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Tuesday

24th August, 1948

PARLIAMENTARY DEBATES

(HANSARD)

HOUSE OF REPRESENTATIVES

OFFICIAL REPORT

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IMMIGRANTS AND EMIGRANTS BILL

SECOND READING DEBATE

Motion—[Hon. Mr. D. S. Senanayake.]

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HOUSE OF REPRESENTATIVES

Tuesday, 24th August, 1948.

The House met at 2 p.m., MR. SPEAKER [THE HON. MR. A. F. MOLAMURE] in the Chair.

PAPERS PRESENTED

Regulations under Sections 94 and 95 of the Crown Lands Ordinance, No. 8 of 1947. [*Bulankulame Dissawa.*]

Ordered to lie upon the Table.

ORAL ANSWERS TO QUESTIONS

Reserved Railway Compartments for Buddhist Priests and Fourth Class Compartments

1. **Mr. de Zoysa:** Will the Minister of Transport and Works consider having (a) Reserved Railway compartments for Buddhist Priests, (b) Fourth-class compartments for poor labourers?

The Hon. Sir John Kotelawala (Minister of Transport and Works): (a) Compartments are reserved for the exclusive use of Buddhist priests, when application is made. Station Masters are authorized to arrange for this privilege: (b) Agricultural labourers and colonists are allowed concession rates on third-class tickets. A fourth class of accommodation does not therefore appear necessary. My policy is to reduce the number of classes than to increase it.

Mr. Dahanayake: Will the Hon. Minister consider the desirability of abolishing classes in the Ceylon Government Railway?

The Hon. Sir J. Kotelawala: That does not arise from my Answer.

Cold Storage Plant for Balapitiya

2. **Mr. de Zoysa:** Will the Minister of Posts and Telecommunication, and Industries, Industrial Research and Fisheries please state whether he would have a cold storage plant installed in Balapitiya for the benefit of the fishing industry?

The Hon. Mr. C. Sittampalam (Minister of Posts and Telecommunication, and Industries, Industrial Research and

Fisheries): No. Most of the fish landed at Balapitiya is despatched by train the same day.

Planting of Fruit-Trees and Flower Plants on Railway Platforms

3. **Mr. de Zoysa:** Will the Minister of Transport and Works please state: (a) Whether fruit-trees and flower-plants are being planted on the Railway platforms as in the past? (b) If not, why?

The Hon. Sir J. Kotelawala: (a) Yes. Prizes are offered by the Railway management for the best stations and station gardens; (b) Does not arise.

Private Land taken over for the Giritale Farm

4. **Mr. Bauddhasara:** Will the Minister of Agriculture and Lands please state: (a) Whether he is aware that over 85 acres of land belonging to the villagers of Katukeliyawa and Giritale, for which land tax is being paid since 1928 and more than half cleared, out of which 10 acres are ready for asweddumizing, have been taken over by the Government Farm at Giritale? (b) Whether he is aware that the Land Department intends taking these lands with the promise of giving land under the colonization schemes in spite of protests by the villagers? (c) What action he proposes to take?

P. B. Bulankulame Dissawa (Parliamentary Secretary to the Minister of Agriculture and Lands): (a) and (b) The Ministry of Agriculture and Lands is not aware of any transaction of this nature; (c) The Government Agent, North-Central Province, is being requested to report whether private land has been taken over and further action will be taken on receipt of his report.

Acquisition of the Walawwatte Site for Panadura Hospital

5. **Mr. M. H. Peiris:** Will the Minister of Health and Local Government please state: (a) Why there is delay in acquiring the 'Walawwatte Site' for the new Hospital at Panadura? (b) By when does he expect the acquisition to be completed?

The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Health and Local Government and Leader of the House): Application has already been made for the acquisition of the site. Further action in regard to the acquisition has been stayed for the time being on certain representations made by the owners against the acquisition. The representations are under consideration; (b) In view of the above situation it will not be possible to say exactly when that acquisition will be completed.

LEAVE OF ABSENCE: MR. CHOLMONDELEY GOONEWARDENE

Mr. J. C. T. Kotalawela (Second Badulla): I move,

"That Mr. Cholmondeley Goonewardene, Member for Kalutara, be granted leave under section 24 (1) (e) of the Ceylon (Constitution) Order in Council, 1946, to be absent from the Sittings of the House for a period of four months from Tuesday, 24th August, 1948."

He is at present in hospital.

Mr. L. Rajapaksa (Hambantota): I second the Motion.

Question put, and agreed to.

IMMIGRANTS AND EMIGRANTS BILL

Order for Second Reading read.

2.05 P.M.

The Hon. Mr. D. S. Senanayake (Prime Minister): I beg to move,
"That the Bill be now read a Second time".

At the moment there is hardly any law existing in Ceylon to control immigration. Only people affected by infectious diseases like leprosy, and undesirable criminals and others, could be prevented from coming here. The object of this Bill is to make Regulations for the purpose of controlling immigrants.

Mr. P. G. B. Keuneman (Third Colombo Central): We cannot hear.

The Hon. Mr. D. S. Senanayake: Most of the provisions of this Bill enable Regulations to be made, and those Regulations will be placed before the House for acceptance before they become law. This Bill is introduced to enable Government to make Regulations for the control of immigrants into Ceylon and emigrants from here.

With regard to Part I. of the Bill, you will find that the Minister is empowered to exempt certain persons from the provisions of this Bill, namely members of His Majesty's Naval, Military or Air Forces, and certain others. Clause 2 sets out the persons who will be exempt from the operation of this Bill.

Part II. of the Bill deals with administrative arrangements. Clauses 3 to 7 deal with these matters.

Part III. of the Bill prescribes the ports through which any person who wants to enter Ceylon could come. An aerodrome is also considered to be a port in connection with the entry into Ceylon of any person other than a citizen of Ceylon. Clause 10 makes it necessary for a person to have a valid passport before he can be allowed to enter Ceylon.

At present permanent residents of India and Pakistan do not require passports to enter this Island. The ports for approved entry or departure of persons will be Colombo and Talaimannar with the possible addition of Trincomalee and Galle.

Clause 11, 12 and 13 prohibit the entry of certain classes of people. These include destitute persons, persons suffering from dangerous contagious diseases, persons convicted of serious offences, stowaways and generally persons who are a threat to the peace and good order of the Island.

Clause 14 deals with the issue of passports, permits and *visas* to people coming in.

This is a formal Bill, and I do not think I need take much of the time of this House.

2.10 P.M.

Dr. N. M. Perera (Ruwanwella): I wish I could be as optimistic as the Hon. Prime Minister that the Bill is as harmless and innocuous as he intended or wanted to show us. May I at the outset sympathize with the Hon. Prime Minister on the condition of his throat? Apparently the rebellion of Puran Appu and Gongalgoda Banda seems to have been too much for the Hon. Minister.

However, the opposition to this Bill, at least from this side of the House, clearly follows from the opposition to the first Bill. In the previous Bill we created or compartmentalized the people

of this country into two sections—people who will be citizens by descent and citizens by registration. Now you are carrying that a step further, and we shall have what may be called residents with temporary permits and residents with permanent permits or permits for permanent residence. These two specific categories are being created under these two Bills, and that is why we object to this Bill.

Let us see what this Bill intends to do. What does it purport to do? It treats all citizens in one way and those who are non-citizens in another way. There is one additional restriction with regard to citizens, and that is, we shall not be able to get out of this country without a passport hereafter.

The Hon. Mr. Bandaranaike: That is always the case.

Dr. Perera: Hitherto at least we could go to India without a passport. Now we will have this obnoxious system imposed upon us whenever we leave this country. This passport system is a comparatively modern institution or practice. I think it really arose after the first Great War.

The Hon. Mr. Bandaranaike: Before that.

Dr. Perera: In the present form it arose after the first Great War. And it has been tightened and tightened ever since then, and today it has become a veritable nuisance. Anyhow that is not the point I am really making. It is the category of non-citizens I am really concerned with.

The Hon. Mr. Bandaranaike: Non-citizens resident here?

Dr. Perera: There is one curious provision under Clause 36 (g), and I hope to draw attention to it in the Committee stage. That is in connection with the demand for security precedent to the issue or renewal of passports.

The Hon. Mr. D. S. Senanayake: That is the usual thing.

Dr. Perera: Even from citizens of this country?

Clause 36 (g) reads thus:

"the furnishing, as a condition precedent to the issue or renewal of such passports to persons to whom this Part applies and who are Citizens of Ceylon, of security for the repayment to the Government of any expenses that may be incurred by the Government in connection with the repatriation of such persons. . . ."

This provision can very well be used to prevent an individual from getting out by making that demand for security very exorbitant. The particular clause is sufficiently wide to prevent any individual from getting out of this country by insisting on such a heavy security that he would not be able to get a passport. The Hon. Prime Minister is not going to be the person who is going to enforce these Regulations. His subordinates will do that.

The Hon. Mr. D. S. Senanayake: It is the usual thing in every country to get the person to come back.

Dr. Perera: In the Budget you will find money passed for the repatriation of individuals. Why this additional restriction? Anyhow, we shall discuss that when we come to the Committee stage.

I am really concerned with the non-citizens. Apparently under this Bill, non-citizens are going to be classified into two categories. There is nothing in this Bill to indicate their precise policy with regard to those people who have been resident here for 30 or 40 years. There are some people who have been born here, who have been ordinarily resident here, and who want to continue to be resident here. There is no indication that this Bill will entitle them to be permanent residents on permits. That is my one main complaint against this Bill. If the Hon. Minister can give us some indication of how these permanent resident permits are going to be applied in the case of those people, then we shall be in a position to know exactly where we stand. But the Hon. Prime Minister, in introducing the Bill, just brushed aside all these questions and tried to make out that this Bill is thoroughly harmless and straightforward, as he phrased it.

In point of fact, Sir, under this Bill people who have been resident here for a large number of years will, when, say, going to India on a pilgrimage, find

[Dr. Perera.]

themselves confronted with the possibility of having granted to them only a temporary permit, which might mean that that permit will have to be renewed thereafter every six months.

The Hon. Mr. D. S. Senanayake:

At present there is no limit regarding temporary permits.

Dr. Perera: It may be anything above six months. It may be even six months.

Mr. S. Thondaman (Nuwara Eliya): Five years.

Dr. Perera: The period of validity of that permit may be anything from six months upwards.

Mr. G. R. Motha (Maskeliya): Up to two years.

Dr. Perera: I consider that position thoroughly unsatisfactory.

Is it the policy of this Government to treat these people as the "great unwanted", people who have no rights here even after having been resident here for generations, after being born here, just because they have the misfortune of not being treated as citizens of this country? Such people will be compelled under this Bill to have their permits renewed, say, every year or every two years. But the important fact is that they will be treated as temporary residents although up to this date they may have been even born here and been normally resident here for a large number of years, and might be wanting to continue to be residents here.

What is more, under Part VI.,—I shall have to advert to that presently—it is possible for the Hon. Minister to turn out any such person under a deportation order entirely at his own discretion. Now, a Bill which embodies such far-reaching provisions cannot be treated as entirely harmless.

The position that my Party the Lanka Sama Samaja Party, has taken has been a consistent one. We have demanded that all persons who have been resident here for five years and over should be treated as residents of this country, and be given the right of being treated as citizens of this country.

There is nothing inconsistent in the position that we have held, Sir, although the Hon. Minister of Finance tried to make out on the last occasion that there has been something sinister about the attitude we have adopted, or that we have changed our position with regard to the Indian question.

The Hon. Mr. D. S. Senanayake:

The hon. Member is trying to reply to the last Debate.

Dr. Perera: I am only referring to it by the way.—[*Interruption.*]—No doubt the Hon. Minister of Finance finds it very inconvenient, Sir.

All that I need point out on this occasion is this, that so far as we are concerned, we have been consistently demanding this, and that is the position to which we still adhere, that five years' residence should be ample, as in all other countries, to treat any person as a normal resident of this country—

The Hon. Mr. Bandaranaike: What you mean is. as a citizen of this country.

Dr. Perera: Yes, that he should be granted naturalization rights. That is the point I raised during the previous Debate. I am not canvassing that now, but even on this question of permits, I say it is only human justice that we should treat those people, who have been here for at least five years, as normal residents of this country.

The Hon. Mr. Bandaranaike: In what way are they not treated as residents?

Dr. Perera: They are not treated as normal residents of this country—I shall have occasion to prove it if necessary, a little later. But might I refer hon. Members to Part VI. of this Bill. That Part makes it possible for any one of these people to be deported for no specified reason whatsoever except that the Minister might, according to his judgment, treat it as a matter of public interest to do so.

There are other Clauses of this Bill which give wider powers to the Hon. Minister with regard to these residents who are holding temporary permits, or even permits of permanent residence. I will advert to that in a moment.

I know the Hon. Leader of the House takes up the question, when we present this case of treating all those who have been here for five years and more, of the absorbable capacity of Ceylon in relation to those who have been resident here. Now, Sir, it is worth looking into that particular proposition of the Hon. Leader of the House. If that proposition means anything at all, it means one of two things, that is, that when we consider the whole eight lakhs of people——

Mr. Speaker: Are we not going back to the last Debate?

Dr. Perera: I am only concerned with the question of immigration.

Mr. Speaker: You should be concerned only with the question of immigration, but when you concern yourself with the matter of five years' residence, it means that we are going back to the last Debate.

Dr. Perera: Does this not follow——

Mr. Speaker: You must accept the position that So-and-so is a citizen today under the last Bill. This Bill deals with the people from there.

Dr. Perera: Part VI is the most important Part of this Bill. It deals with persons other than citizens of Ceylon, who may have been resident here for a number of years. If they want to go back to India, say, to pay a visit, their position may be that they will be treated as immigrants under this Bill and be completely shut out.

The Hon. Mr. Bandaranaike: This Bill really follows on the other provisions.

Dr. Perera: Naturally, Sir, these two Bills hang together; one follows from the other; but it is possible under this Bill——

Mr. Speaker: One deals with the citizens of Ceylon, and the other mainly with those who are not.

Dr. Perera:—even if the Government is not prepared to grant them citizenship rights, to grant them permits of permanent residence in this country; that is to say, they will be minus citizenship rights.

In point of fact, what will happen to those people, under this Bill, who choose to reside here and not go out? Certainly they will not be citizens, but they will continue to remain as permanent residents. The question of granting permits arises only if these people decide to leave this country——

The Hon. Mr. D. S. Senanayake: Or if they indulge in activities which are——

Dr. Perera: Precisely, as the Hon. Prime Minister says, if they indulge in activities the Government does not like.

The Hon. Mr. D. S. Senanayake: Not activities which we do not like.

Dr. Perera: Trade union activities will be considered revolutionary by this Government. That will be sufficient excuse for them not only to break the unions, not only to prevent strikes, but also completely to abolish any strikes in the estate areas. No wonder, the hon. Gentlemen behind were quite anxious to see no discrimination in the previous Bill because this Bill safeguards their position in the future. No further strikes will be permitted by this Government, no trade unions will be permitted in the estate areas as a result of this Bill. This Bill is for the purpose of breaking all union activities and strikes which are legitimate weapons——

The Hon. Mr. A. E. Goonesinha (Minister without Portfolio): Absolute misrepresentation!

Dr. Perera: Well, either the Hon. Minister without Portfolio has never read this Bill, or he has not understood it if he has read it.

The Hon. Mr. Goonesinha: Only you understand it.

Mr. Speaker: Order!

Dr. Perera: As I was pointing out, it follows from the position of the Government in regard to the absorbable capacity of Ceylon. I am not going deep into that question, but it is necessary to point out that none of the fears that the Hon. Leader of the House has are valid fears. Taking up that attitude

[Dr. Perera.]

means that we fear that we cannot assimilate eight lakhs of people; that this section of the population is so vigorous, so overwhelming, so powerful and so strong, that instead of our assimilating them, actually the Indians will assimilate the Ceylonese. That seems to be the argument in regard to this absorbable capacity. It is only necessary to study the problem in that way to see how ridiculous the proposition is, the prospect of eight lakhs of people, of whom about three lakhs are children, assimilating the rest of the population of six millions. This position, even on the face of it, is ridiculous.

Then the other possibility is that as a result of these eight lakhs being here, there will be serious over-population. That is the only other possibility.

Mr. Speaker: I am afraid the hon. Member is again going back to the previous Debate. He has to reply to the speech made by the Hon. Prime Minister. If he goes back, as the hon. Member knows, he will be out of Order.

Dr. Perera: I shall go back only in so far as the last Bill refers to the whole question of immigration.

Mr. Speaker: I do not wish the hon. Member—

The Hon. Mr. Goonesinha: The hon. Member has no right—

Mr. Speaker: Order! I will have no interruptions. This Bill deals with the problems of immigration.

Dr. Perera: I know, Sir—

Mr. Speaker: If the hon. Member will only refer to it in passing, I do not mind, but he has now—

Dr. Perera: No, Sir, I am not going to spend more than a couple of minutes on it at the most.

Mr. Speaker: I think he has already spent more than a couple of minutes.

Dr. Perera: I only wanted to refer to the idea that by absorbing these people, there would be too much unemployment and over-population.

Let us accept that position for a moment. What has this Government done? I can appreciate it if this Government, or most of the Members of it, which has been in the saddle for the past eleven years, had taken up a consistent policy and said, "We will restrict immigration in future." That would have been a valid position. But what did they do?

In point of fact, in 1937, when I introduced a Motion for restricting assisted immigration, these people were the very people who opposed that Motion and supported the further immigration of Indians into this country.

The Hon. Mr. Goonesinha: True.

Dr. Perera: Yes, true. I must, however, say that, in fairness to them, there were only two people who opposed them and supported my Motion for the restriction of immigration. They were the present Hon. Minister without Portfolio and the Hon. Minister of Food and Co-operative Undertakings.

The Hon. Mr. Bandaranaike: Tell us the facts. We never opposed a Motion for restricting immigration.

Dr. Perera: This is the Motion, Sir; that:

"In the opinion of this House any further influx of assisted Indian immigrants is not in the best interests of this country, and therefore this House requests the Honourable Minister of Labour, Industry and Commerce not to grant any recruiting licences under any conditions whatsoever." [OFFICIAL REPORT, September 3, 1937, Vol. II., C. 2364.]

The question involved was the recruitment of 20,000 labourers into this country.

On that occasion, the present Hon. Minister of Agriculture and Lands—I am sorry he is not here; he was a great protagonist of the idea that we must have more labour—said that there was a considerable scarcity of labour to work the rubber and tea estates, and therefore it was necessary to import labour.

But, Sir, much more interesting was the position taken up by the Minister of Transport and Works on that occasion. He took up the position that we do not want any Ceylonese—in point of fact he used the word "Sinhalese"—to go and work on any estate; that

Sinhalese should not do "cooly" work, and that therefore we must have more immigrants to meet the demands of the estates. That was the position taken up by the present Minister of Transport and Works on that occasion.

The answer to that, a very interesting one, came from the present Leader of the House. This is what he said:

"After listening to the remarks of the Minister of Communications and Works—" now the Minister of Transport and Works,—

"—I feel inclined to say, 'Save me from my followers'".

That is a reference to the fact that the then Minister of Communications and Works was at that time a member of the Sinhala Maha Sabha.

The present Leader of the House continued in this strain:

"I have not sufficient time to devote to the political education of my hon. Friend (the Minister of Communications and Works)".

It looks as if both the Leader of the House and the Minister of Transport and Works are in need of political education from this side of the House—

The Hon. Mr. Bandaranaike: We live in hope!

The Hon. Mr. D. S. Senanayake: Could not this "political education" be undertaken on some other occasion?

Dr. Perera: The Leader of the House continued to say on that occasion, in reference to the present Minister of Transport and Works:

"I do hope that eventually some sound ideas might be knocked into his head."

But, Sir, the most important statement made by the Leader of the House was—

Mr. Speaker: That has nothing to do with this Debate.

The Hon. Mr. J. R. Jayewardene (Minister of Finance): That was before the war.

Dr. Perera: The question of the restriction of immigration arises—

The Hon. Mr. A. Ratnayake (Minister of Food and Co-operative Undertakings): There has been a world war since then.

Mr. Speaker: The reflections of the Leader of the House on the Minister of Transport and Works, and the reference to his political education, are not relevant to this Debate.

The Hon. Sir J. Kotelawala: They are quoted out of the text.

Dr. Perera: We want to educate him with regard to the employment of Ceylonese labour on estates.

I want to refer to the most important point in the speech of the Leader of the House on that occasion. The position taken up by him was that immigration was necessary—

The Hon. Mr. Bandaranaike: In a specific case, under special circumstances.

Dr. Perera: That is a convenient attitude to adopt at this stage.

The position of the Leader of the House then was this. I am quoting from page 2383 of HANSARD—

The Hon. Mr. A. Ratnayake: Date?

Dr. Perera: 1937.

He said on that occasion:

" Whether we happen to belong to the capitalist class or to the socialist class, we all realize the value of these particular industries to the welfare of our country. If that position exists, that any labour required should be made available at once, I do not think there is any course open to us but to supply that labour immediately." [OFFICIAL REPORT, September 3, 1937, Vol. II., p. 2883.]

On that basis, he justified the importation of more Indian labour—

The Hon. Mr. Bandaranaike: To meet purely *ad hoc* needs that could not otherwise be met at the moment.

The Hon. Mr. A. Ratnayake: Only some 20,000 labourers!

Dr. Perera: I am not trying to score a mere debating point. Whatever the reason for their action or for the views they held then, the fact remains that the Ministers—the present Leader of the House and some of his present colleagues—then thought it desirable to import more Indian labour.

[Dr. Perera.]

The question then arises, if you needed labour, and you got that labour down for your needs, in order to meet your essential requirements, is it fair, is it just, is it human justice, now to turn round and tell these people, "No, you will be given only certain limited rights; you will not be treated as human beings entitled to human rights. You will be given temporary permits, or permits to reside here for a number of years"?

This Bill provides for such discrimination, and that is why I am opposed to this Bill—

The Hon. Mr. A. Ratnayake: That is the law all over the world.

Dr. Perera: Whatever their intentions, or whatever the actual provisions in this Bill, discrimination will follow from the provisions of this Bill, in the case of a large number of people.

If it is the position of the Ministers that they do not want immigrant labour, then by all means let them restrict immigration. Our Party has treated this question of immigration purely as an economic issue. If from time to time the economic situation of this country demands or necessitates certain restrictions on immigration, we are quite prepared to consider those restrictions, on the economic merits of the case.

That is the position we took up in 1939, and that is the position we are taking up today. It is not for the Ministers, having consented to immigration, for one reason or another, now to come here and ask us to approve this Bill.

When the Leader of the House, as Minister in charge of the Salt Department, wanted labour for the Palatupana salterns, what did he do? Instead of increasing the rates of wages in order to attract local labour to the salterns, he preferred to import, or engage, Indian labour. Having done that, it is not for the Minister now to turn round and tell these people, "You will have no rights. We brought you here, it is true, but we shall treat you as discarded lumber, to be thrown on the scrap heap after we have used you."

That is not fair, that is not human justice. I am asking the Ministers to adopt a much more decent attitude, a more humane attitude than that, on this question. Human beings must be treated as human beings, whatever their race.

We are not prepared to accede to any restriction of immigration on racial grounds—

The Hon. Mr. A. Ratnayake: What about justice to our nationals?

Dr. Perera: By all means let us be just to our nationals. But that does not mean that we must be unjust to the others whom you have brought here for your own benefit or for the benefit of my hon. Friends [the Appointed Members] seated at the back—

The Hon. Sir J. Kotelawala: They came under contract.

Dr. Perera: There is no doubt that this Bill is directed mainly against the workers, and definitely against the workers in the plantation areas.

There is another reason why we oppose this Bill. Under Part VI., this Bill places enormous powers in the hands of the Prime Minister, the power to deport people as he likes, when he likes and how he likes. It will make no difference whether these people have permits for temporary or permanent residence. That will make no difference whatsoever to the liability to be deported.

Look at Clause 31 (1) (b):

"Where that person has been convicted in Ceylon or in any other country and has not received a free pardon in respect of an offence—"

Mark you, the offence is not specified: it may be that the man was merely fined, it may have been a case of criminal trespass—

An Hon. Member: Or a motoring offence.

Dr. Perera: Yes.

A large number of these estate labourers have been put out of the estates under the law relating to criminal trespass, and a conviction for "criminal trespass" will be sufficient in the eyes

of the Minister to justify the deportation of that labourer under this Clause—

Mr. Speaker: The Clause says, “in respect of an offence for which a sentence of imprisonment has been passed.—”

Dr. Perera: For criminal trespass sentences of imprisonment have been imposed in Ceylon—one week, two weeks—

Mr. Motha: Three months.

Dr. Perera: Suppose there is a strike on an estate. Suppose there is a trade union on the estate. Hon. Members who have had anything to do with these trade unions will know how harshly Estate Superintendents are today dismissing workers at every turn. The workers are powerless, the trade unions are powerless, to stand up against the Estate Superintendents. They will continue that method of dismissing workers, perhaps at an increased pace, because they will know that these trade unions would become weak as a result of this Bill becoming law.

Any person taking a leading part in a strike on an estate can be bundled out under this Clause. It is not necessary that a person should be convicted of an offence for him to be bundled out, because Clause 31 (1) (d) states:

“(d) Where the Minister deems it to be conducive to the public interest to make a deportation Order against that person.”

The Minister can make the deportation Order, whatever the reason. And who is to provide the proof? Singularly enough, Clause 47 lays the onus of proof as to whether a person is a citizen or not on the person concerned, to that extent nullifying the provision of the Evidence Ordinance.

Mr. Speaker, justice to the Ceylonese can be ensured without inflicting injustice on any other section of the population of this country. The Leader of the House waxed eloquent on the question of justice to the people of this country. That, Sir, sounds strange and come ill from the lips of Ministers who, only the other day, refused to grant a legal eight-hour day to the workers of Ceylon.

We on this side of the House have been accused of being unjust to our own people, when, as a matter of fact, both in this House as well as in the last State Council, we have been fighting for better wages and living conditions for the workers of Ceylon. We are accused of being unjust to our people! I am sorry that that charge should have been made against hon. Members on this side of the House, who have been consistently fighting for the working class and the peasantry of this Island.

We want justice to be done to all the people of this country, not merely to one section. In point of fact, we know that injustice done to one section always leads to the perpetration of injustice on the rest of the population, particularly the working classes and the peasants. We know, for instance, that the Leader of the House some years ago disfranchised a large number of Sinhalese workers resident on estate because he wanted to disfranchise Indian estate workers and prevent them from participating in local Government elections

The Hon. Mr. Bandaranaike: A minute fraction of Ceylonese workers were affected.

Dr. Perera: No, Sir, thousands of Sinhalese workers have lost their right to vote in local government elections because the Ministers wanted to disfranchise the Indians resident on estates in the matter of local government elections.

That is how injustice starts, and it goes on, gathering momentum as it proceeds. Acts of injustice to other sections of the community will follow an act of injustice to one section, and gradually we shall find the Cabinet making inroads into the franchise rights of all the poor people of this country, irrespective of the community to which they belong.

I am strongly opposed to this Bill. I am not frightened of the charge made against us that we are traitors, nor of the various other charges made against us. Members of the Government have already started their campaign against us, but I warn them not to play with fire. They are fanning the flames of race hatred. This is done not of course through their English-language papers, but through the Sinhalese press. They are arousing race hatred in this country,

[Dr. Perera.]

and I warn the Government that those who sow the wind will live to reap the whirlwind. The race hatred that is being aroused now will end in racial disorders and bloodshed. The Government is rousing up the basest passions of the people in order to bolster up the ideas they hold.

I am thoroughly opposed to this Bill. The Leader of the House wants us to go to the country. May I point out to him that the matter rests in their hands? They make the appeal to the country, and we are prepared to place the issue before the electors. The Government can, at this very moment, dissolve Parliament. We are prepared to go to the country and face the issue, and if we are defeated, we shall take that defeat in the right spirit. But we shall make it clear to the people that we stand honestly for justice to all sections of the population of this country, not merely to one section. We want justice for all.

Mr. Speaker: Any other remarks—
[Interruptions.]

The Hon. Sir J. Kotelawala: It is you who are rousing up hatred—

Mr. D. B. R. Gunawardena (Kotte): Not the communal hatred which you have been preaching.

Mr. Speaker: I shall have to ask the hon. Member to withdraw if he does not know how to behave himself.

Any other remarks?

2.44 P.M.

Mr. Keuneman: Mr. Speaker—

The Hon. Mr. Bandaranaike: Deputy Leader of the Opposition!

Mr. Keuneman: Mr. Speaker, I am very sorry that it is not possible to deal with the arguments which the Government might have brought forward in support of an obnoxious Bill of this nature, because the House has not had the benefit of such arguments in this Debate. The Prime Minister, who delivered a series of disconnected remarks on the subject, made one general assertion, and that was that this Bill was a

Bill to enable Regulations to be framed on questions of immigration and emigration—

The Hon. Mr. D. S. Senanayake:
To a large extent.

Mr. Keuneman: Yes. I think that the crux of the matter is to come in those particular Regulations which the Prime Minister is in duty bound to lay before the House and which, with his majority, he will be able to get through this House.

When we discuss this Bill it is not proper merely to deal with its technical aspects, as if it were a question of who should get a passport and who should get a *visa*. In so far as this Bill seeks to solve the vast problems involved in immigration and emigration, in so far as it shows any new departure in the policy of the Government which is known to us, this Bill deserves very serious consideration.

I think in that way we can get at the real meaning of this particular Bill and have a valuable Second Reading Debate on it. Like the rest of the working class movement and the majority of the trade union movement in this country, we of the Communist Party have been demanding for a long time the control of immigration into this country. We continue to demand the control of immigration into this country, and we shall support any genuine proposal aimed at controlling immigration on an equitable basis which does not discriminate against labour. However, precisely for these reasons we have to oppose the Bill introduced by the Hon. Prime Minister.

I am opposing this Bill because it indicates both in its provisions and in its spirit no basic change in the reactionary policy of the Government on these two important questions of emigration and immigration. I oppose it because parts of this Bill in its application will directly hit against the development of the working class and the Labour Movement in this country, as I shall proceed to show in the course of my remarks. I also oppose this Bill because it is in spirit and letter aimed at regulating the population of this country, not according to its economic needs in spite of the assurances made by the Members of the Government Benches in the past

Debates—but according to the political needs and the political views of those who are at present in power in this country. These are the three points I shall try to establish.

I think any sensible person would recognize that every country has a right to control immigration and to pass laws controlling immigration. That is a point which should be generally conceded when we go into this question of any legislation which is introduced to control immigration and emigration. We have to see it in the context of the basic problem of immigration and emigration in a particular country, and also the ruling policy regarding immigration and emigration. For instance, there is a great deal of talk even among ourselves when criticizing the immigration and emigration laws of other countries. In spite of the fact that a certain section of a certain community in this country seems to be anxious to depart to Australia—a step which I would not advise—there has been a lot of criticism, for instance, of the White Australia policy in regard to immigration. Now the right of Australia to control immigration, I think, would be conceded. But the manner in which she controls immigration and the racial complexion of her control of immigration have been rightly condemned by most democratic people.

The question of immigration into this country as affecting those persons who are casual visitors who want a *visa*, which has to be applied for under the provisions of the Bill, or who want to stay here for six months, or who are excluded under Part I, does not concern us. I think those provisions applicable to such persons are harmless. The basic problem we have got to face up to is this. To what extent does this Bill satisfactorily deal with the question of labour immigration into this country, both labour that is already here and the labour that is coming in the future? That is the crux of the immigration problem, and that is how we must face up to the issue.

My contention is that there is no change whatsoever, as demonstrated in this Bill, in the thoroughly reactionary policy which this Government has pursued in the past and shows signs of

pursuing in the future. It is a thoroughly reactionary policy on the question of immigration, and on the question of emigration, and on its policy in the past of a compulsory repatriation of workers. That is what I want to establish, that there is no change of policy.

I do not think it is necessary for us, at this stage to go into the history of the question of immigration. We know it has been going on for over a hundred years, and we know that in the early days it was done on a voluntary basis, and later on the Government, including the leading members of this Front Bench, took an active part in assisting and giving governmental aid to immigrant labour being brought into this country.

Originally these immigrant labourers were brought in after the rebellions in the Kandyan Provinces had failed, because the Sinhalese peasantry could not be trusted by the British and because cheap labour had to be procured for the opening up of the plantations. However, over this last century that has passed, there has been quite a change in the purpose of the immigration policy in regard to labour brought into this country.

As far as I can see, the purpose of bringing these labourers into this country has been, first of all, to create a permanent reserve army of labour in this country always available to the planters, always available to the big capitalists both white and brown, to use for the purpose of keeping down wage standards of both Ceylonese and Indian labour in this country, to create divisions and foster racial hatred among the ranks of the working classes, and to prevent the growth of trade unions. And I think it would be admitted by anybody who has any connection with the Trade Union Movement that it was only after the Indian Government placed its ban on emigration in 1941 that we saw real stability given to the Trade Union Movement to develop in the plantation areas.

The hon. Members of the Government in discussing this question of immigration very often try to contend that they are the great saviours of the Ceylonese, that they are the great saviours of the indigenous people of this country against foreigners, against Indians whom we Leftists are trying to let into the country

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to steal the jobs, to steal the good things of the people of this country. I see the Hon. Prime Minister is nodding his head in approval. He has expressed——

The Hon. Mr. D. S. Senanayake:
To some extent it is true. But that is not the whole story.

Mr. Keuneman: That it is not the whole story, I agree. I agree that it is the U.N.P. story which is offered to the country.

Mr. T. B. Subasinghe (Bingiriya): A fairy story.

Mr. Keuneman: So I think it is necessary for the country to realize that it is arrant hypocrisy on the part of the Government in this matter of the immigration problem to say that they are the people who have been defending the Ceylonese people, the Ceylonese peasants, the Ceylonese workers against this menace of Indian workers coming into this country, aided by the Leftist parties.

The record of the Members of this Government on the question of immigration is certainly not a very creditable one. In spite of the restlessness of the Hon. Minister without Portfolio who, on many occasions has been very vociferous on this point, the actual fact is that there has been nothing up to now to prevent this Government introducing legislation controlling immigration into this country, provided, of course, it did not conflict with the Colonial Laws Validity Act.

But has this Government ever introduced such legislation? The only persons who made any attempt to put any bar or any restriction on immigration was the Indian Government. This Government has never made any serious attempt, and I challenge the Government to say that they have made any serious attempt to control immigration. They encouraged it, they assisted it, they voted millions of rupees to assist immigrants coming into this country, and yet we have Ministers of the Government going about the country saying that they would die happy men when the last Indian left these shores. We have had Ministers of

Government going round saying that it was a simple matter if we banned immigration and that, if we send away the Indians, all the Ceylonese will get jobs. But the very Government which was trying to rouse the masses of the people by this type of racial talk was the same Government that was not only refusing to control immigration but was in actual fact assisting immigration into this country——

The Hon. Mr. E. A. Nugawela (Minister of Education): Not the same.

Mr. Keuneman: The Hon. Minister is getting irritable. The hon. Member for Ruwanwella (Dr. Perera) referred to the fact that in 1937 he brought forward a Motion for the control and stopping of immigration into this country, that is to prevent some 30,000 people coming into this country.

The Hon. Mr. D. S. Senanayake:
There was also a Bill.

Mr. Keuneman: I will come to the Bill. It is very interesting. I also read up the Debate. Let me give some of the names of those who voted against this Motion of the hon. Member for Ruwanwella. They are The Hon. Mr. D. S. Senanayake, The Hon. Major J. L. Kotelawela, Captain E. A. Nugawela, Mr. T. B. Jayah, The Hon. Mr. S. W. R. D. Bandaranaike and the absent Mr. Dudley Senanayake.

Here was a case where a Motion was brought to restrict Indian workers coming into this country, and where do we find the defenders of the Ceylonese? There was an Immigration Ordinance brought in 1941. Its provisions were very largely the same as those contained in the present Bill. I think the Hon. Prime Minister agrees. I do not think it is necessary for me to establish the fact. That was passed. There were tremendous speeches. There was a heated wrangle between the Minister without Portfolio and the Hon. Prime Minister. The Hon. Minister without Portfolio accused the Hon. Prime Minister of being the evil genius who was encouraging immigration into this country.

The Hon. Mr. D. S. Senanayake:
No, I do not remember that.

Mr. Keuneman: Shall I read the quotation?

The Hon. Mr. D. S. Senanayake: All right, I will accept it.

Mr. Keuneman: I am glad the Hon. Prime Minister accepts the statement I made. I have got my quotations ready. I shall just quote what the Hon. Mr. D. S. Senanayake said on the 19th March, 1941—it is on page 538 of HANSARD:

“ I was just about to say, when I was interrupted, that one who had been painted to be the blackest betrayer of this country ”—

now someone else is being called a betrayer—

“ had realized the danger of getting immigrant labour to this country and had tried to prevent it at a time when a man who posed to be the great saviour of this country was embracing them ”. [OFFICIAL REPORT, March 19, 1941, Vol. I. p. 538.]

The saviour happens to be the Minister without Portfolio. A lot of rude remarks were made about the present Minister without Portfolio. The Hon. Prime Minister said:

“ It may, however, ”

Mr. Speaker: I do not think it is necessary to read all that.

Mr. Keuneman: Then there is something about *mutti-kasi*.

Mr. Speaker: Order, please.

Mr. Keuneman: My point is this. Two of the present Ministers came to verbal blows. Insulting remarks were made about my Friend the Hon. Minister without Portfolio. But what happened after all the sound and fury? The Bill was referred to a Committee. No one has heard about it since.

The Hon. Mr. Bandaranaike: What about the negotiations?

Mr. Keuneman: What have been the proclamations of the leaders of the Ceylonese on this point? I am sorry; I see you are restless, Mr. Speaker. I am trying to establish the policy of the Government which is contained in this Bill. Let me give the House a quotation from a speech of the late Sir D. B. Jayatilaka, a man who was called

a patriot, a leader of the country. I am quoting from the HANSARD of 1927, Vol. I, page 376:

“ I do not advocate anti-immigration laws. I do not want that. That will be opposed, not only to the principles of the British Government, but also to the traditions of Ceylon. ”

I may say I have not the slightest objection to the Indian people coming over here.” [OFFICIAL REPORT, February 25, 1927, Vol. I., p. 376.]

That is what one of the leaders of the country said.

The Hon. Mr. Goonesinha: When was that?

Mr. Keuneman: In 1927. The real position of this Government on the question of immigration was very well brought out by another doughty spokesman, and that is the Hon. Prime Minister on another occasion. I have two quotations which I would like to read from HANSARD, dated May 25, 1939, page 1816, relating to these good friends of the Europeans, to show how much they had done to help them. The Prime Minister in his own phrase blamed the white planters when they wanted “ to make love to somebody else ”. This is what he said:

“ And, Sir, I would tell this to my hon. friends, the European Nominated Members: when they were in difficulties over the supply of labour, we did agree to recruit labour from India. . . . ” [OFFICIAL REPORT, May 25, 1939, Vol. II., p. 1816.]

The Hon. Prime Minister was acting as a kangany and recruiting agent for the British planters, and yet these are the hon. Members who now come and say that we, on this side of the House, are trying to sell the country to the Indians.

The Hon. Prime Minister is restless. Let me read another of his sayings:

“ I wish to warn the planting community of one thing. If they want labour for their purpose, we would co-operate with them and get them any amount of labour, but if they attempt to get the franchise for the Indians they would be starved of labour— ”

Mr. Speaker: I think that is quite sufficient. All this has nothing to do with the Bill before the House. The hon. Member need not go to such length in making his point.

Mr. Keuneman: No, Sir, I will not go into such details. The point I want to make is this: that the Government

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policy in regard to immigration is that they are prepared to be kanganies to the white planters of this country, but they are not prepared to allow any labourer who has been brought here, and who has worked for Ceylon, to be given any civic rights in this country. That is the essence of their immigration policy, and that is the policy which is contained in this Bill.

I hope you will bear with me if I read one more quotation. It is only fair—

Mr. Speaker: I hope that is relevant to the Bill before the House.

Mr. Keuneman: It is relevant, Sir. There are members of the Government—I do not want to attack them all—who have at one time or another protested against this policy. I would like to read from the “Ceylon Daily News” of Monday, September 10, 1928, a speech criticising such policy. This was a speech made by the Chairman of a meeting of the Gandhi Sangam workers held at the Price Park on a Saturday afternoon. This is what the “Daily News” reported him as saying:—

“A few plutocrats spoke of the Indians as being a menace to the Sinhalese workmen. What had these conscientious patriotic plutocrats done, he asked, for their workmen in their times of trouble and hardships? Instead of helping their poor fellow countrymen, the plutocrats had expended their energies in driving out the poor villager from his plot of land. Now, however, these men had developed a sense of patriotism. What was the reason for this solicitude? It was the result of the poor man being given the vote. It was the same plutocrats who went before the Special Commission and opposed the grant of manhood suffrage (Cries of “Shame”). Having failed in their schemes they now talk of depriving Indians in Ceylon of the right to vote. There were some people who actually went so far as to say that Indians should be driven out of the country (Cries of “Shame” repeatedly). In 1915, wealthy Sinhalese had spoken—”

Mr. Speaker: I do not think any of this is relevant.

Mr. Keuneman: Sir, these were the words spoken by the Chairman of this meeting, the then Labour Leader, Mr. A. E. Goonesinha. There is today a great change in the attitude of the Hon. Minister without Portfolio. He has changed his tune. But let him realize that the Working Class Movement still continues in this country and that there are other people who will carry on from where he has left off.

Now, Sir, it is my contention that this policy, which the Hon. Prime Minister endorsed, is clearly shown in this Bill itself. I would refer hon. Members of the House to Clause 10 and Clause 14 of this Bill, particularly with regard to the question of *visas*, temporary residence permits and permanent residence permits. Under the provisions of this Bill persons who are not Ceylon citizens can only enter Ceylon if they have one of these three documents. There is the temporary residence permit which may be issued for any time over six months, but in which case the time has to be specified; and there is also the permanent residence permit which may be issued for an indefinite period of time. Now, here is a Clause by which the old system of recruiting labour, of giving to the planters so many thousands of labourers, is being continued, without giving those labourers any civic rights in this country. That old policy is being continued in this Immigration Bill which the Prime Minister has brought before this House.

Now, Sir, I do not think that Members on this side of the House will be a party to the further continuance of a virtual slave system of labour in this country. The whole system of recruiting labour to the plantations has been a slave system, and I do not think that we, on this side of the House, can agree to the continuance of this slave system. But the hon. Members of the Government who permitted this system want to get legislation sanctioned for its continuance.

What is the other side of this policy of the Government? Some of the hon. Members of the Government have gone round saying that the Indians should be packed off. Now, Sir, the people who have shaped this piece of legislation are the people who do the least about packing off Indians. People say that the problem of unemployment can be solved if we kick out all the Indians and give the Ceylonese their jobs. The Hon. Minister of Transport and Works kicked out a large number of Indians from his Departments, but he could not solve the unemployment problem yet. I think if the Hon. Minister goes today and looks up the records at the Employment Exchange of the Hon. Minister of Labour, he will realize that solving the unemployment problem is not quite so

simple. If the hon. Members think that they can solve the unemployment problem just by kicking out the Indians, if they think that it is only the Indians who are causing unemployment instead of this capitalist system which they defend, then I would tell them that they will find their mistake very much earlier than expected.

However, the hon. Members of the Government, on the one hand have assisted unrestricted immigration, and, on the other hand, have carried out a policy of compulsory repatriation on such occasions as agitation about employment grew in volume.

Anyway, Sir, this Bill, particularly in regard to those sections dealing with deportation, allows for the fact that the compulsory repatriation of large sections of labour in this country can take place. It is surprising that the Hon. Prime Minister, who has been the author of this Bill does not realize the powers given to him under this Bill. I would refer him to Clause 12 under which the widest possible powers are given to him to send away from this country any person where the Minister deems it to be conducive to the public interest. Everyone knows that public interest means the Government policy—

Mr. W. Dahanayake (Galle): U.N.P. policy.

Mr. Keuneman: Yes, the U.N.P. policy. So here is the Clause allowing for the continuation of the old policy of compulsory repatriation of those who are associated with the labour movement.

Now, I shall come to the second part of the Bill, and deal with the sections of the Bill which, in their operation, are directed against the working class movement in this country. The Hon. Prime Minister is shaking his head. But I think the Clauses of this Bill are far more violent than the movements of the Prime Minister's head.

The Prime Minister and Minister of Defence and External Affairs are given very wide powers under Clause 12. Any person "who (a) is deemed by the Minister, from information received by him, through official or diplomatic sources, to be an undesirable person for the purposes of admission into Ceylon, or (b) is shown by evidence which the

Minister deems sufficient, to be likely to conduct himself so as to be dangerous to peace and good order in Ceylon, or to excite feelings of disaffection to the Government of Ceylon, or to intrigue against the authority of the Government of Ceylon"—all such persons can be refused from coming—

The Hon. Mr. Dudley Senanayake (Minister of Agriculture and Lands): Prevented from coming.

Mr. Keuneman: That is right. Then Sir, there is the Clause by which a person can be forcibly deported, as the hon. Member for Ruwanwella pointed out, if such person has been convicted of any offence punishable by a term of imprisonment, whether rigorous or simple, and has not received a free pardon.

Sir, I think we all remember the Bracegirdle incident. This was the case of a young man who was an Australian—

An Hon. Member: An Englishman.

Mr. Keuneman:—an Englishman who was born in Australia. He came here, and his big crime was that he associated himself with the labour movement and spoke up in defence of labourers in this country. For that crime this young man was arrested and bundled out. The Hon. Minister is given quite sufficient powers to repeat a hundred Bracegirdle incidents if he wants to do so. I know, Sir, that Englishmen who came into this country exploited the workers, grew rich on the sweat of Ceylonese and Indian workers. They were honoured and knighted on the recommendation of the Government, and none of them were ever deported. But when persons came here and spoke up for the downtrodden worker, such persons were immediately arrested and bundled out of this country.

I think the hon. Members of the House will realize what powers they are giving to the Hon. Prime Minister whose colleagues brought about the deportation, the bundling out of the particular person I referred to.

Now, Sir, the old question of the rights of organization of immigrant workers, whom even the Government would permit into this country, and the

[Mr. Keuneman.]
rights of free speech, are in jeopardy under the provisions of this particular Bill. The Hon. Prime Minister is agreed—

The Hon. Mr. D. S. Senanayake: I do not agree.

Mr. Keuneman: Let me give a very simple example. A person is allowed to come into Ceylon on a permanent residence permit. He joins a trade union. He takes part in a strike in the course of which he is arrested and sent to jail for one week, or two weeks, or even two months. That person can be deported—

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

Mr. Keuneman: Why not? From the experience we have had, we are not going to be convinced of their generosity in the application of "undesirability".

Now, Sir, I do not want to go into the other points which have already been mentioned by the hon. Member for Ruwanwella. But I do want to say that there is no guarantee whatsoever that when workers are brought in, even on the policy of the Government, those workers are going to be given even the normal rights laid down under the International Labour Code. In fact, I may say—I looked up this matter—there are a large number of matters prescribed in the International Labour Code on questions of immigration and immigrant workers which are not adhered to in this particular document.

The Hon. Mr. D. S. Senanayake: The prescribed period is also there.

Mr. Keuneman: Not necessarily; some are general, some are for a period.

I hope, Sir, you will forgive my dealing with things that are not being included, instead of being included. Article 871 of the International Labour Code Recommendation of 1939, which is still in force, asks that:

"The members of the family of a migrant for employment who desire to accompany or join him should receive special facilities for this purpose, more particularly—

(a) priority over other applications for permission to leave the country of emigration and to enter and reside in the country of immigration;

Paragraph (b) is a simplification of the administration. There is no provision whatever in this—

The Hon. Mr. D. S. Senanayake: The regulations, the Enabling Bill provides for it.

Mr. Keuneman: Then I will not go into these matters on this occasion. I will discuss it when the Regulations come up. I do hope that even this Government will try and observe the International Labour Code of the I.L.O.

I do not want to delay the House further. I want to make it clear that we are opposed to this Bill, because it is a Bill which will hit at the interests of the working people, both Ceylonese and Indians, in this country. We are not making any special pleading for any one racial group. But we see that this Government is the one which is really hitting at the Ceylonese in this country. They, in this Bill, are carrying out a policy which, in actual fact, is going to continue having that reserve army of labour here, which Ceylonese employers and European employers have used to the detriment of both the Ceylonese and the Indian workers in this country. And that is why on the basic policy questions behind it, in the actual application of these Regulations which will affect labour, that we on this side of the House vote against the particular Bill introduced by the Hon. Prime Minister.

3.18 P.M.

The Hon. Mr. Goonesinha: Sir, whilst listening to the hon. Member for Ruwanwella (Dr. Perera), I was struck by certain personal remarks that he deemed fit and proper to make in this House. Let me assure the hon. Member that the study of documents and the reading of books is not the special monopoly of the *pothe guras*. There are others, besides them, who when the need arises, study documents and make themselves conversant with the papers that are before them. That arrogant and presumptuous view always trotted out against us on this side of the House, I think requires serious revision where he is concerned.

Now, I find that the attack on this Bill is confined to this one thing, that it is a diabolical attempt on the part of

the Government to deprive certain people of their rights and privileges, and consequently, also deprive the Leftist parties of certain support. It is admittedly a fact that the Leftist Parties do stand to lose tremendously by the adoption of the Citizenship Bill and the Immigration Bill; there is no doubt of that. But to say that it is a diabolical attempt on the part of the Government to do something sinister, is entirely wrong. And to say that it was conceived by this Government only the other day for that purpose, is equally untrue. If only the *pothé guras* had, in keeping with their usual practice, gone into past HANSARDS and read a bit more of the various speeches found therein, they would have seen that there had been a genuine attempt made by the last State Council, since its very inauguration, to bring about restriction of immigration.

The hon. Member for Veyangoda, now Minister of Health and Local Government was attacked by the Third Member for Colombo Central for having said this, that and the other thing on various occasions. But may I ask him very kindly, now that he has taken the trouble to read up HANSARDS, to read also HANSARD of 1931. That was the year in which the State Council began to function, and in that year the hon. Member for Veyangoda introduced this Motion:

"That in view of the serious and increasing unemployment among Ceylonese workers, immediate steps be taken for the restriction and effective control of immigration into Ceylon of workers from other countries."

Now, there was considerable delay in dealing with that Resolution, because in those days these Resolutions had to be referred to the appropriate Minister or the Officer of State in charge of the respective Departments, and this Motion was referred to the Chief Secretary of the day. He took about two years to report on it, though from time to time his attention was drawn to it, and when he did report, let it be remembered that the Report was against any restriction of immigration. We were not satisfied with that. I am only trying to prove to you that there has been constant agitation in the State Council from the time it was inaugurated.

Subsequently, in order to give effect to what we had resolved upon, that is, the protection of the nationals of this

country, a Resolution was introduced. Now, let it be said at the very outset that there has been no attempt to deprive any man of any right in this country; this is purely an economic question. It is in order to protect the rights or the interests of the nationals of this country that this Bill was contemplated, and it is a sequel to all that was done from the year 1931 since the inauguration of the State Council. It must also be remembered that we had not even fifty per cent. *Swaraj*, or fifty per cent. control over our own affairs.

As a result of our agitation in the State Council, a Commission was appointed to go into the question. You will remember, Sir, that Sir Edward Jackson was appointed to go into the whole question of immigration, to consider whether it was desirable in the interests of the country that there should be restriction of immigration. Evidence was given before that Commission by a number of associations, and we ourselves went before that Commission and demanded the restriction of immigration. Subsequent to that, as nothing was done, a Resolution was moved by me in the State Council to this effect:

"That in view of the thousands of Ceylonese that are suffering great hardships owing to unemployment, steps be taken forthwith by the introduction of the necessary legislation to secure jobs to the country's nationals by repatriation of non-Ceylonese who have tended to cause unemployment by procuring for themselves jobs that Ceylonese are capable of undertaking."

That was in the year 1936. Now, although that Resolution was moved and unanimously adopted by the State Council, yet the Government of the day did not put it into execution, because it was not a national Government; it was a Government where three Officers of State mostly had the power, and they delayed matters, or put them off, or made excuses, or said it was legislation that was going to affect a certain section of the community. Under the Donoughmore system of government, that was the position. Those are the excuses that were trotted out from time to time by the then Government. So one ought to understand the difficulty we had of introducing or formulating any kind of legislation to restrict immigration.

Even after the introduction and adoption of that Resolution in June, 1936,

[Hon. Mr. Goonesinha.]

did the Government act in pursuance of that Resolution? No, Sir, not till the year 1939, when there was a tremendous agitation outside the Council, when hundreds and thousands of people, finding themselves unemployed, demanded some action by the Government. It was then I must say that, in keeping with a certain policy that existed from the time of the British occupation of this country, even the leaders of this country thought that for the economic development of this country some people from outside were necessary, that Indians were necessary for that purpose. It is that point of view that always influenced even members of the Ceylonese community, because thousands of men were wanted for tea estates, for rubber estates and so on, for their development, and our whole economy would have been affected if there was restriction of immigration of Indians to this country. That must be borne in mind, that it was that point of view that created a certain mentality among our people, that made them think that restriction was undesirable. I can understand why even Mr. D. B. Jayatilaka, as he then was, and the Hon. Prime Minister himself at that time thought that it was not practicable or desirable to do so. But be it remembered that though in the year 1937, Mr. D. B. Jayatilaka made a statement to that effect, in the year 1939 he was going to introduce a Bill for the restriction of immigration [Interruption]. If you interrupt me, at least let me hear what you say, rather than simply murmur something for the amusement of the gallery.

Here is a report by the Commission which inquired into immigration into Ceylon and before which evidence was given by everybody interested in the question. There has been constant agitation right throughout the life-time of the State Council. And then when it was felt that the Government was not acting on the decision of the State Council, when the Ministers felt that the situation was becoming graver daily, the Hon. Minister of Transport and Works, who was Minister of Communications and Works at that time, acted on that decision, with the collaboration of the then Governor, His Excellency Sir Andrew Caldecott. The Governor

Hon. Mr. Goonesinha. Heads of Departments to explain why the Resolution of the State Council had not been followed up. Then, on representations made by the Hon. Minister, he ordered that aliens taken on after 1936 should be sent out of the Government Service. That was how a large number of Indians who were employed in the Ceylon Government Railway and various other Departments came to be sent away, with compensation paid to them, with railway fares provided, and so on. All of them were treated as human beings; they were not treated inhumanly. They were sent away, and orders were passed that no non-Ceylonese should ever be employed in Government Departments from that day forward. And a similar Resolution was introduced in the Municipal Council by myself, and that policy is now being maintained in the Municipal Council also. So it is not fair for the Opposition to say that there was nothing done, that no attempt had been made to restrict immigration, and that this measure was contemplated when the present Government came into power in order to deprive the Opposition of, may I say, their personnel, or manpower.

It was pointed out by the Hon. Leader of the House, in reply to the Debate on the Citizenship Bill, that, though other countries had all the powers, and had, in fact, restricted immigration, they would allow a non-national to come and take over any work in their own country when, perhaps, a special application for it was made. With the express permission of the Minister concerned they were able to go into a country and take work because laws were in existence which protected the interests of the nationals of the country. They were able to do that because from time immemorial those laws existed.

Here, in this country, there was a capitalistic class of people, it must be said, who, for the working of their own properties, brought these labourers here. There is no doubt about that. It is not that they brought those labourers here to deprive the Sinhalese of their dues. They brought the labourers here especially because the Sinhalese were not prepared to undertake work at the rates of pay and on the conditions that prevailed on

estates. And, for the purpose of bringing in these people, certain officials like military officials were appointed. The whole question of immigration or recruitment was tackled here by a separate department on military lines. These officials were paid a special salary, and they were asked to bring a number of people here. Their pay was restricted and they had to work on these conditions. That is how a large number of Indian labourers were brought into this country and were compelled to work on various estates.

The Government was paying a sum of Rs. 300,000 towards the Immigration Fund. That was done only to assist the Immigration Commission. But, when the State Council came into being, it refused to vote that sum of money and only a sum of Rs. 25,000 was voted a year. I remember very well opposing the grant of Rs. 25,000, and, on that occasion, I asked why the contribution should be made by the Government. I believe it was then that the Hon. Prime Minister said that they not only got men from India for estate work but they also got them for working the Public Works Department in the towns and in rural areas. Therefore, he said, the contribution was necessary, and it should be made. Then, it was estimated that there were hundreds of people without employment, and it would be suicidal, where the nationals of this country were concerned, to make the contribution and get outsiders who would usurp the jobs of the people of this country. That was the attitude that was adopted, and the State Council refused to make any contribution from that day forward. There, again, an attempt was made to stop any kind of work being given to immigrants who were brought into this country.

We know that when these foreign labourers are brought into the country, they remain on our estates for some time. Then they drift into the towns in order to secure more prosperous jobs. Thousands of them from various estates have come into towns.

Mr. Motha: Not estate labour.

The Hon. Mr. Goonesinha: I have made a study of conditions in this country, and I know for a certainty that estate labourers have come into towns for other jobs.

Then, again, these people have been taken on to do various types of harbour work. Hon. Members will remember that, after the strike of 1928, the workers got a rise in their wages by about 100 per cent. In order to prevent these men from getting the wages in accordance with the award of Justice Schneider, what happened?

Mr. Speaker: Is all that relevant? It is hardly relevant. The Hon. Minister said that nothing was done by the State Council or the Government to rectify the matter. The Hon. Minister has replied to that. I think that is quite sufficient.

The Hon. Mr. Goonesinha: I was merely going to say why at this time it is necessary that this Bill should come into operation immediately.

Mr. Speaker: The Hon. Minister, up to this time, was refuting what was said in opposition.

The Hon. Mr. Goonesinha: They said that these men must come. They said, "Let hundreds of these Indians be given rights and privileges".

Mr. Motha: No.

The Hon. Mr. Goonesinha: They said: we will give them all the rights of nationality to show how uneconomic it is as far as the employment of the nationals of this country is concerned. I wish to show how these *kittangis* are run.

Mr. Motha: No.

The Hon. Mr. Goonesinha: I know representations have been made. There is no use in somebody crying out "No". May I give one incident? After every effort to get the people of this country employed for the loading of cargo had failed, we asked 25 per cent. of these people to take work.

Mr. Speaker: Will the Hon. Minister please get on to the subject?

The Hon. Mr. Goonesinha: I can understand the anxiety of the hon. Member for Maskeliya, in making the remarks he has made, which are not consistent with the dignity of this House. I am sorry that he should act in the way he does like a little silly school boy although his head is covered with grey hairs.

[Hon. Mr. Goonesinha.]

There is one reply which I should like to give the hon. Third Member for Colombo Central. He had the kindness to quote what I had said, I think, in 1916 or some other year. It is very necessary that I should explain the position as briefly as possible. At the time we asked for adult franchise—it was only the Labour Party that demanded it—there was opposition by the Congress and various other organizations of the country. At that time, the question of the Indians was brought up, side by side with the question of adult franchise, and it was suggested that, in the case of the Indians, the right to vote should not be given to them. We were also of that same opinion then, as hon. Members of the Opposition are.

But, when one comes to understand the real functions of the country, when one comes to understand its difficulties and economic circumstances, and when one comes to understand that hundreds and thousands of his own countrymen are out of employment because of Indians taking on their jobs, one will agree with me that there should be restriction of immigration, and that those rights should not be granted to them in the way they are asked for. That is the position. If you allow the present state of affairs to continue for three or four years longer, then you will find that the economic position of the country absolutely demands the inauguration of legislation to protect the interests of the local workers.

Every man may have an ideal in life. But when he embarks upon life's career, he has to go on and see for himself how the country progresses. It is only then that he will, in his lifetime, change his views in order to suit and serve the country's best interests. He must see how the country develops and find out what is the best way to help the country. That is the position that we take. I have not the slightest doubt that when people come to understand the question thoroughly they will take an interest in the country.

A statement has been made that in no part of the world has there been any attempt to restrict the rights and privileges of people by a Citizenship Bill of this nature. I have before me a report which was sent to me by the Labour Department. I had secured it for the

purpose of going into the unemployment question. It gives a number of countries which have the privileges of citizens restricted. I do not want to waste your time, and the time of the House, by reading the report. The rules formulated to protect the rights of the nationals of those countries are severer than those in the two Bills that we have presented to this House. So, let it be understood, in conclusion, that what the Government desires is to seek to protect the nationals of this country. To that purpose we are all wedded and we will support this Bill.

3.40 P.M.

Dr. Colvin R. de Silva (Wellawatta-Galkissa): Mr. Speaker, I rise in this Debate on behalf of my Party to criticize this Bill from the point of view of the consistently revolutionary and internationalist position which it has held in respect of this question.

But, before I enter into those criticisms, may I commiserate with the Hon. Prime Minister on his having lost his amiable voice through the strain that he must have undergone during the week-end in misusing the broadcasting system of this country, to put across, in the name of a commemoration of an historic revolutionary event, the current cheap coin of U.N.P. propaganda? Nevertheless, I say, I am sorry that he, who usually speaks in a forthright tone on any subject in this House, has been reduced by this unfortunate circumstance to a needless condition of monosyllabism and mumbling.

I do not know whether it is the same unfortunate experience during the week-end, or whether it was the consciousness in the mind of the Hon. Minister without Portfolio, that he was also joining in the commemoration of an event in which a distinguished ancestor of the distinguished spouse of the Hon. Prime Minister took part in the suppression of an important rising of the people, that has caused him today to give up, or, may be, to forget, the traditional raciness of his otherwise growing eloquence. I listened to his *apologia pro vita sua*. I notice that in his account of himself there was a fine growing of opinion with opportunity, and, opportunity with ambition, as one's life progresses. We, Sir, prefer to model ourselves on the Hon. Minister without Portfolio's salad days, when, with his contemporary affairs, he gave thought to

the opportunities in accordance with his bent—manpower and other types of power too. We do not change our opinion with the accidents of circumstances. We put forward a principled opposition which, in the face of the minatory literary language that has been used by the Hon. Prime Minister earlier in this House, and in the face of the dark threats that are uttered at outside meetings, I wish to say, my Party will not abandon but nail its colours to the mast; even if it be defeated, it will find means for fighting back.

Mr. Speaker: Now please come to the subject.

Dr. Colvin R. de Silva: This is necessary—

Mr. Speaker: I cannot allow so much useless waste of time. I have been remonstrating with every Member who spoke.

Dr. Colvin R. de Silva: It is necessary, Sir, for us to point out, in relation to this Bill, this point for this reason. There is being sought to be brought a barrage of outside threats which are being sought to be directed to ensure that we will not do our duty in relation to this Bill in this House.

Mr. Speaker: I do not know what the hon. Member is speaking about. At times, I do not know what the hon. Member is replying to.

Dr. Colvin R. de Silva: In this House, too, you will remember that words have been used with empty indignation that this Government will not be deterred from doing its duty by its conception of who are the nationals of this country. Surely you will permit me to say that the Members of this Opposition will not be deterred from doing their duty to the class they serve by any measures of this Government.

Mr. Speaker: The hon. Member has said so time and again. Hon. Members have said that time and again. I have listened to them carefully—

Dr. Colvin R. de Silva: I will, in obedience to your directions, leave the hon. Members of the Government and their history aside because I, in fact, do not intend to quote their temporary lapses into lucidity against their present insanity.

I propose to go straight to the contents of this Bill, for it will be seen that this Bill has insanity enough in it to require our consistent and persistent opposition. What is this Bill? This is a Bill:

“to make provision for controlling the entry into Ceylon of persons other than citizens of Ceylon, for regulating the departure from Ceylon of citizens and persons other than citizens of Ceylon, for removing from Ceylon undesirable persons who are not citizens of Ceylon, and for other matters incidental to or connected with the matters aforesaid.”

A seemingly innocuous title to an allegedly innocuous Bill! It is pointed out by the Hon. Prime Minister that there should be no difficulty with a Bill like this because it is an enabling Bill. The real poison is to come through the Regulations. This is but the solution prepared in advance into which the future poison will be poured; but we shall object to the preparation of the medicine from outside.

If one studies the provisions of this Bill, one sees that the only new and fresh feature in it is that set of provisions which gives to the Hon. Prime Minister, or whoever be the Minister contemplated under this Bill, certain specific powers of a political nature as separate from certain other powers previously available to this Government under other Ordinances now being repealed.

It is very essential, if I may say so, that the hon. Members of this House should grasp this point, because it is only if that point is realized that the true objective of this Bill, despite its lengthy title, will become clear. You will find in Clause 52 (1), at page 24, a series of ordinances repealed—The Aliens Registration Ordinance, The Emigration Ordinance, the Emigration (Indians) Ordinance, the Ceylon Emigration Ordinance, the Foreign Recruiting Ordinance, the Destitute Immigrants Ordinance, the Passport Ordinance and the Indian Criminal Tribes Immigration Ordinance. You see that, while these are repealed, the relevant portions of most of that legislation which is repealed is included in those actually innocuous provisions that will be found mainly in section 11 (1), although they are also referred to in one or two other parts of the Bill.

Now, the first point to be made with regard to this Bill by the Opposition—a point that has been made already by my hon. Friend on the right

[Dr. Colvin R. de Silva.]

(Dr. Perera) and which therefore, I will not seek to rub in but only recapitulate for a moment, is this. This Bill has been by the Government itself associated with the last Citizenship Bill, in that the two have been brought together, though we are debating them successively. In other words, this is held to be consequential upon the Citizenship Bill. In other words, the root of this Bill is in the soil of the Citizenship Bill.

Consequently, when this Bill refers to the controlling of the movements of non-citizens, it is essential to understand that it is seeking to give powers to the Minister to control, supervise, as I shall show, and otherwise intervene in the lives, activities and associations of a considerable section of the existing population of this country. Although it is said that this Bill is meant to control the entry and departure of non-citizens, it works out, by reason of the de-citizenizing of a whole section of the population of this country, that at least some section of the de-citizenized will be engaged in passing to and from between the sub-continent of India and Ceylon. By this process, therefore, power is taken by this Government to intervene in their lives, for any non-citizen, you will see, will have under this Enabling Bill, in terms of the Regulations that must come, at least one of three enabling documents, without which he cannot for any period of time sojourn in this country.

He must either have a *visa* of entry or, being a non-citizen, he must have a permit either for temporary residence or for permanent residence, and that is the next point. Under the provisions of this Bill the Hon. Minister can impose, in respect of those enabling documents, various restrictions, conditions &c., which he in his wisdom deems necessary in what he conceives to be in the public and other interests.

Thus in the form of a Bill for controlling the entry and departure of non-citizens, in fact, this Government is taking Paul-Pry powers, the powers in a Fascist manner, to intervene in the private and personal lives of a whole section of the population of this country, to regiment them by indirect methods of control enabled through powers of controlling their activities; in other

words, to take one further step towards the consolidation of a reactionary system of Government which in its flowering cannot prove to be anything other than Hitlerite or Mussolinian in form. Such a fundamental disability attaches to this Bill. That is why I say no party worthy of the name of revolutionary or internationalist—nay, no party worthy of the name of Labour will accede to this Bill, even in a fit of absent-mindedness. Such is the root, and such is the soil, from which the poisonous root will draw poisonous sustenance.

Let us now look to the trunks, the boughs, the branches and the leaves. We have in this Bill certain governing crucial material provisions. I have already drawn, through you, the attention of this House to a part of Clause 11 of this Bill. It is now necessary, from the point of view of analyzing the internal structure and intentions of this Bill, to look at Clause 11, Clause 12, Clause 14 and Clause 25 in their inter-relationship. I trust the House will bear with me a little if at times I appear a little legalistic in the form of my argument, but I would assure you that it is not my intention to take a merely legalistic position but, as is always the case with my Party, to take up a purely political position.

Clause 11, following on Clause 10, relates to the conditions in which, generally speaking, an endorsement, a *visa* or a permit may be given or may not be given. It is with this aspect of clause 11, that concerns the conditions in which no endorsement or permit shall be given, that I will be seeking to take up the time of the House. That is, Clause 11 (2) says thus:

"Except, in such circumstances as may be prescribed, no endorsement, *visa*, permanent residence permit or temporary residence permit shall be granted or issued to any person who—

(a) is, in the opinion of the authority empowered to grant or issue any such document of entry, unable to support himself and his dependants; "

I wish to say that that particular sub-clause alone completely knocks the bottom out of the case of the Hon. Minister without Portfolio. He sought to take up the time of this House, until you were compelled respectfully to remind him of the real subject at debate—

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The Hon. Mr. Goonesinha: As you are reminded,

Dr. Colvin R. de Silva:—to prove that this Immigration Bill is supposed to carry out a certain policy for which he alleges certain people have stood over a certain period. But the contents of sub-clause 2 (a) eloquently proves that, whatever other objective this Bill may have, it does not relate to what this Government usually refers to as Immigration policy, namely that it is not a question of immigration hitched on to the question of unemployment or employment.

Perhaps I may complete that point, if you wish, and it is this way. Any person shall be refused an endorsement if he is unable to support himself and his dependents. It carries therefore with it the implication that ordinarily a person, who can support himself and his dependants, unless he comes under some other disability, would be able to get an endorsement. Who is a person who so far as the past tradition and law has been concerned, has been considered one who can maintain himself and his dependants? A person who, either on the one hand is rich enough to show a bank balance, or, on the other hand, can show documentarily and by adequate evidence that he is getting a job in this country. Thus this sub-clause knocks the bottom out of the Government's racialist claims.

Mr. Speaker: The Sitting is suspended until 4.30 P.M.

Sitting accordingly suspended until 4.30 p.m., and then resumed.

Dr. Colvin R. de Silva: Sir, I wish to proceed on the footing that I finished with the point on the question of the ability to support oneself and one's dependants, and to come directly to the question to which I was seeking to address myself; that is the point that the crucial and vital Clauses of this Bill are Clauses 11 (2), 12, 25 and, I wish to say that I forgot to mention it earlier, Clause 31.

I say this for this reason. If one reads these four Clauses in their sequence, it is as if, where in certain other spheres you see, Sir, the State follows a person, so to speak, from his birth, through manhood to his grave; even so this Government is seeking to take to itself powers to attach itself to a non-citizen at the very point where he comes within the geographical ambit of the State, to

pursue him within its confines, and to follow him outside right up to the uttermost limits.

Now, Sir, this is a power which most States, nay, all States exercise. That is conceded, and the question that arises in relation to that is: what is the extent to which a State is entitled to exercise that right in relation to the fundamental human rights that society is supposed to create in association in order to protect itself and, on the other, in relation to the specific complexion of the particular Government which seeks to exercise those rights?

Now, Sir, from the first angle, what do these Clauses provide for? Clause 11 (2), if you put aside such things as shutting out mental defectives, people who pursue dishonourable trades and the like, boils down to sub-clause (2) (f) and sub-clause (2) (i).

What are these two sub-clauses?

Sub-clause (f) states that no endorsement, *visa*, etc., shall be granted or issued to a person who "fails to fulfil such other requirements as the Minister may impose in the public interest by special or general instruction."

Now, Sir, the Minister—

The Hon. Mr. A. Ratnayake: The Minister acts on behalf of the nation.

Dr. Colvin R. de Silva: I hear the Hon. Minister of Food, with his customary failure to appreciate the point, trying to say *sotto voce* that the action is taken by a Minister who is a representative of the people. Sir, there have been in this Government within the last few months at least three Members who, no doubt, claimed to be representatives of the people until Election Judges intervened! Therefore, that is no argument.

Sir, what is clear is that this Government, through a particular Minister who may, or may not, have come under these disabilities, claims to exercise the power of deciding, and that is the point, Sir, deciding in relation to an individual or a class of individuals, what is "in the public interest."

Now, what is "in the public interest" or, rather, what the "public interest" is, is admittedly a matter of deep-going difference between the Government and the main sections of the Opposition. I do not propose to address them at this stage, Sir, on the footing whether this gulf can be bridged. The only bridge across that gulf will be the

[Dr. Colvin R. de Silva.]
revolutionary bridge that the masses will throw; so we shall not spend time on that.

But we will look at it the other way: what does the history of the leading Members of this Government indicate as to what they will consider to be "in the public interest"? Even there, I promise at the outset that I would not go into documentation of historical facts; but we know enough of the political record of the leading Members of this Government to say this much: that any set of radical political ideas which direct themselves at the root of the capitalist structure which they defend—

The Hon. Mr. D. S. Senanayake:

If I may be permitted to interrupt the hon. Member, Sir, I would refer him to sub-clause (2) which reads as follows:

"Except in such circumstances as may be prescribed, no endorsement, *visa* shall be granted or issued to any person who fails to fulfil such other requirements as the Minister may impose."

The hon. Member will then realize that those requirements are the Regulations which will be laid down in this regard.

Dr. Colvin R. de Silva: No, Sir. The Hon. Prime Minister, when he trespasses on fields with which he is not familiar, generally falls into what I can only call pits. This is a legal question, and in that field, Sir, I am not prepared to yield to any amateur in the subject.

It is said here that "except in such circumstances as may be prescribed". Correctly, Sir, "such circumstances as may be prescribed" will come before us, but since sub-clause (f) fails to fulfil "such other requirements" other than, amongst other things, Sir, respectfully, those which are prescribed, I think my warning was deserved.

Therefore, my argument sustains itself, although it may be open to the Hon. Prime Minister to argue that the arena in which it will operate may be narrowed by prescribed Regulations; but that does not remove the fact that there is such an arena available to him for the exercise of his powers of judgment.

Now, it is, of course, a presumption that a Minister empowered to do certain things administratively will exercise them with responsibility, and with some sense of a semi-judicial attitude. I do not by that mean to say that the legal

presumption is, in fact, justified in relation to those who will exercise these powers; but assuming that fact, we cannot get away from one point: that in judging what is "public interest", any given Minister must come from a particular point of view, and that point of view must embody and include political ideas and social assumptions. Consequently, it is clear that, by this area of operation being taken unto the Minister who will administer this Bill, the right in that area of prohibiting the entry of people with particular political ideas is included.

Now, let us take that in relation to sub-clause (i) of the same Clause, which reads:

" . . . no endorsement, *visa*, shall be granted to any person who is declared by order of the Minister under section 12 to be a prohibited immigrant or a prohibited visitor."

Thus Clause 11 catches up Clause 12; and what does Clause 12 do? Sir, whatever may be sought to be argued about limitations under the introductory half of the sentence in Clause 11, Clause 12 tends, in supreme simplicity, to be a vehicle of naked force in the hands of a Minister.

Here is how it reads: "The Minister may, by Order,"—you will note, Sir, that by "Order" is here meant "administrative order"; it is not a judicial order; it is not an order between the passage of which and the contemplation of which some judicial procedure will intervene; in other words, under the Minister's administrative fiat.

Whatever be the matters in respect of which this power of issuing an administrative fiat is sought to be given, we on this side of the House are unanimous on this point: never, never can we who stand for the liberty of the individual, whether from class or Governmental oppression, willingly accede to granting to any Government or its Minister the power of interfering with the liberty of the subject by administrative fiat. That was what was fought both within the Courts and outside, politically and legally, in the Bracegirdle case; and we who stood shoulder to shoulder in the Bracegirdle struggle, I assure you, Sir, will also know how to stand shoulder to shoulder in a struggle against this.

"The Minister may, by Order, declare that any person to whom this Part applies"—"any person" here is any person other than a citizen of Ceylon, or one who is specially exempted

under Part I. such as diplomatic people, ambassadors and the like—"and who is deemed by the Minister"—

Incidentally, Sir, since, I believe, the actual Drafter of the Bill is within the four walls of this House, though not within the Benches, may I point out, through you, Sir, and the Hon. Minister, to him that this Clause is drafted in a fashion by which where sub-clause (c) ends, and where the general conclusion applying to the sub-clause (a), (b) and (c) begins, is not clear. However, we can work it out: "... and who is deemed by the Minister, from information received by him, through official or diplomatic sources"—Will the Hon. Minister of Food now bring in his *sotto voce* interjection, Sir? Are the diplomatic and official sources elected representatives of the people, even though they be accepted instruments of the Government? No, Sir.

The Hon. Mr. A. Ratnayake: There may be spies.

Dr. Colvin R. de Silva: Sir, I do not know whether he means "s-p-i-e-s, spies", or "s-p-i-c-e, spice"; but I will say this. The Hon. Minister coming, as he does, from the Matale area where certain rebels were suppressed through the operation of "s-p-i-e-s, spies", knows all about spies; but not about "s-p-i-c-e, spice", of which subject, Sir, I claim to possess some specific knowledge.

"... is deemed by the Minister, from information received by him, through official or diplomatic sources, to be an undesirable person"—now, Sir, undesirable "for the purposes of admission into Ceylon."

Now, let us test this. First, "through official or diplomatic sources", that is, Sir, expressly sources excluded from the purview both of this House, except by concession from the Minister, and from the Courts through a plea of privilege. In other words, the Minister can purport to act on diplomatic and official information which he may, in fact, have, but which, in its source is tainted and, under test, may be unutterably false.

I personally remember the present Hon. Prime Minister participating in a Debate arising precisely out of the Bracegirdle case, purporting to quote in the then State Council a passage from a speech that the self-same Bracegirdle

was alleged to have made in the Up-country before a plantation labour force, which was said to have been sent to him by the spies in whom the Hon. Minister of Food is interested.

The Police minions of the then Government had sent in an alleged report of a speech which was delivered in my very presence. Even today, fully ten years or more after the event, I wish to take this opportunity to say that the report was, in the entirety of its contents, an utter fabrication. I can say that from my personal knowledge.

That is the type of information on the basis of which the Government and the Prime Minister claim the right to decide whether a person is a desirable person to enter the country.

Secondly, who, and what, are the type of people and ideas that the "official and diplomatic sources" of a Government like this, and the Governments with which it is in alliance, would consider undesirable? Can there be any doubt about that? Although I am today a chosen representative of the people, if the Prime Minister had to decide whether I was a desirable person to operate on the Ceylon area in politics, can there be any doubt of the nature of the decision he would make?

I, Sir, have comrades in every part of the world, who are brethren of mine in the same body. Under this provision, the Prime Minister can effectively deprive us of those international connections which we are entitled to have—

The Hon. Mr. D. S. Senanayake: I do not think he can say "us". He is exempted.

Dr. Colvin R. de Silva: I shall give way to the Prime Minister to explain himself—

The Hon. Mr. D. S. Senanayake: He says "deprive us"—

Dr. Colvin R. de Silva: There are six of us in this House. The Prime Minister forgets that I speak for a Party—[Interruption]—Yes, Sir, every time the Prime Minister opens his mouth, I am sorry to say, he puts his foot into it—

The Hon. Mr. D. S. Senanayake: The hon. Member did not understand what I said. I did not say he had no Party of his own. Referring to the people who would be prevented from coming here, he used the word "us"

[Hon. Mr. D. S. Senanayake.]

I said that the hon. Member for Wellawatta-Galkissa could not be kept out in that way because he is a citizen of Ceylon.

Dr. Colvin R. de Silva: I said, "If I was such a person, we have no doubt about his decision". He has taken other powers and other ways to deal with people like me.

What kind of test will be applied? What will be the infallible sources of information on which he would have to rely?

Sub-section (b) says:

"The Minister may . . . declare that any person . . . who is shown by evidence—"

Please note the use of the word "evidence": one is led, from the use of the evocative word "evidence" to assume that the entire Courts, the entire paraphernalia of the administration and of the Evidence Ordinance, is to be utilized. But no. Unfortunately all that is negated by the very next phrase:

". . . by evidence which the Minister deems sufficient. . ."

The Prime Minister has already, by a previous interjection, shown the extent of his capacity to appreciate the meaning of laws and legal procedure and legal interpretation. What is the value in this term "evidence" being used, when all it means here is, "on such information, obtained through the mouths of people and documents, as the Minister deems sufficient"?

Once again the Courts are displaced at the only point of time when they would be of some material use. It is thus another way of giving an air of impartiality to a procedure which displaces the Courts at the essential stage. That is, the Administration can, by administrative fiat, intervene between the stage at which perhaps an application may be possible to Court and the initiation of proceedings by the Administration.

What is the evidence that the Prime Minister has to seek?

". is shown by evidence which the Minister deems sufficient, to be likely to conduct himself so as to be dangerous to peace and good order in Ceylon. . . ."

Sir, with the passing away of some at least of the representatives of the people who have left behind enough co-

horts to defend their interests, we had thought that the mysterious functioning of Cockney law and order was going to be deposed in this country, but the "good old law" and the precious little order we had is coming via the "Order", that is the administrative fiat, of the Prime Minister.

". is shown by evidence which the Minister deems sufficient, to be likely to conduct himself so as to be dangerous to peace and good order. . . ."

How is he to judge? He will say, "I shall take evidence", evidence that to him is satisfactory. What then is the nature of the evidence he will seek? He will want to know, and that is the only angle from which it is possible for him to view it, "What is the political record of the given person?" He will not fail to cover up that political approach under the appearance of the law, or he will say, first of all, "What is the criminal record of this person?"

Now, Sir, there are throughout the world those humble but determined fighters in the cause of mankind and justice whom the present intolerable administrations and Governments are regularly sending to jail under the law of sedition. Can there be any doubt which kind of sedition, in relation to what kind of system, will be considered to be that kind of offence for which that fundamental democratic right, known as the right of asylum, can be denied by the Prime Minister?

Do we not know that if today men who are considered seditious in countries, with whose political systems other Governments disagree, are given asylum, it is because their own systems accord with the ideas of these men?

Thus there is no impartial, Olympian, approach available to us. There will be the political, Governmental, class approach to the question. I am glad the Prime Minister nods his head, for at last I have evoked from him in this House the admission that he is a representative not of the people of this country but of a class thereof.

". is shown by evidence which the Minister deems sufficient, to be likely to conduct himself so as to be dangerous to peace and good order. . . ."

That hardly needs exposition. "Peace and good order" means class peace and class order in the interests of the dominant class in this country.

I note that the Prime Minister is trying to keep his head still now.

There are three alternative ways. This is a net flung wide, a net which is not going to allow anybody to escape,—

“ or to excite feelings of disaffection to the Government of Ceylon. ”

That is, “ feelings of disaffection today to this particular Government of Ceylon. ” This is an aspect of the matter which was adequately dealt with by the hon. the Third Member for Colombo Central, and I shall not take up your time over it. All that is clear is this, “ disaffection ” in the minds of this Government will not be disaffection in our minds, and so, I say, there is sought power, administratively, either to order a person not to come into this country, or to supervise in this country, or to deport from this country, a person who is likely to “ excite feelings of disaffection, ” by his activities or merely by his presence. That is not a power that a Minister can have except, ultimately, on the basis of political partisanship.

“ or to intrigue against the authority of the Government of Ceylon. ”

Sir, I do not know whether the Member for Nuwara Eliya (Mr. Thondaman) will come under the class covered by this part of the Bill and the definitions of persons covered by this Clause. The hon. Member for Nuwara Eliya, much as I may disagree with him and his organization, is now today the chosen leader of the chosen organization of a section of the labour population of this Island. If, under the Citizenship Bill, the hon. Member for Nuwara Eliya has been de-citizenized, and if, under that Bill the Prime Minister will not issue to him a licence, then, Sir, the hon. Member for Nuwara Eliya comes under this provision, and, far from his departing in peace, he will depart at his peril, for at Talaimannar Pier, and may be at the other side of Palk Strait, at Mandapam Camp, some minion of the law, with some blue document, with a red seal, waving it in his face will say, “ An administrative fiat from the Prime Minister, the proper authority, ” and with that, the hon. Member for Nuwara Eliya, being held across there for three months, will cease to be a Member of this distinguished House.

Finally, we have clause 12 (c);

“ has been convicted in any country and has not received a free pardon in respect of an offence for which a sentence of imprisonment has been passed and, by reason of the circumstances connected therewith, is deemed by the

Minister to be an undesirable person for admission into Ceylon, shall be a prohibited immigrant. ”

Now, Sir, I want to say, because I like to make whatever concession I can to this Government, that there is some effort, inside this clause, to mitigate the rigours of its beginning. At the beginning we are told,—

“ convicted in any country in respect of an offence for which a sentence of imprisonment has been passed. ”

That would cover, as my hon. Friend the Member for Ruwanwella pointed out, even a person found guilty of a motoring offence. The rigour of this provision is sought to be mitigated by saying:

“ and, by reason of the circumstances connected therewith, is deemed by the Minister. ”

That is, the Minister must not look only to the conviction. He must look into the circumstances of the conviction, that is to say, the conviction must be of such a nature as can relate to the question of undesirability, although I am not prepared to concede that there is not a Minister in the Government who might not come to the purely impartial conclusion that anyone who drives a car at over 30 miles an hour is undesirable as a citizen of Ceylon!

Clause 12, as I pointed out, was caught up by Clause 11. Thus, in all these cases no endorsement can be issued, that is, the right of entry is denied.

I shall turn now to the next Clause which I say is of importance in this connexion, in relation to the whole question of what are the objects of this Bill. I refer to Clause 19, which is an incidental clause, but is connected to Clause 25.

Clause 19 is neatly embedded in a whole Chapter headed “ Control of entry into Ceylon of persons other than Citizens of Ceylon. ” But we find that Clause 19 is also concerned with controlling entry into Ceylon of things. That is a matter for the draughtsman.

The heading to Clause 19, is “ Inspection of letters, etc. ” I want to read the whole Clause, which gives certain powers to the Minister and to those acting under his authority, that is, the Controller, the officers and the like. What does this Clause say? It says:

“ A person to whom this Part applies shall, on being required so to do by an authorised officer at the time of his entry into Ceylon, make a declaration as to whether or not he is

[Dr. Colvin R. de Silva.]

carrying or conveying any letters, written messages, memoranda or any written or printed matter, including plans, photographs and other pictorial representations. . . .

Now, Sir, there has been in this country, which even then was blessed with a Government that was at least concerned with the morals of the people, legislation to control the introduction of a certain kind of photographs. I do not think this part of Clause 19 refers to indecent matter, but obviously to political matter,—

“ make a declaration as to whether or not he is carrying or conveying any letters, written messages, memoranda or any written or printed matter and if so required, shall produce to that officer any such letters, messages, memoranda or written or printed matter and the officer may search any such person and any baggage belonging to him or under his control. . . . ”

Now, Mr. Speaker, a Paul-Pry government is taking Paul-Pry powers at every step of its Paul-Pry existence. What does this mean? I was recently in the land of Egypt and there that Government had found it necessary, under conditions of military operations, specially to take all such powers as these. In other words, ordinarily, it did not exercise such power. Now here is our Government seeking in ordinary times of piping peace, to take to itself powers of compelling people to disclose any letters they carry, even of the most affectionate variety; their baggage, whatever it may contain, and no doubt with full knowledge that the members of the Government will be immune.

That is not all. They are to have the power to search and, for the purpose of search, to detain. To conceive of the use of such powers—apart from any questions of what the Hon. the Leader of the House, the other day, called ideological differences—in ordinary times, in relation to a class of people who, by definition as non-citizens includes the whole section of the permanent inhabitants of this country, is sadly intolerable from any point of view. The provision has contained in it a brand of literature, for there is a declaration as to printed matter, and the right of search must obviously include the right of prevention or “ bringing in ”.

There was a time when the predecessors of this Government prevented the entry into this country of the pale pink literature of the Left Book Club. We have now a paler government and a more palsied one. Can we doubt when the pale pink of the Left Book Club was

too much for the government of those days, that for this government even the pale radicalism of certain Western writers would be of too explosive a content to be permitted entry?

We return to Clause 25. I am taking the clauses which—if I may say so—are relevant to the argument. Part IV. is headed—please note—“ Supervision of activities of Persons other than Citizens of Ceylon ” which I would like to remind this House may probably include the hon. Member for Nuwara Eliya unless he can produce proof that he indeed had a grandfather. Now this is a Clause which I cannot refrain from reading wellnigh in its entirety in this House for it is only from this House that we can address the nation today.

The Clause says, “ The Minister may, if he deems it expedient in the public interest. . . . ”—once again he deems it—“ in the public interest ” from his point of view—“ by Order. . . . ”—the charming word with a capital O could cover the—note the emphasis of the meaning and the strength of an administrative fiat. “ impose restrictions ”—note—“ on the movements or activities, during their stay in Ceylon, of persons to whom this Part applies, and provision may be made in the Order in respect of all or any of the following matters ”. Note the words “ movements and activities ”. A person may be allowed to come in, but it may be thought safe to allow him to go to Welikade but not to the salubrious climate of Nuwara Eliya. He may indulge in the activity of making money, but not in the activity of organizing the plantation workers of Nuwara Eliya.

The Clause states the circumstances in which the Minister may prescribe “ the circumstances in which and the purposes for which such persons may be required to furnish returns to authorized officers, the form of such returns and the particulars to be entered therein ”. In other words, you may ask him to provide all kinds of details which, in the view of the Hon. Minister, are necessary in order to control his activities—what money he has, what money he makes, what money he gives, and so on. Not only that. If the Hon. Minister thinks fit he can ask him to describe the clothes he wears. He may prescribe the information to be supplied by such person or note—“ relating to the occurrence of any circumstances affecting in

any manner the accuracy of the particulars specified in returns made under the Order”.

Hon. Members will see that it is not sufficient to get a return, that it is not sufficient to get an accurate return, but that the poor man must continue to keep his weather-eye open for changes in the political, geographical, and all other signs of climate in order that he must not make a mistake as to the return which he makes. Now he becomes liable under sub-clause (c) which says—

“The compliance by such persons with such provisions as to place of residence, change of residence, travelling of otherwise, as may be made by the Order.”

That means that he must not live where the Minister does not like him to live; that he may not go where the Minister does not like him to go, even if that is the road up to heaven along the golden ladder—note the words, “travelling or otherwise”—except in terms made by the Order. And the Order can be changed as the Minister chooses.

Take sub-clause (d)—

“the imposition of such obligations, requirements, conditions or restrictions—
please note—

“on the activities or associations of such persons as the Minister may deem necessary in the public interest.”

A casual, rapid reader of the Clause might imagine that by “associations” here is covered membership of a particular organization. It is manifest that the word here means whom he shall associate with; that is, come into contact with, keep the company of, and the like. In other words, this poor man may not meet people like me; this poor man may not keep company with people like me—that is, the contemporary followers of the men of 1848 whom the Hon. Prime Minister purported to extol last week-end. Such he can prohibit; in other words, he can effectively isolate a man if he is doubtful of his political ideas from those by associating with whom he might be able further to fertilize the political ideas he has.

I agree that the Hon. Minister's government, its members and those whom it represents, represent far too sterile a soil to be fertilized by the sowing of such ideas. But why prevent other fertilization in other political soils?

I note the Hon. Leader of the House is amused. The Hon. Leader of the House not only understands the *double entendre* but is a master of it himself.

The Hon. Mr. Goonesinha: As yourself.

Dr. Colvin R. de Silva: Take sub-clause (f):

“the circumstances in which authorized officers and Police officers may exercise in relation to such persons, powers of arrest, detention, and search of premises or person, and any other ancillary matters for which it appears expedient.”

Mr. Speaker, “expedient” is the governing word—

“to provide with a view to giving full effect to the Order.”

I should imagine that if the Government had its way it would write this clause in red ink because it would be used for anti-Red purposes. Note the power given to Police officers and authorized officers to arrest, to detain, to search. Not even the person or the homes of these unfortunate people, such as the hon. Member for Nuwara Eliya, will be inviolate from the minions of this government.

Finally, there is sub-clause (g):

“all matters incidental to or connected with the matters and subjects referred to in this sub-section.”

Now, it says—

“An Order under this section may be either a special Order in respect of any person or group of persons, or a general Order applicable to any class or description of persons.”

Now, not content therewith we move on to Clause 31 which, so to speak, allows for and completes this rake's progress in legislation by this government. On page 14, Clause 31 (1)——

Mr. Speaker: It reiterates what the hon. Member has covered.

Dr. Colvin R. de Silva: Yes, Mr. Speaker. The only point there is brought in here by two fresh clauses. I will not repeat the whole thing because sub-clauses (a), (ii.), (iii.), (iv.), are but a repetition of what was in Part I. Sub-clause (1) (b) is important because here the Minister takes power to issue an Order in respect of a person who “has been convicted in Ceylon or in any other country”.

Hon. Members will notice that in sub-clause (a) there is a fresh power as far as conviction in Ceylon is concerned and in sub-clause (b) there is the additional power that, although you do not consider his conviction in any other country sufficient to prevent his entry, you may yet change your mind and

[Dr. Colvin R. de Silva.] consider it sufficient for deportation purposes. So there is a taking of new powers under this Chapter.

Sub-clause (b) says:

" . . . convicted in Ceylon or in any other country and has not received a free pardon in respect of an offence for which a sentence of imprisonment has been passed. . . . "

My hon. Friend the Member for Ruwanwella has dealt with the import of such phrasology, and all we are concerned with is that once again if the poor hon. Member for Nuwara Eliya, the next time he visits the neighbouring sub-continent, succeeds in inveigling his way into this country he may yet find himself bundled out neck and crop, if next time he led a strike and this Government gets jittery, under special legislation that they may yet pass. With new powers taken he may be newly convicted and newly ejected, where it is not an extradition proceeding.

Look at the final sub-clause (d) which is not in terms of the original sub-clause (d). Sub-clause (d) says:

" Where the Minister deems it to be conducive to the public interest to make a deportation Order against that person. "

The poor old Member who represents the interest of the Nuwara Eliya constituency must be by now feeling like an unhappy rabbit in a very close trap. Why? " Would be conducive to the public interest "—it is not only in the public interest, but would be conducive to the public interest, that is, by that action he would advance the public interest. That is the meaning thereof, that the public interest is not merely endangered by his presence, his activities and his associations and things like that, but that by the removal thereof there will be, so to speak, a development of the public interest. " Conducive to the public interest " includes all those ideas. Sir, the Mussolinis and the Hitlers have certainly exercised that power—

The Hon. Mr. Bandaranaike: And Stalins!

Dr. Colvin R. de Silva: I am ready to accord with the Hon. Leader of the House and say the Stalins, too. But let it be remembered that we of the Trotskyist movement fights against administrative fiats, fought against them in Hitlerite Germany, died fighting in Mussolini's Italy, and are underground

in Stalinist Russia. Therefore, that is an interjection which may be addressed to other quarters, but never to a speaker of the Bolshhevik-Leninist Party. [Hon. Members: Hear; hear.] Certainly I appreciate the " hear-hears ", because that is proof that even a glimmering of understanding that fighters for freedom are constant fighters for freedom has dawned upon the obtuse brains of this particular Front Bench.

Now let me go on. Where the Minister deems that it would conduce to the public interest!. If I may—

Mr. Speaker: The hon. Member ought not to allow himself to be led away into the wilderness by trying to reply to interjections.

Dr. Colvin R. de Silva: I agree, with respect, that these are interjections which should always be overlooked, but one cannot sometimes ignore an opportunity like that.

We are seeking to invest either the Hon. Prime Minister, or whoever will be the Minister appointed to administer whatever Department comes into existence under this Ordinance, with all the combined powers that a Mussolini and a Hitler and a Stalin have exercised and are exercising. Sir, let this Government even collectively rise to those statures, and then at least one could conceive of the possibility of such powers. But we know, and they know, that only by backdoor legislation of this type can these people claim kinship to Mussolinis and Hitlers and, least of all, to Stalins.

We have got this further fundamental objection to this Bill. This is not a Bill merely for the controlling of the entry of persons, other than citizens, into Ceylon. This is not only a Bill for the control of people who have been de-citizenized but are inhabitants of Ceylon; but this is essentially a Bill for controlling the entry of political ideas into Ceylon, and that, too, the only ideas worth while in this generation—revolutionary ideas, ideas which this Government choose to call subversive. Sir, it was none other than Mahatma Gandhi, whom this Government sometimes like to evoke the memory of, who evoked and cited and acted upon the fundamental right of rebellion lodged in the citizen of a State. Our Party operates on that basis.

The Hon. Mr. Bandaranaike: Non-violence!

Dr. Colvin R. de Silva: Sir, appeals to non-violence by an essentially violent Government can only be considered essentially insincere.

Thus, as to the powers vested in an individual, be he ever so admired by the cohorts of the Government, we, while we are ready to admire his persistence in the wrong paths, can never bring ourselves to accord with in those wrong actions.

There is another aspect of this Bill arising from another couple of clauses which it is necessary to look into. [Interruption]. I know the Hon. Minister without Portfolio finds that his brain is a little staggering under the impact of a detailed consideration of a complex measure, but he must forgive me and bear with me, unless by his interruptions he wishes to get the usual retaliations.

Now, there is a Clause which I wish to draw attention to under Clause 14. [Interruption.] Sir, I understand that even benighted Knights are also seeking to intervene in the discussion. I think discretion is the path of wisdom for those who have been adorned with knighthoods and accolades.

Under Clause 14, in connexion with the power of issuing *visas* for certain periods,—I want to read that, if I may; it is a very short section—in sub-clause (3) (b) we have this:

“No temporary residence permit shall be refused in the case of a person who, being a British subject, was ordinarily resident in Ceylon for a period of at least five years immediately preceding the appointed date.”

This, Sir, I will characterize as a legislative sop to a particular political Cerberus. It has been sought to be argued from some points of view that this Bill embodies a certain policy. That is so. From another point of view, what it lacks precisely is a unified policy. But here I read what I can call a continuation of the effort under the Citizenship Bill to keep a particular section of the population in a permanent state of temporariness, like some of the temporary clerks under this very Government. On the one hand, let it be conceded, this Clause gives at least a certain modicum of protection to a part of that section of the population which has been de-citizenized by the Citizenship Bill, for it expressly makes it obligatory upon the Minister to issue temporary residence permits in the case of inhabitants of Ceylon who, being

British subjects, come within the five-year period, which was suggested, incidentally, by the hon. Member on my right (Dr. Perera). That is a matter which will arise in another Debate; I do not propose to go into it. But it is clear here that some exception is being sought to be made, that is, in any event, the hon. Member for Nuwara Eliya may, after all, be able to get back into this country under this sub-clause (5).

The Hon. Mr. Bandaranaike: Now your fears are dissipated!

Dr. Colvin R. de Silva: But my fears and his fears are not to be dissipated by that kind of provision, not even by the eternally attractive smile of the Hon. Leader of the House. But there are smiles and smiles, and one has not forgotten the disappearing smile of the ancient Kilkenny cat.

Mr. Speaker: At least one-fifth of the hon. Member's time is taken up by replies to interruptions, a reference to a smile or something like that.

Dr. Colvin R. de Silva: If the hon. Members of the Front Bench will leave me alone, I shall leave them alone, except in regard to their political acts. However, I appreciate that, Sir. I will try and overlook the interjections and treat them with the contempt they deserve.

Under that sub-clause there is a concession made, that is, that people may come, but strictly on the condition that they are issued a temporary residence permit, and every person who comes into this Island on a temporary residence permit is subject to all those conditions, limitations and restrictions which I have already referred to in terms of Clauses 29, 31, and the like.

Secondly, the temporariness, I repeat in this Debate, is not without objective and purpose. The Hon. Leader of the House at some stage or other adverted to the pending negotiations with India. He said, “We shall not fear. We shall go forward.” Here is the way they will go forward, in other words, be prepared for the negotiations with the Indian Government, and I trust this will be another spade with which to dig their graves.

Now I have thus analyzed the Bill, if I may say so, from the point of view of a certain degree of orthodox assumptions, that is from the angle of the

[Dr. Colvin R. de Silva.]

traditional question of the ordinary liberty of the subject. I have pointed out that in that respect this is in many ways a greater invasion of the liberties of the subject than has been made under the Police Amending Ordinance and even the Public Security Ordinance; only it is sought to be defended on the ground that it applies to non-citizens.

It is but right—and I undertake that I will not take much time—since it is the custom of this Government to say that we are ever critical and never constructive, to point out to them clearly how in terms of a Bill of this nature, the correct social objectives for a progressive Government could have been achieved. You will give me the time, if I may say so, not extensively but briefly, to expound that aspect of the matter, for in this House the Government itself is constantly seeking to taunt us with garbled versions of extracts from quotations which are never fully read in this House. I do not propose to read those things. I said I will not read any document other than the Bill before us.

Our objection to this whole Bill is not only by reason of its contents, its adequacies and its inadequacies, but also from a higher point of view and a different plane of approach. Basically, Sir, at every stage in this House where questions of fundamental rights are sought to be legislated upon by this Government, as far as a principled Opposition is concerned, the question that always arises is, not merely whether the powers sought to be taken are, in the abstract, justifiable or defensible, but whether those powers are justifiable in the concrete circumstances in which they are sought to be taken. Hence, included in those concrete circumstances is, most importantly of all, the nature of that Government or administration of the day which will be administering that legislation. The right even to control entry and departure from a country can be conceded by this Opposition only to a Government in which it has faith. I wish to say, in the light of certain remarks that have been made, that even if a measure is brought by this Government which, by some abstract standard,

may be to some degree defensible, it must be looked at in the light of its entire policy. And it is that which makes it primarily impossible for us ever to join this Government shoulder to shoulder in any struggle. Here my Party approaches this question from the angle of the defence of the right of the individual, and particularly of the worker, to move from country to country as he wills. Internationalism is meaningless if we are to join with reactionary governments in the setting up of fences in the way of the movement of humanity over the globe.

My hon. Friend the Member for Ruwanwella (Dr. Perera) reminded this House that this passport Regulation system is, in history, a comparatively recent creation. There are certainly men living even in this Island who have been abroad previous to the first Imperialist war, who can remember that passport regulations were the exception, and not the rule. It is as international relations became strained, the economic system and the social system began to decay, that these obstacles in the way of movement, especially of the workers, to and fro have been brought into being. We cannot—I will finish up, Sir,—therefore ever accede to any sort of legislation which stands in the way of the exercise of that right of movement from one country to another in the world. That however must not be permitted to be misrepresented by interested parties, even over the national radio.

It being 5.30 p.m., the Debate stood adjourned.

Debate to be resumed tomorrow.

ADJOURNMENT

The Hon. Mr. Bandaranaike: I move, "That this House do now adjourn."

I intend to move tomorrow that Government Business be given precedence, and I think most hon. Members wish that that should be done.

Question put, and agreed to.

Adjourned accordingly at 5.31 P.M., until 2 P.M. on Wednesday, August 25, 1948.

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Deputy-Speaker and Chairman of Committees—

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Aboobucker, A. R. A. M. (*Mutur*)
Amarasuriya, Mr. H. W. (*Baddegama*)
Attygalle, C. E. (*Ratnapura*)

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Jayewardene, The Hon. Mr. J. R. (*Kelaniya*)
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