the House—

Mr. Ponnambalam: Any question of alteration of the Clause—

The Chairman: No.

Question, that the Clause stand part of the Bill, put.

The House divided (under S. O. No. 48): Ayes, 45; Noes, 32.

Clause ordered to stand part of the Bill.

CLAUSE 7.—(*Foundlings.*)

Question that the Clause stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 8.—(*Provision against dual Citizenship.*)

Dr. Perera: There is an Amendment to Clause 8.

The Chairman: The Amendment is to delete the words, "in accordance with that law", and to substitute therefor the words, "in the manner hereinafter prescribed".

Dr. Perera: The reason for this Amendment is that it is very difficult for a person to find out what precisely is the law in the other country about renunciation of citizenship—

The Hon. Mr. D. S. Senanayake: What is your Amendment?

Dr. Perera: To leave out from "country" to end and to insert "in the manner hereinafter prescribed".

The section prescribing the method would follow as a consequential Amendment. That will provide for a person

to renounce any allegiance he owes to any other country. That ought to be sufficient for the purpose we have in mind. That is the provision found in every other country. In other countries you do not find a provision stating that the person concerned must find out for himself what the law is in the other country, and whether he has to carry out the provisions of the law in the other country in order to renounce citizenship of that country, that he has to find out how he is to renounce the citizenship of the other country.

This places an unfair burden on the person concerned. In point of fact, the other country may not have any provision in their law for renunciation of citizenship. We do not know. So far as the Prime Minister is concerned, all that he wants is to avoid dual citizenship. The moment a person renounces his citizenship of the other country, that position is assured for the Minister—

The Hon. Mr. D. S. Senanayake: Although I am a mere planter, the hon. Member must realize that I have some common sense. The mere renunciation of citizenship of another country, under the laws here, will not affect the law of that other country. Two countries are concerned in this affair. All that we say is that any citizen of Ceylon should not be a citizen of another country. We cannot pass a law which affects the law of another country.

Mr. Ponnambalam: I can understand the Prime Minister objecting to dual citizenship. This particular Clause seeks to make it impossible for anybody to have dual citizenship. There are certain countries—China for instance—where dual citizenship does not matter. So far as China is concerned, it does not matter to that country where a Chinese is born or of which country he is normally a citizen, he continues to be a citizen of China. He is always a Chinese citizen—

The Hon. Sir John Kotelawala: Once a Chinese always a Chinese!

Mr. Ponnambalam: Quite right! The Minister of Transport and Works always understands that.

That position makes it impossible, under similar circumstances, for a person in Ceylon, who genuinely desires to become a citizen of this country, and is prepared to take the oath of allegiance, to make himself a permanent inhabitant of the place, and become a citizen.

3.0 P.M.

If that is what is contemplated, an absurd position may arise. If tomorrow India passes a law that all people resident in Ceylon on such an such a date are considered Indian citizens, you will not be able to renounce your citizenship according to that law. You lose your citizenship in Ceylon under this Clause. It is a *reductio ad absurdum*; I do not say it happens.

The Hon. Mr. D. S. Senanayake: May I give a simple example? If some woman says "My husband is so-and-so", does that man become her husband?

Mr. Ponnambalam: I only wanted to reduce the thing to an absurdity. This goes beyond an absurdity!

Mr. S. J. V. Chelvanayakam: One should be able to renounce citizenship of another country according to that law. First of all, there may be no provision in the particular law for renouncing citizenship. Secondly, it may be difficult to find the law, the form of renunciation, and so on, and thirdly, it may be even more difficult to come and establish in Ceylon what the law of that country is and that one has renounced citizenship according to that law. It puts on a citizen an impossible task for him to discharge.

The Hon. Mr. D. S. Senanayake: We are going to fix citizenship on people who are undoubtedly citizens of Ceylon.

Question, that the words proposed to be left out stand part of the Clause, put, and agreed to.

Mr. Nadarajah: I move, in page 3, line 10, to leave out "that" and insert "Ceylon".

The Hon. Mr. D. S. Senanayake: That is absurd.

Question, that the word proposed to be left out stand part of the Clause, put, and agreed to.

Mr. Motha: I move, in page 3, line 10, to insert at the end "if any".

The Hon. Mr. D. S. Senanayake: Is it not the accepted law that any man who is a resident of a country is a citizen of that country? You do not want a written law. For instance, India has no citizenship law—

Mr. Motha: There must be a law for the purpose of renouncing citizenship.

The Hon. Mr. D. S. Senanayake: No citizen of any other country under any law—

Mr. Motha: If there is no law, how can you renounce citizenship?

The Hon. Mr. D. S. Senanayake:

"No person who is a citizen of any other country under any law".

What is the idea of saying "any law" again?

Mr. Motha: I am only referring to the law to provide for the renunciation of citizenship.

The Hon. Mr. D. S. Senanayake: What we are considering is this. If the law, as in the case of the Chinese law, makes it impossible for them to renounce citizenship, are we going to admit all the Chinamen here?

Mr. Motha: We can provide that he renounces it.

The Hon. Mr. D. S. Senanayake: How can he renounce it? It is impossible for him to renounce it.

Question, that those words be there inserted, put and *negatived*.

Question, that the Clause stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 9.—(Persons born out of wedlock).

Question, that the Clause stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the

Bill.

CLAUSE 10.—(*Posthumous persons*).

Question, that Clause 10 stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 11.—(*Persons entitled to registration as citizens*).

The Hon. Mr. D. S. Senanayake: I have an Amendment to Clause 11 part (a) sub-section (2). For sub-section (i), substitute (I) The (i) is a misprint.

The Chairman: Do you say that “i” within brackets should be “I”? Do you want a Roman I?

Mr. Subasinghe: “That the applicant is of full age . . .”. This “i” should have been “I”.

The Chairman: The “i” within brackets is “I”. You want a Roman one?

The Hon. Mr. D. S. Senanayake: Yes, otherwise we will have to move an Amendment.

The Chairman: Roman II and III also?

The Hon. Mr. D. S. Senanayake: Let them remain as they are.

The Chairman: The hon. Member for Ruwanwella has an Amendment. The Amendment is to delete the words “by descent” in lines 42 and 44 in page 3.

Dr. Perera: Before that I want to move an additional sub-clause (iv.) to sub-clause (b). There are three categories provided for under (b). I want to provide a fourth.

The Chairman: Sub-clause (d)?

Dr. Perera: No. Now there are sub-clauses (i), (ii), and (iii). I want to add a sub-clause (iv).

The Chairman: That will have to come after your first Amendment.

Dr. Perera: No. My Amendment is to sub-clause (1) (b), (i).

The Chairman: Yes—(b) (i) delete the words “by descent” in lines 42 and 44.

Dr. Perera: I move, in page 3, lines 42 and 44, to leave out “by descent”. A person could be a citizen of Ceylon either by way of descent or by registration. If you are a resident of Ceylon, you are a citizen. The hon. Minister made it clear to us that children born of mothers who are citizens even by registration, are also entitled to citizenship. When I moved that Amendment earlier, to include “or mother”, the Hon. Prime Minister took up the position that that was covered, but now apparently it is not.

The Hon. Mr. D. S. Senanayake: What is not covered?

The Chairman: What the hon. Member wants to say is that the “person whose mother is or was a citizen of Ceylon in any way, either by descent or registration if she had been alive on the appointed day—”

The Hon. Mr. D. S. Senanayake: According to Clause 7, a person becomes a citizen—

Dr. Perera: What really is the objection of the Hon. Prime Minister? In other words, there is a distinction made between people who are registered citizens and citizens by descent. Children of the two categories of people are to be treated quite differently.

The Hon. Mr. D. S. Senanayake: Yes, from the mother’s side.

Dr. Perera: I must say that we must consider ourselves a peculiar race—not to be contaminated in any way.

Mr. Dahanayake: I now ask for permission to move an Amendment under registration.

The Chairman: Where do you want to put this new clause?

Mr. Dahanayake: I want to put it under Clause 11, as sub-clause (1) (b) (iv).

The Chairman: We are still on sub-clause (i) of (1) (b).

Question, that the words proposed to be left out stand part of the Clause, put.

The Committee divided (under Standing Order 48): Ayes 44; Noes 32.

Dr. Perera: I have the next Amendment, namely, in page 4, line 4, leave out "seven" and insert "five". I want to make it five years. I do not know why they have chosen 7 years. It seems to be recognized by all countries that a period of 5 years is adequate for the purpose. Why this sudden decision to increase it to 7 and 10 years? A period of 5 years seems to be accepted throughout the world. I do not know why we should insist on 7 years.

The Hon. Mr. D. S. Senanayake: Even the Indians have agreed on 7 years. You want us to be more generous.

Dr. Perera: Why should we not be generous?

3.15 P.M.

The Chairman: The Amendment is that the word "seven" be deleted and "five" be submitted therefor. Does the Government accept that Amendment?

The Hon. Mr. D. S. Senanayake: No.

Question, that the word proposed to be left out stand part of the Clause, put, and agreed to.

Mr. Dahanayake: I want, as a consequential Amendment, to the Amendment to include New Sub-clause IV. the word "and" in line 24 to be deleted and "or" submitted. I have altered the wording of the new Sub-Clause IV. to suit the earlier wording. I have altered it to read:

"That the applicant has been a worker under any employer at any time in Ceylon".

I move, that in page 4, line 24, to leave out "and" and to insert "or".

The Hon. Sir J. Kotelawala: Are you a worker? What is the definition of worker?

Mr. Dahanayake: A non-idler.

The Hon. Mr. D. S. Senanayake: A talker.

The Chairman: I am putting the Amendment of the hon. Member for Galle first. That is to delete the word "and".

Dr. Perera: But I do think my Amendment should also be placed. Will you give me a chance of moving that?

The Chairman: Yes, after the Amendment of the hon. Member for Galle. That comes before the hon. Member's Amendment. The hon. Member does not mind, I suppose, the proposal to leave out the word "and" standing as an Amendment.

Dr. Perera: This is consequential, the word "and" will have to be left out and the word "or" will have to be inserted.

The Chairman: Both Amendments fall to the ground if it is decided that the word "and" should form part of the Clause.

Dr. Perera: Only in that Clause. I should any way like to place my Amendment officially.

The Chairman: The Amendment of the hon. Member for Galle is to leave out the word "and" in line 24 of page 4 and insert the word "or"—or (iv) has been a worker under any employer at any time in Ceylon".

Mr. Dahanayake: May I explain why I introduced that Amendment? In the past there have been no proper immigration laws in this country, and workers have been brought down, not because they wished to come here but because employers wanted the service of such workers. We know how those employers for long periods exploited these workers. The very nature of their work, and the pay they received compelled them to adopt this country as their motherland. It is not fair that the employer and the Government should now combine to throw out the workers from whose sweat the Government and the employer have earned millions of rupees.

The Chairman: The Amendment of the hon. Member for Ruwanwella is also to delete the word "and" and to insert the word "or" in line 24 and to insert immediately after that a new sub-clause (iv) which would read as follows:

"is a person who is ordinarily resident in Ceylon for at least 5 years and has declared his intention to be a permanent resident of Ceylon".

The Hon. Mr. D. S. Senanayake: When the word "and" is deleted, the whole sub-clause is knocked out.

Dr. Perera: I would like to deal with the position taken up by the Hon. Minister of Finance. You will remember that in the Debate on the Second Reading of this Bill he twitted me for having——

The Hon. Mr. Jayewardene: It is not relevant now.

Dr. Perera: Do not get worried. Why are you so anxious to stop me?

The Hon. Mr. Jayewardene: We cannot carry on a Second Reading Debate now.

Dr. Perera: The only position I explained on that occasion was that we supported five years as a qualification. That same position is being maintained by us and there is absolutely no inconsistency in the position.

The Hon. Mr. E. A. Nugawela (Minister of Education): This is a personal explanation.

Dr. Perera: It is an explanation of a political attitude we have taken up right through consistently. I explained the position because the Hon. Minister raised the question.

The Hon. Mr. Jayewardene: Thank you.

Question, that the word proposed to be left out stand part of the Clause, put.

The Committee divided (under Standing Order 48): Ayes, 45; Noes, 30.

Dr. Perera: There is an Amendment to sub-clause (2).

The Chairman: That is in line 40.

Dr. Perera: Yes. I move in page 4, line 40, to leave out from "such application" to end of line 42. This is a provision that we cannot possibly accept.

The Hon. Mr. D. S. Senanayake: This exists in all countries. But the hon. Member does not want it in Ceylon.

Dr. Perera: I am very glad the Hon. Minister is taking up this attitude. When it suits him he says "it exists in other countries". But when certain provisions in Bills of other countries do not suit him, he is not prepared to accept them.

The Hon. Mr. D. S. Senanayake: That depends on how our minds work. If it is to our advantage, the hon. Member wants the provision deleted; but when a provision is to our disadvantage he wants it inserted. That shows that our minds are working in different ways.

Dr. Perera: I am quite prepared to concede and accept the position existing in all other countries. If the other Amendments are accepted by the Hon. Prime Minister, we would have been prepared to accept the Bill.

Now this is a provision which gives power to the Hon. Minister in order to discriminate against individuals on political grounds. That is why I object to it.

The Hon. Mr. Goonesinha: That is a presumption.

Dr. Perera: What is meant by "public policy"? The Hon. Minister might contemplate any person whose political opinion is against his.

The Hon. Mr. D. S. Senanayake: It may be.

Dr. Perera: That is precisely the point. We object to the opportunity given to the Hon. Minister to carry on political persecution under this guise and deprive people of their rights of citizenship on this ground "of public policy".

Mr. A. Reginald Perera: And the Hon. Minister of Transport and Works may be the Minister of External Affairs.

The Hon. Mr. D. S. Senanayake: My hon. Friend is saying that this provision is meant for people who throw up their nationality and become nationals of Russia or Germany. Under those circumstances, when they want to come back we want to see why they gave up their nationality and what their activities were in those countries.

Dr. Perera: This is a provision which gives power to disallow, not allow.

The Hon. Mr. D. S. Senanayake: Yes.

Dr. Perera: The only ground on which you will disallow a person registration is on grounds of political dissent.

The Hon. Mr. D. S. Senanayake: If you have given up this country and joined Russia—

Dr. Perera: Why, even on that ground is it fair?

The Hon. Mr. D. S. Senanayake: It may appeal to the hon. Members when they get hold of the Government. They can allow such a thing. But when we are in charge of the Government, we will not allow it.

Dr. Perera: If the Hon. Prime Minister professes democracy, the right of each individual should remain intact.

The Hon. Mr. D. S. Senanayake: Democracy means the rule of the majority.

Dr. Perera: Democracy means the rule of a majority, but not complete suppression of the minority—

The Hon. Mr. Jayewardene: This does not apply to the normal case of citizenship but of registration. It applies to a case where a man has gone to another country, become a citizen there and wants to come back.

Dr. Perera: Why should he not be allowed to come?

The Hon. Mr. Jayewardene: For reasons which are detrimental to the State of Ceylon.

The Hon. Mr. C. Sittampalam (Minister of Posts and Telecommunication, and Industries, Industrial Research and Fisheries): He may come back as a spy. The same country may send him back as a spy.

Dr. Perera: There are other provisions to deal with such a case.

Question, that the words proposed to be left out stand part of the Clause, put, and agreed to.

Mr. L. Rajapaksa (Hambantota): I have an Amendment under sub-clause 3.

The Hon. Mr. D. S. Senanayake: Can I move my Amendment now?

The Chairman: We are still on Clause 11.

The Hon. Mr. D. S. Senanayake: We have finished it.

The Chairman: The hon. Member for Hambantota wants the whole of sub-clause 3 deleted.

Mr. L. Rajapakse: There should be an appeal to the Supreme Court when the Hon. Minister refuses an application for registration.

The Hon. Mr. D. S. Senanayake: This is on a political question.

Mr. J. C. T. Kotalawela: May I know why the Hon. Minister is frightened to permit the decision of a Minister being canvassed in a competent court of law?

The Hon. Mr. D. S. Senanayake: For purposes of public policy we even exclude lepers. After all, if there is going to be something harmful to the country we take steps to exclude that on grounds of public policy, whether it be a leper or a prostitute.

The Hon. Sir J. Kotelawala: Political lepers also?

The Hon. Mr. D. S. Senanayake: Yes.

Mr. Keuneman: The Hon. Minister realizes that this does not refer to politicians only. Any person applying for registration can be refused such application by the Hon. Prime Minister, and

[Mr. Keuneman.]

that person has no means of getting redress if such a thing is done. Therefore, it is only correct that even under capitalism there should be the normal appeal to a court of law. That redress should be there.

The Hon. Mr. D. S. Senanayake:

This is in the case of a person who has given up his citizenship of this country.

Mr. Keuneman: It does not apply to such a person only.

The Hon. Mr. Jayewardene: Why not?

Mr. D. B. R. Gunawardena (Kotte):

The House will remember the case of a person whom the Governor wanted to deport.

Dr. Perera: I move the next Amendment in page 4, line 45, to leave out from "Ceylon" and to insert:

"shall be subject to his or her right to an enquiry under this section".

I am asking for provision in accordance with what exists in England. Hon. Members will find that in section 20 there is provision for right of inquiry.

The Hon. Mr. D. S. Senanayake:

By whom? The Supreme Court?

Dr. Perera: The inquiry is as follows:

a person applies in the prescribed form for an inquiry to the Secretary of State if he is aggrieved. Then the Secretary of State—in our case it is the Minister of Defence and External Affairs—refers the case to a Committee of Inquiry consisting of a Chairman—he being a person of judicial experience appointed by the Secretary of State—and of such other members appointed by the Secretary of State as he thinks proper. So that, it will be seen a fair chance is given to the person concerned to have his case heard. The Hon. Minister now takes up the position that he has the right to decide on public policy. If a person is aggrieved, if a certain wrong has been done to him, why should he not be given a chance? The Minister, unless he is a man of judicial experience, might accept either any serious disagreement—

The Hon. Sir J. Kotelawala: This is too small a country for this.

Dr. Perera: A person wants a chance. Why not give him that chance?

Mr. Cholmondeley Goonewardene (Kalutara): In supporting the Amendment of the hon. Member for Hambantota, I wish to state that we are dealing with a case where a Minister is entitled to perform—

The Chairman: Is the hon. Member speaking to the Amendment?

Mr. Cholmondeley Goonewardene: Yes.

The Chairman: The hon. Member for Hambantota has explained his position.

Mr. Cholmondeley Goonewardene: This is a case where the Minister is entitled to perform an administrative act, and that should be subject to a review by a court of law.

The Hon. Sir J. Kotelawala: Where does it say so?

Mr. Cholmondeley Goonewardene: A court is an institution which you yourself help to constitute.

The Hon. Sir J. Kotelawala: That is in the Kalutara courts.

Mr. Cholmondeley Goonewardene: This violates one of the fundamental principles—

3.30 P.M.

Mr. Chelvanayakam: May I speak a few words, Sir? In respect of these matters, the fundamental principle in a democratic form of government is, wherever possible, to allow for a judicial inquiry against administrative acts. It is on that basis that they have framed the English Act. In spite of the fact that they have Ministers acting with centuries of experience behind them, yet they provide some sort of judicial inquiry before depriving a person of his status of citizenship. What is the use of imitating Russia and adopting Russian methods and depriving people of democratic rights?

Question, that the words proposed to be left out stand part of the Clause, put, and agreed to.

Question that the Clause stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 12.—(*Registration as citizens, of persons to whom section 11 does not apply*).

Dr. Perera: I move, in page 5, line 7, to leave out “distinguished” and insert “useful”.

The Hon. Mr. D. S. Senanayake: I am inclined to think that the word “useful” would narrow the scope of this Clause. A distinguished person can also be a useful person. But, on the other hand, a useful person may not be a distinguished person.

Mr. Dahanayake: A person can distinguish himself in a most useless task.

The Hon. Mr. D. S. Senanayake: As I have said, this Amendment will only narrow the scope—

Dr. Perera: No, Sir, that is not so. I shall explain. Our conception of the definition of the word “distinguished” is more narrow than that of the word “useful”. The word “useful” would mean any person who had performed a useful service. Why should not a person who has performed a useful service be considered a distinguished person?

Question, that the word proposed to be left out stand part of the Clause, put, and agreed to.

The Hon. Mr. D. S. Senanayake: I move, in page 5, line 14, to leave out “Aliance” and insert “Aliens”.

This is a typographical error, and we want it corrected.

The Chairman: Punctuations and other small minor Amendments can be attended to at the Table.

Question, that the word proposed to be left out stand part of the Clause, put, and *negatived*.

Question, that that word be there inserted, put, and agreed to.

Dr. Perera: I move, in page 5, to leave out all words in lines 21 to 23.

I do not know why this cryptic number “twenty-five” has been chosen.

The Hon. Mr. D. S. Senanayake: Most distinguished persons.

Dr. Perera: Now, Sir, he has already narrowed the scope of the Clause by using the word “distinguished”. Now he says “most distinguished”. That is why I want the whole of that sub-clause deleted.

Mr. Dahanayake: Is the Hon. Prime Minister going to have a priority list and offer this concession to twenty-five persons per year? Then, by the time it comes to the twenty-fifth man, he would be dead and gone. I really cannot understand this magical number “twenty-five.”

Question, that the words proposed to be left out stand part of the Clause, put, and agreed to.

Question, that the Clause, as amended, stand part of the Bill, put, and agreed to.

Clause, as amended, ordered to stand part of the Bill.

CLAUSE 13.—(*Minor children of persons registered as citizens of Ceylon*).

The Hon. Mr. D. S. Senanayake: I move, in page 5, line 30, to insert after “application” the words “or by subsequent letter”.

Question, that those words be there inserted, put, and agreed to.

The Hon. Mr. D. S. Senanayake: I move, in page 5, line 33, to leave out from “made” to “under” in line 34 and insert “by an applicant”.

Question, that the words proposed to be left out stand part of the Clause, put, and *negatived*.

Question, that those words be there inserted, put, and agreed to.

Question, that the Clause, as amended, stand part of the Bill, put, and agreed to.

Clause, as amended, ordered to stand part of the Bill.

CLAUSE 14.—(*Persons who are not to be granted citizenship by registration*).

Mr. Motha: I move, in page 5, line 44, to leave out from “country” to end.

Question, that the words proposed to be left out stand part of the Clause, put, and agreed to.

Question, that the Clause stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 15.—(*Register*).

Question, that the Clause stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 16.—(*Certificates of registration*).

Question, that the Clause stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 17.—(*Effects of certificates of registration*).

The Hon. Mr. D. S. Senanayake: I move, to leave out the Clause and insert:

“17. (1) A British subject to whom a certificate of registration as a citizen of Ceylon is granted shall, on subscribing the prescribed oath or affirmation of citizenship, have the status of a citizen of Ceylon by registration as from the date of that certificate.

(2) An alien to whom a certificate of registration as a citizen of Ceylon is granted shall, on subscribing the prescribed oath or affirmation of allegiance and the prescribed oath or affirmation of citizenship, have the status of a citizen of Ceylon by registration as from the date of that certificate.

(3) A minor child whose name is included in a certificate of registration as a citizen of Ceylon shall have the status of a citizen of Ceylon by registration as from the date of that certificate”.

As it stands, minor children are expected to take oaths.

3.45 P.M.

Mr. Motha: In the first place, the term “British subject” is inappropriate. That is going out of use now.

The Hon. Mr. D. S. Senanayake: But still it is there.

The Hon. Sir J. Kotelawala: What is the hon. Member for Maskeliya?

Mr. Motha: I am not a British subject.

Question, that the Clause stand part of the Bill, put, and *negatived*.

Question that those words be there inserted, put, and agreed to.

Clause, as amended, ordered to stand part of the Bill.

CLAUSE 18.—(*Renunciation of Citizenship of Ceylon*).

Question, that the Clause stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 19.—(*Becoming a citizen of any other country*).

The Hon. Mr. Bandaranaike: It is a formal thing, Sir.

The Chairman: The hon. Member for Hakmana (Mr. Kumarasiri) has an Amendment to it.

Mr. P. Kumarasiri (Hakmana): That question has already been discussed under Clause 8.

The Chairman: Then does the hon. Member withdraw it?

Mr. Kumarasiri: Yes.

Question, that the Clause stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 20.—(*Failure to declare retention of citizenship of Ceylon*).

The Hon. Mr. D. S. Senanayake: There is an Amendment. I move in page 7 to leave out all words in lines 1 to 14 and to insert:

“(1) A person who, under sub-section (2) of section 5, is a citizen by descent and whose father is or was a citizen by registration shall, on attaining the age of twenty-one years, cease to be a citizen of Ceylon, unless, before the expiry of one year after attaining that age, he transmits to the Minister a declaration of retention of citizenship of Ceylon in the prescribed manner.”

Question, that the words proposed to be left out stand part of the Clause, put, and *negatived*.

Question, that those words be there inserted, put, and agreed to.

Question, that the Clause, as amended, stand part of the Bill, put, and agreed to.

Clause, as amended, ordered to stand part of the Bill.

CLAUSE 21.—(*Residence outside Ceylon for five consecutive years*).

The Hon. Mr. D. S. Senanayake: I move, in page 7, line 37, to leave out from "holiday or" to "or" in line 38 and to insert "for reasons of health".

Question, that the words proposed to be left out stand part of the Clause, put, and *negatived*.

Question, that those words be there inserted, put, and agreed to.

The Hon. Mr. D. S. Senanayake: I move, in page 7, line 42, after "citizen" to insert "of Ceylon".

Question, that those words be there inserted, put, and agreed to.

Question, that the Clause, as amended, stand part of the Bill, put, and agreed to.

Clause, as amended, ordered to stand part of the Bill.

CLAUSE 22.—(*Conviction by court of certain offences*).

The Hon. Mr. D. S. Senanayake: I move, in page 8, to leave out all words in lines 5 to 8 and to insert:

"(b) of any of the offences against the State specified in Chapter VI. of the Penal Code, for which a sentence of rigorous imprisonment may be imposed."

Mr. H. D. Abeygoonewardane (Matara): I move, that the whole of Clause 22 be deleted.

The Chairman: Have you sent that Amendment in?

Mr. Abeygoonewardane: Yes, I have.

The Hon. Mr. Bandaranaike: There is no need of an Amendment; you have only got to vote against the Clause.

The Chairman: Yes, you can vote against it.

Dr. Perera: I have an Amendment for deleting sub-Clause (b).

I move, in page 8 to leave out all words in lines 5 to 7.

I can understand the provision in (a) for offences against this Act, but the provision in (b) I do not understand. If a person is a citizen, why show this distinction between a citizen by descent and a citizen by registration? Why should any disability be imposed on any citizen by registration? Whatever offence he may commit, he is a citizen of Ceylon, and as such, he should be dealt with under the common law of the land.

The Hon. Mr. Sittampalam: Nobody can take away our citizenship of Ceylon.

Dr. Perera: The Hon. Minister is not aware of the famous case of William Joyce. Was he not a citizen of England?

The Hon. Mr. Bandaranaike: Lord Haw—Haw!

Dr. Perera: He waged war. Then what was the position?

The Hon. Mr. D. S. Senanayake: He was convicted and hanged.

Dr. Perera: This is a provision which apparently does not obtain anywhere else. A citizen, once he is given the status of citizen, continues to be a member of the society in which he lives, in whatever form that citizenship has been given to him, whether by registration or by descent. Suppose a citizen by naturalization—

The Hon. Mr. D. S. Senanayake: There is no citizenship by naturalization; it is only by descent or registration.

Dr. Perera: What about the provisions made about naturalization? What about the 25 persons provided for?

The Hon. Mr. D. S. Senanayake: That is by registration.

Dr. Colvin R. de Silva: It may be dealt with in a somewhat more judicial and judicious way. You will see that according to the principle of this Bill, dual citizenship is sought to be avoided. Now, therefore, there is provision in this Bill when a person becomes a citizen in this country by registration that he shall forgo any other citizenship that he possesses—

The Chairman: We passed that.

Dr. Colvin R. de Silva (Wellawatta-Galkissa) The point is that out of this arises a most intolerable anomaly, for in order to acquire citizenship by registration under this Bill, you cause a person to forgo any other citizenship that he has. Then having made him solely and singularly a citizen of this country, you then subject him to certain disabilities and say in certain circumstances other than that which go to the root of his acquiring citizenship, which is the meaning of sub-clause (a), that you can deprive him of the citizenship, that is, that he shall be a person who is stateless on this planet. Now that is a matter which even in terms of the principle of this Bill, I submit, is both intolerable and injudicious, and should therefore by an Amendment be excepted by even a Government so impervious to argument as this.

The Hon. Mr. D. S. Senanayake: As far as we are concerned, this Clause is there. A person who wants to become a citizen of Ceylon has got to make up his mind, on the principle, "When in Rome, do as the Romans do." They have to behave according to the conditions laid down. They cannot come here and wage war or help others to wage war against the country.

Dr. Perera: But you have accepted him as a citizen.

The Hon. Mr. D. S. Senanayake: On those conditions. On no other condition are we willing to grant citizenship rights.

Mr. Dahanayake: If he commits any offence, there are other punishments prescribed under the law.

The Hon. Mr. Jayewardene: May I just read out the provision in the British Act?

Dr. Colvin R. de Silva: That does not cover the situation, because the basic principle of the British Act is different from this. This kind of scissors-and-paste legislation precisely leads to this kind of anomalous situation. The point there is that duality of citizenship, and so on, is not forgone; there is no insistence on it as a condition precedent. So for the Hon. Minister of Finance merely to read out a passage from a Bill proceeding on a different principle, is not an argument against a matter which arises from the

unique principle of which the Hon. Leader of the House with sham indignation earlier boasted.

The Chairman: I will put the Amendment of the hon. Member for Ruwanwella. Both he and the Hon. Prime Minister are seeking to delete sub-clause (b) as it stands.

Question, that words proposed to be left out stand part of the Clause, put, and *negatived*.

Question, that those words proposed by the Prime Minister be there inserted, put.

The Committee divided (under Standing Order No. 48): Ayes 50; Noes, 31.

The Chairman: There is another Amendment to Clause 22. It is an Amendment by the hon. Member for Matara who wants the whole Clause deleted.

Question, that Clause 22, as amended, be deleted, put, and *negatived*.

Question, that Clause 22, as amended, stand part of the Bill, put, and agreed to.

Clause, as amended, ordered to stand part of the Bill.

CLAUSE 23.—(Offences).

Question, that the Clause stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 24.—(Fees).

Question, that Clause 24 stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 25.—(Regulations).

Question, that Clause 25 stand part of the Bill, put, and agreed to.

Clause ordered to stand part of the Bill.

CLAUSE 26.—(Interpretation).

The Hon. Mr. D. S. Senanayake: I move, in page 8, after line 35, to insert:

" 'appropriate embassy or consulate' means the office of an Ambassador or of a consular officer in the service of the Government of the United Kingdom at which a register of births is kept;

'British Subject' has the same meaning as in the law of the United Kingdom;"

Question, that those words be there inserted, put, and agreed to.

The Hon. Mr. D. S. Senanayake: I move, in page 9 to leave out all words in lines 3 to 9.

Question, that the words proposed to be left out stand part of the Clause, put, and *negatived*.

The Hon. Mr. D. S. Senanayake: I move, in page 9, line 10, to leave out "purpose" and to insert "purposes".

Question, that the word proposed to be left out stand part of the Clause, put, and *negatived*.

Question, that the word be there inserted, put, and agreed to.

Question, that the Clause, as amended, stand part of the Bill, put, and agreed to.

Clause, as amended, ordered to stand part of the Bill.

CLAUSE 27.—(*Repeal (Cap. 243.)*)

Question, that the Clause stand part of the Bill, put, and agreed to.

Clause 27 ordered to stand part of the Bill.

Enacting Clause and Title ordered to stand part of the Bill.

Bill reported, with Amendments.

The Hon. Mr. D. S. Senanayake: I move, "That the Bill, as amended, be now read the Third time."

Question put, and agreed to.

Bill, as amended, accordingly read the Third time and passed.

BUSINESS OF THE HOUSE

4.03 P.M.

The Hon. Mr. D. S. Senanayake: I am wondering whether hon. Members would like to go on with the Second Reading of the Immigrants and Emigrants Bill. There are some formal

Motions. What I want to suggest is that the Second Reading of this Bill might be taken up on Tuesday and the formal Motions today.

The Hon. Mr. Bandaranaike: Yes, Sir, there are some formal Motions which may be taken up now.

Dr. Perera: What are these formal Motions?

Mr. Speaker: There are some Supplementary Estimates on the Order Paper.

Dr. Colvin R. de Silva: The first one is for Rs. 924,436.

Mr. Speaker: Yes, that is one, and there are also a few more. May I take them up?

The Hon. Mr. Bandaranaike: Yes. If a controversial matter arises, it might be held up.

MISCELLANEOUS SERVICES: LOSS ON INVESTMENTS

4.06 P.M.

The Hon. Mr. Jayewardene: I move,

"That a supplementary sum not exceeding Rupees Nine hundred and twenty-four thousand four hundred and thirty-six (Rs. 924,436) be payable out of the Consolidated Fund for the service of the financial year beginning on October 1, 1947, and ending on September 30, 1948, and that the said sum may be expended as specified in the Schedule hereto:—

Schedule.

Head 36, Miscellaneous Services.

Vote No. 3, Miscellaneous Services—
Rs. 924,436."

This sum represents two figures; a sum of Rs. 300,000 which is a loss on sale, redemption, and so on, of some of our securities abroad. We found that in 1946-47 the sale of some of our securities brought in a profit. Later on, the sale of these securities resulted in a loss which exceeded the profits we made earlier. I am only referring to

[Hon. Mr. Jayewardene.]
the Rs. 300,000. Up to June 30, 1947, the loss on the sale of our securities amounted to Rs. 206,901.95. We have included another sum of Rs. 93,098.05 making Rs. 300,000, so that we might meet any probable loss in the future.

The other sum of Rs. 624,436 is a sum that arises as a result of the annual valuation of our investments. We find that on September 30, 1947, by a valuation of our investments, we have been increasing the loss owing to the depreciation of our rupee asset in India. The two sums added together make up the Supplementary Estimate for which I am seeking the sanction of the House. Ordinarily, these losses are debited to the Miscellaneous Service of the Crown. If there is a loss, it is debited; and if there is a profit, it is credited to Miscellaneous Services and the procedure has been to come and ask the House for the money by way of a Supplementary Estimate so that the Minister may be able to replace what was paid out. This is a formal Motion.

Question put, and agreed to.

PARBOILING FACILITIES AT RICE MILLS

4.08 P.M.

The Hon. Mr. Suntharalingam: I move,

"That a supplementary sum not exceeding Rupees Sixty three thousand seven hundred and forty-eight (Rs. 63,748) be payable by way of advance out of the Consolidated Fund for the service of the financial year beginning on October 1, 1947, and ending on September 30, 1948, and that the said sum may be expended as specified in the Schedule hereto:—

Schedule.

Head: Part IV.—Loan Fund Expenditure.

New Item: Provision of additional parboiling facilities at Rice Mills, Rs. 63,748."

Dr. Perera: What is this vote for?

The Hon. Mr. Suntharalingam: It is to provide concrete surfaces in order to dry parboiled rice.

Question put, and agreed to.

DEPARTMENT OF ELECTIONS: SALARIES, &c.

4.09 P.M.

The Hon. Mr. Bandaranaike: I move,

"That a supplementary sum not exceeding Rupees Ten (Token Vote) (Rs. 10) be payable out of the Consolidated Fund for the service of the financial year beginning on October 1, 1947, and ending on September 30, 1948, and that the said sum may be expended as specified in the Schedule hereto:—

Schedule.

Head 93: Commissioner of Elections (Local Bodies).

Vote No. 1: Salaries and other expenses of the Department of Elections (Local Bodies) Rs. 10 (Token Vote)."

This sum of money is required to pay certain additional officers who have been appointed to this Department to cope with the work of the extra number of elections which are to take place under the Ordinance. It is a token vote because money is available. No new money is wanted.

Question put, and agreed to.

KAGAMA CHANNEL EXTENSION, KALAWEWA SCHEME, N.-C.P.

4.11 P.M.

The Hon. Mr. Dudley Senanayake: I move,

"That a supplementary sum not exceeding Rupees One hundred thousand (Rs. 100,000) be payable by way of advance out of the Consolidated Fund for the service of the financial year beginning on October 1, 1947, and ending on September 30, 1948, and that the said sum may be expended as specified in the Schedule hereto:—

Schedule.

Head: Part IV.—Loan Fund Expenditure.
Item 31: Kagama Channel Extension, Kalawewa Scheme, N.-C.P., Rs. 100,000."

Dr. Perera: For what is the money required?

The Hon. Mr. Dudley Senanayake: This money is required owing to the rapid progress of the land development programme. More land is being developed and this money is necessary for the building of channels to supply water.

Dr. Perera: Are the channels being extended?

The Hon. Mr. Dudley Senanayake: They are field channels.

Question put, and agreed to.

EXPORT DUTY ON DESICCATED COCONUT

The following item stood upon the Order Paper:

7. The Minister of Finance, Export Duty on Desiccated Coconut (Customs Ordinance), That this House resolves, under section 9 of the Customs Ordinance (Chapter 185) as modified by the Proclamation published in *Gazette Extraordinary* No. 9,773 of September 24, 1947, that—

(1) with effect from the date on which this resolution is notified in the *Gazette*, export duty on desiccated coconut shall be levied and paid at the rate of twenty rupees for every unit of one hundred pounds of desiccated coconut or any outstanding part of such unit, in lieu of the export duty leviable and payable on desiccated coconut at the date of this resolution; and

(2) nothing contained in this resolution shall affect any export duty leviable and payable on desiccated coconut under any written law other than the Customs Ordinance.

Dr. Colvin R. de Silva: With regard to this item, we ask that it be put by.

The Hon. Mr. Dudley Senanayake: It is a non-controversial Motion.

Dr. Perera: That is what you think!

The Hon. Mr. Bandaranaike: We will take it up next week.

Mr. Dahanayake: Shall we take up Item 10, "Reinstatement of strikers without any punishment"?

The Hon. Mr. Bandaranaike: No, then we must deal with the other items first. We will take up item 10 later.

ADJOURNMENT

Motion made, and Question proposed, "That this House do now adjourn"—
[*Hon. Mr. Bandaranaike.*]

4.13 P.M.

Dr. Perera: I want to draw the attention of the Hon. Minister of Health to the precarious position with regard to

typhoid fever prevalent in the country. The other day the Colombo Municipal Council drew attention to this matter, and, through the Colombo Municipality we have drawn the attention of the Hon. Minister to this matter I would ask him to take early steps to set about mass inoculation, because, particularly after visits of people who have come from Kataragama, we do not know how far there is contamination here. To the best of my knowledge there are already about 50 or 60 cases, and I would like the Hon. Minister to take steps for mass inoculation against typhoid fever.

While I am on this subject, might I also ask the Hon. Prime Minister a question? The other day when we raised a question about the use of the Katunayake Air Base—

Mr. Speaker: I am afraid I cannot allow that question to be asked. There is a Motion on the Order Paper and there is also a question on the Order Paper. The Motion is in the name of the hon. Third Member for Colombo Central, and the question in the name of some other hon. Member.

4.15 P.M.

Mr. Cholmondeley Goonewardene: I want to address a very important question to the Parliamentary Secretary to the Hon. Minister of Home Affairs. I understand that a co-operative society which has been set up at Kalutara for the purpose of establishing a distillery and which has been registered by the Registrar of Co-operative Societies has made a tender to Government for the supply of arrack for the next five years. I also understand that eight or nine arrack distillery owners, who today have a monopoly in the manufacture of arrack in this country, have vehemently protested to the Government against the acceptance of this tender.

As it is the declared policy of this Government to encourage co-operative development and the formation of co-operative undertakings, I would like to know whether this Government is prepared to accept the tender of that co-operative distillery in spite of, and in the face of, the opposition of vested interests in the arrack industry.

The Hon. Mr. Bandaranaike: I know the position about typhoid. I am obliged to my hon. Friend for drawing my attention to it. All steps are being taken that are necessary for mass inoculation.

Gate Mudaliyar Kariapper: The tenders are being looked into by a tender

board in the Home Ministry, and the matter is under investigation by them.

Question put, and agreed to.

Adjourned accordingly at 4.17 P.M. until 2 P.M. on Tuesday, August 24, 1948, pursuant to the Resolution of the House

this Day.

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Deputy Speaker and Chairman of Committees—Mr. R. A. DE MEL (*Colombo South*)

Deputy Chairman of Committees—Mr. J. A. MARTENSZ (*Appointed Member*)

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Amarasuriya, Mr. H. W. (*Baddegama*)
Attygalle, C. E. (*Ratnapura*)

Banda, M. D. (*Maturata*)
Bandaranaike, The Hon. Mr. S. W. R. D. (*Attanagalla*)
Buddhasara, P. L. (*Polonnaruwa*)
Bulankulame Dissawa, P. B. (*Anuradhapura*)

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Dasanaiké, Ivan T. (*Wariyapola*)
de Silva, Dr. Colvin R. (*Wellawatta-Galkissa*)
de Silva, G. R. (*Colombo North*)
de Silva, P. H. W. (*First Ambalangoda-Balapitiya*)
de Zoysa, G. A. W. (*Second Ambalangoda-Balapitiya*)

Ebrahim, Mudaliyar M. M. (*Pottuvil*)
Ethirmannasingham, S. U. (*Paddiruppu*)

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Fernando, W. Leo (*Buttala*)

Goonesekera, D. S. (*Udugama*)
Goonesinha, The Hon. Mr. A. E. (*First Colombo Central*)
Goonewardene, Cholmondeley (*Kalutara*)
Griffith, F. H. (*Appointed Member*)
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Ismail, H. S. (*Puttalam*)

Jayah, The Hon. Mr. T. B. (*Second Colombo Central*)
Jayasooriya, A. P. (*Horana*)
Jayasuriya, Mudaliyar D. P. (*Ja-ela*)
Jayewardene, The Hon. Mr. J. R. (*Kelaniya*)
Jayewickreme, Major Montague (*Weligama*)

Kanagaratnam, K. (*Vaddukkoddai*)
Kariapper, Gate Mudaliyar M. S. (*Kalmunai*)
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Rambukwelle Dissawa, H. B. (*Minipe*)
Ratnayaka, V. G. W. (*Deniyaya*)
Ratnayake, The Hon. Mr. A. (*Wattegama*)
Ratwatte, H. L. (*Mawanella*)

Senanayake, The Hon. Mr. D. S. (*Mirigama*)
Senanayake, The Hon. Mr. Dudley (*Dedigama*)
Senanayake, Mrs. Florence (*Kiriella*)
Senanayake, M. (*Medawachchiya*)
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Velupillay, C. V. (*Talawakele*)

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