

INDO-CEYLON
RELATIONS
SINCE
INDEPENDENCE

S. U. Kodikara

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S. U. KODIKARA, *M.A., Ph.D.*

Lecturer in History, University of Ceylon.

Published under the auspices
of
THE CEYLON INSTITUTE OF WORLD AFFAIRS
Colombo, Ceylon.

327.5405493

KOD .

Printed at The Colombo Apothecaries' Co., Ltd., Colombo, Ceylon.

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First Published 1965

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PREFACE

This book attempts to discuss various aspects of Indo-Ceylonese relations since independence. It has of necessity been concerned largely with the problem of Indians in Ceylon (usually referred to as the Indo-Ceylon question), which has emerged as the most fundamental issue in the recent relations of the two countries. However, it is not a study of the "role" or status of the Indian community in Ceylon as such. It attempts to review the main features of Indo-Ceylonese intergovernmental relations against the background of the changing status of the Indian minority. Also, since significant social pressures relating to this question exist in both countries, intergovernmental relations are themselves viewed from the perspective of internal politics, such as can be discerned.

The terms "Indians in Ceylon", "Indian community in Ceylon", "Indian-origin persons in Ceylon", have been variously used in this book to designate the minority of persons of Indian origin in the island. These terms, however, have been used largely in an ethnic sense, for the sake of convenience, and does not carry any connotation from the point of view of the citizenship status of these persons. Persons of Indian origin in Ceylon fall into three categories: those who have been admitted to Ceylon citizenship, those who have remained Indian *nationals* or opted for Indian *nationality*, and the large intermediate class of those without either Ceylon or Indian citizenship. This last category have been referred to as stateless persons in this book, but the Ceylon Government have in the past repudiated the whole concept of statelessness in relation to these persons, and the term has been adopted as correctly defining the *de facto* position regarding their citizenship status, and does not denote this writer's acceptance of the Indian interpretation of statelessness. The Indo-Ceylon agreement of October 1964 has sought to eliminate statelessness by providing that the stateless would eventually be granted either Ceylon or Indian citizenship.

This book is based substantially on a doctoral thesis submitted to the University of London in 1962, but it has been revised to take account of recent developments such as the Indo-Ceylon agreement of 1964 and the general elections in Ceylon in March 1965. The Epilogue briefly reviews the position subsequent to the 1965 elections.

In the University of London my work was supervised by Professor Kenneth Robinson, Director, Institute of Commonwealth Studies, and Mr. Hedley Bull, Reader in Strategic Studies in the London School of Economics. This book has profited greatly from their guidance and assistance, and I gratefully acknowledge my thanks to them. Much of the research for this book was completed during my tenure of the Charles Henry Chapman Junior Research Fellowship in the Institute of Commonwealth Studies, University of London, during 1961-62, and to Professor Robinson and the Board of Governors of this Institute I am deeply indebted for this grant. My thanks are also due to the Asia Foundation in Ceylon for a grant which enabled me to undertake a study tour in India in December 1963. To Mr. T.E. Smith of the Institute of Commonwealth Studies, London, I am indebted for reading and commenting on a draft of the chapter dealing with the immigration and permanent settlement of Indians in Ceylon. While I am deeply grateful to all these persons for their help and guidance, I am entirely responsible for the opinions expressed in this book.

In the preparation of this book, I have availed myself of the facilities of several libraries, and I acknowledge my immense debt to them and to their staff. Among these are the British Library of Political Science in the London School of Economics, the British Museum, the libraries of the Institute of Commonwealth Studies, London, the Royal Institute of International Affairs, London, the Royal Commonwealth Society, London, the Indian Council of World Affairs, New Delhi, the University of Ceylon, Peradeniya, and the Ceylon Government Archives.

University of Ceylon,
September 1965.

S.U. KODIKARA.

CHAPTER I

INTRODUCTION

Ceylon is located near the southern tip of the Indian Peninsula, separated from the Indian sub-continent by a narrow stretch of water, the Palk Strait. The island's area of 25,000 square miles contrasts with India's 1,139,000 square miles and India's population of 436 million¹ is more than forty times larger than Ceylon's estimated in 1960 at 10 million. India's natural resources and industrial potential also, are infinitely greater than Ceylon's and although national income per capita has been much higher in Ceylon over the years since independence, the basic power-relationship between the two countries is determined largely by the immense disparity in their size. From a geopolitical point of view, Ceylon, a small island, lies within the periphery of a country which, in relation to her, indeed by Asian standards, is a Big Power.

Ceylon's past history has been profoundly influenced by her proximity to India. According to tradition, the Sinhalese (who comprise over 70% of the island's population) are descendants of settlers who came from North India in the sixth century B.C. Buddhism, the religion of the majority of Sinhalese, came from India in the third century B.C. Ancient Sinhalese art and architecture was essentially Buddhist in character and influenced by Indian forms. The Sinhalese language and literature owes much to indigenous Indian languages and literary forms. Especially in the earlier periods of her history, until about the eleventh century A.D., Indian cultural influences left a marked impress in Ceylon, and these originated predominantly in North India. The great North Indian empires of ancient times rarely extended to the southern extremity of the Indian peninsula; their existence did not pose a political threat to Ceylon.

From the eleventh to the fifteenth centuries, however, Hindu influences emanating in South India were introduced to the island and these mingled with the earlier tradition. This period saw the rise of several powerful South Indian imperialisms—the Chola Empire, the Pandyan Empire,

1. According to the 1961 Census.

the Vijayanagara Empire—and politically as well as culturally these empires had a profound impact on Ceylon. The period was generally marked by a series of South Indian invasions of Ceylon, and at various times the island, or a part of it, was incorporated as an integral part of one or other of these empires.² It almost became axiomatic that the existence of a powerful South Indian empire would imperil the independence and integrity of the island; the South Indian Tamil became the traditional enemy of the Sinhalese. Moreover, the invasions resulted in the addition of a new element into the island's population—the Tamils. Descendants of these Tamil invaders (known as Ceylon Tamils) today comprise the most important minority in Ceylon, forming about 12% of the island's total population. Resurgent Sinhalese communalism in recent years, and Sinhalese attitudes to the Indo-Ceylon question itself, are perhaps more easily understood when it is realised that conflict between the South Indian Tamil and the Sinhalese has a very ancient tradition in Ceylon's history.³

From the beginning of the sixteenth century Ceylon came under the influence of the West, and Ceylon was successively incorporated into the Portuguese, Dutch and British Empires in the East. While the European advent to Asia engendered in some respects the political and cultural isolation of India and Ceylon, it also emphasised for the first time their essential strategic unity. The Portuguese Empire in the East, and other European colonial empires, were based essentially on naval supremacy. But sea-power was dependent upon possession of strategic bases. Quite apart from her wealth of spices and gems, Ceylon's value as a colony was considerably enhanced by virtue of her strategic location in relation to India and the Indian Ocean area, and because she possessed two valuable naval bases in Colombo and Trincomalee. The Dutch Admiral Sebald de Weert wrote to his chief in 1603:

... no place would be better for attacking the Portuguese (than Colombo) if we could only keep the King and the people of the country our friends.⁴

2. See *University History of Ceylon*, Vol. I, Part I, (Colombo: Ceylon University Press, 1960), pp. 411-14 and 684-90.

3. The historical basis for recent communal discords in Ceylon is briefly explored in B.H. Farmer's *Ceylon: A Divided Nation* (Oxford, 1962).

4. Paul E. Pieris (ed.), *Some Documents Relating to the Rise of the Dutch Power in Ceylon, 1602-70* (Colombo, 1929), p. 32.

“When they are once turned out of Ceylon”, wrote the Dutch envoy Boschouwer, “they are out of India, as the island is the centre of India”.⁵ Over a hundred years later the French Admiral Suffren wrote in the same strain:

The importance of Ceylon is such that if English troops captured that island, its recapture would be more important than all other conquests wherewith one could begin a war in India.⁶

More than any other power the British were aware of the vital importance of Ceylon especially of the harbour at Trincomalee, for the defence of British possessions in India. Hence when French revolutionary armies overran Holland in 1794, and when it was feared that a French invasion of India was contemplated, the British ousted the Dutch and acquired control of Ceylon “more to deny its use to the French than for any positive purpose”.⁷ Referring to the strategic value of Ceylon in relation to India, the Younger Pitt told Parliament in 1802 that its acquisition was “to us the most valuable colonial possession on the globe as giving to our Indian empire a security which it had not enjoyed from its first establishment”.⁸ For the British not only was Ceylon integral to the defence of India; it was a vital link in Britain’s sea communications with the Far East and with Australia. Even after Ceylon’s independence, Britain retained control of the naval base at Trincomalee and an air base at Katunayake under an administrative arrangement covered by the Ceylon-U.K. Defence Agreement of 1947.

The emergence of India and Ceylon as independent states has not detracted greatly from their strategic interdependence. It is evident, on the one hand, that the strategic emphasis in Indian defence has changed significantly in recent years. The relative decline of sea-power, the phenomenal advances in military weapons technology, particularly the development of the long-range missile, the Sino-Indian border dispute, all these factors have posed new problems for Indian defence which did not exist in British times, and in such a context it is obvious that the value of

5. *Ibid.*, p. 42.

6. Quoted in Sidney Bailey, *Ceylon* (New York, 1952), p. 10.

7. *Ibid.*, p. 68.

8. Quoted in Colvin R. de Silva, *Ceylon Under the British Occupation, 1795-1833* (Colombo, 1941), 3rd. ed., Vol. I, p. 20.

strategic bases like Trincomalee has declined considerably in relation to Indian defence. On the other hand, however, the implications of Ceylon's geopolitical location still remain valid; occupation of Ceylon by a hostile power would still gravely endanger India's security. Moreover, Ceylon's strategic location in the Indian Ocean area is by no means diminished by the relative decline of sea-power. Even from the point of view of air-communications, Ceylon is centrally situated in relation to East Africa, South-East Asia and Australia. As in the age of sea-power, Ceylon remains today a valuable base of operations in relation both to India and the Indian Ocean area generally. Quite apart from their ethnic and cultural affinity, therefore, the basic factor of geography has determined that Ceylon will remain an object of permanent political interest in India. Indeed, as will be discussed in the next chapter, some Indian writers and strategists have in the past emphasised the strategic unity of India and Ceylon even to the extent of advocating their political integration, and although such views have generally emanated from an insufficient appreciation of the changing emphasis in Indian defence, it still remains true even today that there are important sections of opinion in India, not officially connected with the government, which regard India's political integration with countries like Ceylon, Nepal, Bhutan, Sikkim, to be demanded by the necessities of India's security.

Ceylonese attitudes towards India are inevitably coloured by such views. Whether Ceylonese governments take a pessimistic or optimistic view of Indo-Ceylon relations, there is always among Ceylonese the ever-present fear and anxiety of existence within close proximity to a colossus which at any moment might destroy the island's newly-won independence. India's security stake in Ceylon and her stake in the island's international alignment is real enough to make an Indian occupation of Ceylon a distinct possibility in certain contingencies such, for instance, as the appearance of a hostile power in the Indian Ocean area, or pursuit by Ceylon of a foreign policy clearly injurious to India's interests. The appearance of a hostile power in the Indian Ocean area does not seem a likely prospect at the present time. Ceylon's foreign policy, also, has not differed significantly from that of India in the years since independence. The eruption of the Sino-Indian conflict into open war during October-November, 1962, and Ceylon's attitude to this conflict, may in the future emerge as a vital element in Indo-Ceylon relations. Whatever the justifi-

cation of Ceylon's espousal of a policy of strict neutralism in respect of this conflict, some Indian spokesmen have not concealed their disillusionment about Ceylon's failure to condemn Chinese aggression.⁹ However, despite the problems created by the Sino-Indian conflict, general political relations between the two countries have been friendly enough in recent years. Recent divergences and conflicts between them have centred largely round the South Indian element in Ceylon's population and these (referred to as the Indo-Ceylon question) stand out as the most significant aspect of Indo-Ceylon relations since independence.

The Indo-Ceylon question, however, is not a product of independence. As a problem in the international relations of India and Ceylon it dates back to the nineteenth century; as an issue in Ceylon's domestic politics and in its present controversial aspect it dates back to the 1930's. In independent Ceylon it has considerable importance both as an issue in domestic politics and as an element in foreign policy. An attempt has been made in Chapter III of this book to examine the origins of the Indo-Ceylon question in its controversial aspects since 1930. However, some acquaintance with the salient features of recent Indian immigration to Ceylon is a necessary pre-requisite to a proper study of the Indo-Ceylon question and the rest of this chapter will be devoted to this purpose.

Labour-immigration from India to Ceylon

Though Indian immigration to Ceylon has a tradition rooted in the ancient past of the two countries, the most recent immigrant stream from India has exhibited certain features which are peculiar to itself. Traditionally, immigration from India to Ceylon was generally for the purposes of colonisation; the immigrants for the most part settled down in the island and became merged in the permanent population. In the nineteenth century, however, there began a stream of Indian immigration primarily for purposes of labour-employment in the island; and the new immigrant was usually a transient who retained his connections with India and whose interest in Ceylon generally coincided with the duration of his employment there.

9. See e.g. Urmila Phadnis, "Ceylon and the Sino-Indian Border Conflict", *Asian Survey*, 3: 195, April 1963, in which the author talks of the suspension of "Ceylon's moral judgement on Chinese aggression". For a further discussion on this theme, see pp. 51-58 *infra*.

This process of immigration was associated with the economic development of Ceylon in the nineteenth century and after. Early in the nineteenth century, the colonial government of Ceylon began a programme of road-building, railway-building, construction of public works, etc., in the island. From the 1830's onwards, British capitalist enterprise developed coffee plantations in the hill country of Ceylon; when these were destroyed by a leaf fungus in the 1880's, tea plantations replaced them. Towards the end of the nineteenth century, and in the early decades of the twentieth century, rubber plantations were opened in midland and low-country areas of the island.

All this economic enterprise entailed a large, mobile, and cheap labour force. Such a labour force did not exist in Ceylon, but in South India there was such an excess of cheap unskilled labour that it was sufficient to meet the requirements not only of Ceylon, but also of other British colonies such as Malaya, Burma, Mauritius, the West Indies, etc. The Table below indicates the growth of the Indian Tamil estate population in Ceylon.

TABLE I
Growth of the Indian Tamil Estate Population in Ceylon¹⁰

1827	..	..	10,000	1921	..	..	493,944
1847	..	..	50,000	1931	..	..	692,540
1877	..	..	146,000	1946	..	..	665,853
1911	..	..	457,765	1961	..	..	949,684

Labour-immigration from India to Ceylon was predominantly for purposes of employment on the plantations. While there were over 665,000 Indian Tamil estate workers and their dependants in Ceylonese estates in 1946, the number of Indians engaged in urban occupations (mainly in government and mercantile daily-paid employment, in domestic service, conservancy and scavenging, etc.), was estimated at only 160,000 in 1943.¹¹

10. Compiled from *Ceylon Census Reports: Administration Reports of the Labour Commissioner*.

11. *Labour Conditions in Ceylon, Mauritius and Malaya*. Report by Major G. St. J. Orde-Browne, Cmd. 6423, p. 11.

Since independence, however, the number of Indians in urban occupations has declined considerably from this figure; for the urban element was the least stabilised part of the Indian population in the island,¹² and it is this element which has been most affected by the restrictive citizenship and economic policies adopted by the Ceylonese Government since independence.¹³

The Indian Tamil estate population, on the other hand, has steadily increased since the nineteenth century, and population increases in Ceylon since independence have generally been accompanied by increases of the Indian Tamil population on the estates.¹⁴

Until facilities for travel were restricted in the period after independence, Ceylon's proximity to the sources of labour-immigration in South India enabled labour supply to adjust itself both to conditions of demand in the island and to economic conditions in the sub-continent. Times of economic distress in South India, due to crop failure, drought, famine, etc., usually tended to increase the scale of emigration to the island; or boom conditions on the plantations would increase demand for labour and lead to increased emigration. But the converse was also true. Times of good harvest in South India sometimes created labour shortage on the plantations, or depression in the plantation industry in Ceylon would decrease demand for labour and not only decrease the scale of immigration to Ceylon but also lead to emigration of Indian workers from the island.¹⁵

Unlike in some other British colonies such as Mauritius and the West Indies, the colonial government never directly participated in the recruitment of Indian estate labour for Ceylon, despite continual pressure from the planting interest for assistance. Ceylon was close enough to India to make such recruitment by private enterprise an economic proposition, and it was left to the planting interest to make their own arrangements to recruit the necessary labour in India.¹⁶ The colonial government's policy, however, was not entirely one of *laissez faire*. It was actively concerned with various aspects of welfare of the immigrant Indian estate

12. See Report of a Commission on Immigration to Ceylon (Jackson Report). *Sessional Paper 3 of 1938*, p. 8.

13. See Chapter III.

14. For a table showing the growth of the Indian estate population between 1942 and 1962, see Appendix III.

15. See p. 14 *infra* for a table showing the average annual migration from India to Ceylon between 1843 and 1950.

16. The mode of recruitment adopted was the *kangany* system, a system of recruitment by labour contract.

worker, and throughout the nineteenth and twentieth centuries enacted a number of social welfare measures for the exclusive benefit of this type of worker. Thus, successive Medical Wants Ordinances, a Diseases (Labourers') Ordinance of 1912, an Education Ordinance of 1920, a Labour Ordinance of 1921, a Minimum Wages Ordinance of 1927 looked after the interests of the Indian estate worker: in 1865, an Ordinance had regulated contracts for hire and service, and by Public Thoroughfares Ordinance of 1861, Indian estate labourers were exempted from the capitation tax which was a liability on all other inhabitants in the island. The various benefits from these Ordinances extended only to Indian resident estate workers before the Second World War; Ceylonese workers on estates were then generally non-resident and enjoyed only wage benefits; during the war, however, by Essential Services (Avoidance of Strikes and Lockouts) Ordinance of 1942, Ceylonese were brought within the purview of the various social welfare legislation enjoyed by the Indian worker.¹⁷

Some of the above social benefits accrued to Indian workers through the benevolent protection extended to them by the imperial government of India. In 1922 the Government of India regularised the emigration of all unskilled labour from India by promulgating the Indian Emigration Act No. 7 of that year. This Act placed a ban on the emigration of unskilled labour except to such countries and on such terms as the Governor-General-in-Council may specify; recent Indian immigration to Ceylon is governed by this Act and by the consequential Ceylonese legislation which it entailed.

Ceylon was granted exemption from the ban imposed by the Act (together with Malaya) provided certain conditions were fulfilled, chief among which were the appointment of an Emigration Commissioner by Ceylon through whom and under whose authority all labour recruiting was thenceforth to be carried out in India under license; establishment of an Immigration Fund to defray all expenses in connection with recruitment, transport, etc., of Indian labour-immigrants, such fund to be raised and managed at discretion by the Government of Ceylon; the contract of service of a labourer did not exceed one month at the time of

17. See, in this connection, Elaine Gunewardena, "The Structure and Movement of Earnings and Incomes of Workers on Plantations in Ceylon", *Central Bank of Ceylon Bulletin*, November, 1960, p. 11 et. seqq. The social welfare benefits presently enjoyed by estate workers in Ceylon, whether Ceylonese nationals or persons of Indian origin, are briefly summarised in the above article. See p. 10, note 22 *infra*.

recruitment; that assisted Indian immigrants had the option of free repatriation to India within one year of their arrival in Ceylon on grounds such as impairment of health, ill-treatment by employer, unsuitability of work etc., that no payment made in India to an emigrant to enable him to pay off his debts before emigrating shall be recoverable; and that the Ceylon Government would give facilities for the appointment of an Indian Agent in Ceylon and "furnish such periodical reports and returns as may be required from time to time by the Government of India in respect of the welfare of persons emigrating to Ceylon".¹⁸

The Ceylonese Government passed a Labour Ordinance in 1923 to give effect to these conditions. Among other things, it provided for the appointment of a Controller of Indian Immigrant Labour, the establishment of an Immigration Fund (financed by the plantations and administered by the Controller), and the appointment of a Ceylon Emigration Commissioner under whose authority alone all future labour-recruitment in India was to be carried out. The Immigration Fund came into existence on October 1, 1923; on the same day, the Indian Agent arrived in Ceylon and took up duties. Thus, from the 1920's the principle of government control of immigrant labour recruitment was firmly established though the machinery for recruitment was still left under the management of the planting interest. In 1924, at the suggestion of the Government of India, Ceylon agreed to repatriate indigent Indian immigrants or those who, by reason of disease or infirmity, were no longer capable of looking after themselves. In cases of ill-health, labourers were carried over the Ceylon Government Railway at Government expense; the rest of the charges were borne by the Immigration Fund.¹⁹ Further, estate labourers going back to India on holiday or for good were carried over the Ceylon Government Railway at half the usual fare and could claim assistance from the Immigration Fund to return to work in Ceylon, if they so desired. The Minimum Wage Ordinance of 1927 which prescribed minimum wage rates for Indian immigrant labour was the first instance of minimum wage legislation in Ceylon.

Since 1937, no labour-recruitment for Ceylonese plantations has taken place in India. In recent years, expansion of the island's plantation industries has reached its saturation point, but the Indian estate population

18. *Administration Report of the Controller of Indian Immigrant Labour for 1923.*

19. *Ibid.*, for 1924.

has registered a steady increase.²⁰ The problem on Ceylonese estates, therefore, is not now a shortage of labour but an excess of it and the problem, as will be discussed in Chapter VII, has been aggravated by the increasing number of Kandyan Sinhalese villagers who have sought entry into the estates since independence. The offices of the Ceylon Emigration Commissioner in Trichinopoly, India, were closed down in 1957.²¹ Although no fresh recruitment of labour had been undertaken by Ceylonese estates recently in India, these offices had served the function of a distributing agency for estate workers' remittances to their dependents in India, and had supervised the travel of assisted Indian repatriates from Ceylon. But migration of Indian estate workers and their remittances to India have both shown a marked decline in recent years, and the Emigration Office served no useful purpose.

Indian estate workers, equally with Ceylonese, continue to enjoy the various social benefits mentioned above. The railway concessions are no longer valid, and "stateless" Indians cannot now visit India without forfeiting their right to return to Ceylon, but those who remain on the estates are provided with housing facilities, medical facilities, education for children, maternity benefits in the case of female workers, minimum wages and so on.²²

20. The Indian estate population has increased from 665,853 in 1946 to 949,684 in 1961; that is, an increase of 283,831 in 15 years, or an average yearly increase of approximately 19,000 persons.

21. *Administration Report of the Commissioner of Labour for 1957.*

22. "Under the Diseases (Labourers) Ordinance of 1912 and the Medical Wants Ordinance of 1930 resident labourers have to be provided with housing, which has to conform to the requirements laid down by the Director of Health Services. All resident labourers both Indian and Ceylonese are entitled to medical attention at the cost of the employer; where such medical services are provided by the Department of Health services the employer has to make payment to the Department at specified rates. The provisions of the Maternity Benefits Ordinance apply to both resident and non-resident labour whether Indian immigrant or indigenous. Under this Ordinance an employer becomes liable to pay only if five or more persons are employed, and if an employee has worked for more than 150 days in the year prior to confinement. The rate of payment is 6/7ths of average daily wages with a minimum of one rupee per day for two weeks prior to confinement and four weeks after. Employers of Indian labour also have to make contributions to Immigration Fund to meet the cost of transporting and feeding Indian labourers and of repatriating them, as well as of other administrative costs. Education has to be provided for children on the plantations if there are more than 27 such children. Every widow with children under 10 years of age and every male worker are each entitled to 4 measures of free rice, per month". Elaine Gunawardena, *op. cit.*, pp. 11-12. Besides, under the Minimum Wages Ordinance of 1927, Indian plantation workers are assured of a minimum number of days of work a week, or payment equivalent to the minimum wage if work is not available for 6 days in the week.

Permanent Settlement of Indian Estate Workers in Ceylon

The question of permanent settlement has been germane to the whole controversy over the Indo-Ceylon question. The Government of India and Indian opinion generally have contended that the majority of the Indian population in Ceylon are permanently settled in the island.²³ The Government of Ceylon, on the other hand, has regarded most Indians as “birds of passage” without a permanent interest in Ceylon, whose sojourn in the island generally coincides with the duration of their employment.²⁴

Surprisingly in view of its importance, neither in India nor in Ceylon has a proper study yet been made of the degree of permanent settlement of Indian estate workers in the island. Various estimates of such settlement have, however, been offered by British colonial authorities in the past, although it does not appear that any of these was based on any definitive evidence. Thus, in 1928, the Donoughmore commissioners estimated that 40-50 per cent of Indian estate workers were permanently settled in Ceylon;²⁵ the Jackson Report in 1938 put its own estimate at 60 per cent;²⁶ while the Soulbury Report mentions a figure as high as 80 per cent.²⁷

Since independence, spokesmen for Indians in Ceylon have based their criticisms of Ceylonese citizenship laws on the presumption that about 60 per cent of the Indian community are permanently settled in the island.²⁸ It would appear that many of these estimates have been made on the basis of a residential test,²⁹ but in respect of the immigrant

23. Representative of the Indian view of this question is the following excerpt from an editorial of *The Hindu*, Madras: “These persons (i.e., Indian estate workers), the vast majority of whom are third generation Ceylonese derived from the original indentured labourers who were taken to work on the plantations, have long made Ceylon their home, have no desire to return to India, and are fully entitled to be treated as citizens of Ceylon if their claims had been fairly and honestly dealt with”. Quoted in *Ceylon Daily News*, 25th July 1964.

24. For a typical Ceylonese view of this question, see Sir John Kotelawala, *An Asian Prime Minister's Story* (London, 1956), pp. 101-2.

25. *Report of the Special Commission on the Constitution*. Cmd. 3131, p. 96.

26. *Jackson Report*, p. 26.

27. *Report of the Special Commission on the Constitution*. Cmd. 6677, (1945), p. 59.

28. See, for instance, *Senate*, Vol. II, 1949, coll. 1986, 2021.

29. The Jackson's Report estimate of 60 per cent permanent settlement of Indians in Ceylon, for instance, was a modification of a calculation, on the basis of a five-year residential test, made by the Planter's Association of Ceylon in 1936. The Planter's Association themselves estimated 70-80 per cent of Indian estate labour to be permanently settled in the island. *Jackson Report*, p. 26.

Indian community in Ceylon, such a test, taken by itself, is an unsatisfactory and misleading index of permanent settlement. Until freedom of travel between the two countries was restricted by the governments of India and Ceylon in the post-independence period, immigrant Indians tended to maintain their connections with their ancestral villages in India, and residence in Ceylon was often punctuated with visits, of longer or shorter duration, to the sub-continent. "Emigration to Ceylon", wrote a Ceylon immigration official in 1923;

is by no means of the same character as emigration to a distant country. There, owing to the long journey, the emigrant either remains in the new country for good, or returns to India, once for all, after a certain number of years. Here, owing to the short journey, the emigrant passes to and fro fairly freely at intervals for a holiday. Many even of those who are born and bred on estates in Ceylon pay occasional visits to their relations in India . . .³⁰

Besides, many cases were known of families of which a part resided in India, while the other part worked in Ceylon. Different members of the same family tended to change their occupations and places of residence from time to time, those in India looking after the family land, while those in Ceylon earned and saved in order to improve the Indian property.³¹

Table II below shows how, until comparatively recent times, a high degree of labour mobility obtained among Indian estate workers in Ceylon. These statistics, especially those for emigration, suffer from under-estimation. "Until recently", states Dr. N.K. Sarkar,

no authority existed to control and record the migration movement except the quarantine authorities in the principal routes of entry into the island from India. The quarantine authorities, however, had little interest in the emigrating population, who, in consequence were very much under-estimated. Immigration through minor ports was not recorded at all.³²

30. *Administration Report of the Controller of Indian Immigrant Labour for 1923.*

31. *Administration Report of the Controller of Indian Immigrant Labour for 1930.*

32. N. K. Sarkar, *The Demography of Ceylon* (Colombo, 1957), p. 166. See also *Census of Ceylon, 1921, Vol. I, Part I*, p. 17.

Any assessment of the degree of permanent settlement of Indian estate workers based on statistics of travel must make allowance, apart from under-estimation of immigration and emigration, for an abnormally high mortality rate among such immigrants, particularly during the early decades of coffee cultivation in Ceylon. The sudden climatic change from the hot and dry of Madras to the cold and wet of Ceylon's plantation areas, combined with the arduous journey to these areas, took a heavy toll of life from among the immigrants during the period of coffee cultivation.³³ Subject to these reservations, however, a clear trend can be discerned from the statistics of travel during the period 1841-1950. The migration movement has been determined largely by conditions of supply and demand on the Ceylon plantations, and fluctuations in these plantations have affected the volume and incidence of travel. Thus, the decade 1881-90, the period of the collapse of the coffee industry was marked by a declining trend of immigration while the decade 1931-40, which was marked by depression in the tea and rubber industries, shows a negative migration balance. The negative balance during the decade 1941-50 was due partly to an Indian ban on emigration of unskilled labour imposed in 1939, and partly to evacuation of some workers' families to India due to the Second World War. The periods of heavy immigration, however, coincide with the expansion of the plantation industries: coffee in the years 1841-80, tea in the years 1890-1910, rubber in the first two decades of the twentieth century.³⁴ No reliable estimate of the degree of permanent settlement of immigrant Indian estate labourers can be made from migration statistics alone; but they certainly do not support the view

33. See Ferguson's *Ceylon Directory and Handbook* for 1864-65, p. 234; the same author's *Ceylon Handbook and Directory* for 1885-86, p. 333. No accurate estimate of the rate of mortality among immigrant Indian estate workers can be made from available statistics, but it is clear that this rate was very high. Ferguson's *Summary of Useful Information and Plantation Gazetteer* for 1859 (p. 173) estimates the rate to have been in excess of 25%, but it was possibly even higher than this, for the subject was one of considerable embarrassment both to the planters and to the British official hierarchy, and there was a general desire among them to gloss over the facts. In 1862, an Ordinance was passed (Ordinance No. 17 of 1862) "to ascertain the proportion of mortality amongst the natives of India employed in agricultural and other Labour in Ceylon", but a committee appointed by the Legislative Council to go into this matter did not investigate what was unquestionably a most touchy subject, and the 1862 Ordinance was repealed by Ordinance No. 13 of 1889.

34. Sarkar, *op. cit.*, p. 166.

that any large majority of such labourers had become settled permanently on the Ceylonese plantations at any time during their immigration in the past.

TABLE II
Average Annual Migration of Indian Estate Labour

<i>Period</i>			<i>Immigration</i>	<i>Emigration</i>	<i>Balance of Immigration</i>
1843-1850	..	..	47,028	19,693	27,335
1851-1860	..	..	57,464	31,443	26,021
1861-1870	..	..	68,415	53,185	15,230
1871-1880	..	..	102,511	82,471	20,040
1881-1890	..	..	57,856	52,752	5,105
1891-1900	..	..	121,484	85,057	36,427
1901-1910	..	..	95,324	67,975	27,349
1911-1920	..	..	87,388	47,917	39,421
1921-1930	..	..	106,080	67,043	39,037
1931-1940	..	..	51,784	54,981	-3,197
1941-1950	..	..	47,252	54,994	-7,742

Source:—Computed from Ferguson's *Ceylon Handbook and Directory* for 1885-86; *Report of the Registrar-General* for 1911; 1921 *Census Report*, Vol. I, Part I, p. 17; Jackson Report (*Sessional Paper 3* of 1938, Appendix IV; and *Administration Report of the Commissioner of Labour* for 1951.

The extent of permanent settlement is often assessed with reference to the degree of family life maintained by the immigrant community in the country of their adoption. In respect of the Indian estate workers in Ceylon, however, the value of this test is vitiated by the fact that the estate labour force consists of women and children as well as men. Systematic immigration of Indian estate workers to Ceylon began in the fourth decade of the nineteenth century; but, as is evident from Table III below, until the latter part of that century the influx was made up predominantly of adult male immigrants, and for nearly half a century after Indian immigration had seriously begun, these immigrants had not

displayed any tendency towards settling down to a stable family life in the island.³⁵ Towards the end of the nineteenth century, however, the influx of women and children to the plantations increased, this tendency becoming marked with the replacement of coffee with tea cultivation in the 1880's. Unlike coffee, tea created a demand for the relatively cheaper labour of women and children, as well as for a larger resident labour force. Hence, where earlier adult males had predominated among estate immigrants, the migration was now of whole families in search of employment.³⁶ The result of this trend can be seen in the marked change in the proportion of women and children to men among the resident Indian estate population during the twentieth century, the figures for three selected years of which are given in Table V below. The figures for 1949 would appear to indicate that by about the time of independence the Indian immigrant community had become stabilised in Ceylon; but such a conclusion is contradicted not only by the statistics of travel, discussed above, but also by other evidence which show that even by the middle of the twentieth century this community had not completely cut off their connections with India. Some of this evidence, the question of immigrant remittances, for example, is more appropriately discussed in later parts of this book.³⁷ Suffice it to state here that the existence of dependants in India, as implied by the continued remittance of maintenance allowances by Indian estate workers, even in the post-independence period, is incompatible with the claim for a third generation ancestry in Ceylon, for these workers. In recent years, the Government of Ceylon's decision to restrict the grant of foreign exchange to estate workers who were not in possession of Indian passports with valid residence permits was severely criticised

35. Among the factors which militated against the permanent settlement of Indian estate workers during this period may be mentioned (1) the high mortality rate among such workers, (2) demand for labour was seasonal during the period of coffee cultivation on the Ceylonese plantations (1830s to 1880s), (3) mal-treatment of workers by planters by default of wages, infliction of punishments, provision of inadequate housing, etc., see I.H. Vandendriesen, "Some trends in the economic history of Ceylon in the 'modern' period", *The Ceylon Journal of Historical and Social Studies*, 3: 7, January-June 1960.

36. 1946 *Census Report*, Vol. I, p. 239; Sarkar, *op. cit.*, p. 27. In 1924, approximately 56% of the Indian estate labour force consisted of women and children; in 1949 it was 55%. See Administration Reports of the Department of Labour. The proportion of Indian income earners to dependants on the Ceylon plantations for the years 1924, 1949 and 1961 is given in Table VI.

37. For a discussion of Indian immigrant remittances see Chapter VI.

by Indian elements on both sides of Palk Strait. These are apparently undeterred by the irreconcilability of their claims for Ceylon citizenship for the estate workers as being "sons of the soil", with their demand for foreign exchange for the self-same workers for support of their dependants in India.

TABLE III

**Percentage Distribution of Men, Women and Children
among Indian Estate Immigrants arriving in Ceylon**

<i>Year</i>			<i>Men</i>	<i>Women</i>	<i>Children</i>
1850	..	..	94	5	1
1860	..	..	79	17	4
1870	..	..	79	17	4
1880	..	..	79	14	7

Source:—Ferguson's Ceylon Handbook and Directory for 1885-86, p. 335.

TABLE IV

**Proportion of Males to Females to every 1,000 Persons
in the Estate Population, 1871-1911**

<i>Year</i>			<i>Males</i>	<i>Females</i>
1871	..	..	658	342
1881	..	..	604	396
1891	..	..	593	407
1901	..	..	559	441
1911	..	..	542	458

Source:—E.B. Denham, Ceylon at the Census of 1911 (Colombo, 1912), p. 493.

TABLE V

Percentage Distribution of Men, Women and Children
among the Indian Estate Population for selected years

Year			Men	Women	Children
1924	..	..	34	34	32
1931	..	..	32	31	37
1949	..	..	29	28	43

Source:—Computed from *Administration Reports, Department of Labour; Census Report, 1931.*

TABLE VI

Proportion of Income Earners to Dependants among
Indian Estate Population

Year				1924	1949	1961
Income earners	..	..	..	433,295	474,765	436,864
Unemployed young and aged dependants	..			125,347	282,509	413,718
Proportion of Dependants to Income earners				0.28	0.59	0.94

Source:—*Administration Reports, Department of Labour.*

On the other hand, the large proportion of income earners to dependants among the Indian estate population (see Table VI) is compatible with the view that generally the older immigrants, particularly the unemployed or the unemployable, have not remained on the estates, but returned to their ancestral villages in India. Statistics computed by Sarkar for the percentage distribution of Ceylonese races by age groups suggest that the predominant number of Indian estate residents belong to the category 10-59 years, that is, to the working population.³⁹ Sarkar drew the conclusion that:

39. Sarkar, *op. cit.*, p. 195, Table IV.

immigration to Ceylon is under economic pressure and, as soon as they can afford it, the labourers return to their village in India. Thus out of the many thousands who come to Ceylon every year, only a few settle there permanently. During their stay in Ceylon, their one ambition is to save enough to redeem their mortgaged holdings, to buy a plot of land in their own village, or to start a small shop there. Saving, out of their small income is hard, and it takes some years to realize their ambition. The immigrants are thus concentrated in the younger age groups, while the emigrants tend to be older.⁴⁰

This tendency towards repatriation was not confined to the aged among the estate workers, nor was it entirely a voluntary process. As stated earlier in this chapter, when the imperial government of India enacted the Emigration Act of 1922, Ceylon had to comply with certain conditions before further labour-recruitment was permitted in India. One of these conditions was the establishment of an Immigration Fund which was to be used not only to defray the expenses of recruitment of workers in South India, but also for their repatriation, in certain contingencies, to the place of recruitment. Another condition (which was embodied in Section 22 of Ceylon Labour Ordinance of 1923) required that if the Indian Agent was satisfied within one year of the arrival in Ceylon of an assisted Indian immigrant worker that his return home was desirable either for health reasons, or on the ground of unsuitability of work, or unjust treatment by employer, such worker was to be repatriated free of cost (the cost being borne by the Immigration Fund) to the place of recruitment. Moreover, at the suggestion of the Government of India in 1924, the Government of Ceylon agreed to repatriate to India indigent immigrant estate workers, or those who, by reason of disease or infirmity were no longer capable of maintaining themselves even though they had spent more than one year in Ceylon. This scheme, which took effect from 1st March 1924 still operates in Ceylon. In cases of ill-health, labourers were carried over the Ceylon Government Railway at government expense, the rest of the charges being debited to the Immigration Fund. A similar concession was afforded to vagrants if

40. *Ibid.*, p. 28. This view appears to be reinforced by the findings of the Ceylon Central Bank's recent *Sample Survey of Ceylon's Consumer Finances* (Colombo, 1964). The percentage of residents in the over 55 age-group in the estate sector, according to the sample survey, is 3.5 (see p. 33, Table IX), the lowest for the island, the All Island norm being 7.2%.

suitable employment could not be found for them.⁴¹ These concessions were made at the instance of the imperial government of India. For its part, the Government of Ceylon too, adopted measures to facilitate the repatriation of surplus labour on the estates. Thus, in the early 1930's at the height of the depression, the Ceylon Government implemented a tea and rubber restriction scheme, under which large numbers of surplus Indian labour were repatriated to India. And by a further casual scheme initiated in 1937 (which, too, is still operative in Ceylon) Indian estate labourers were repatriated to India if it were shown that their repatriation was necessary in the interest of the labourers or the industry. Under these schemes, a total of 137,483 Indian estate labourers have been repatriated to India at Ceylon Government expense during the period 1924-51.⁴² Thus, before independence, voluntary or compulsory repatriation was the accepted mode of redressing a situation of labour surplus on the Ceylon plantations.

After independence, however, India adopted the view that Ceylon must accept responsibility for all Indians who had not specifically applied for Indian nationality and who were not in possession of valid Indian passports. Consequently, only a very negligible number of Indian estate workers have been repatriated to India since independence under the schemes of 1924 and 1937. The advent of independence in Ceylon, however, resulted in the voluntary exodus of some Indians from the island, while under a scheme of repatriation of Indian passport-holders begun in 1954,⁴³ the two governments agreed on the repatriation of a further category, the numbers repatriated under these two categories being 184,771 for the 15 year period between 1949 and 1964.⁴⁴

In the Indo-Ceylon Agreement concluded in New Delhi by the Prime Ministers of India and Ceylon in October 1964, the government of India, instituting a major change of policy, tacitly accepted the view that a section of Indian estate workers were not permanently settled in Ceylon. Under this agreement India agreed to the repatriation (to be phased over a 15 year period) of 525,000 Indian estate workers resident in Ceylon,

41. *Administration Report of the Controller of Indian Immigrant Labour for 1924.*

42. *Administration Report of the Labour Commissioner for 1951, Table XX.*

43. For details of this scheme, see Chapter V.

44. Revealed by Prime Minister Sirimavo Bandaranaike in her statement on the Indo-Ceylon Agreement of October 1964. See *Ceylon Daily News*, 12 November 1964.

out of a total of 975,000 who were estimated to belong to the "stateless" category.⁴⁵ The question of the permanent settlement of the Indian estate workers has, therefore, now been solved in a manner favourable to Ceylon's views.

45. For the 1964 Agreement, see Chapter IV below.

CHAPTER II

INDO-CEYLON POLITICAL AND CULTURAL RELATIONS

In his inaugural address to the Asian Relations Conference held in Delhi in March-April 1947, Nehru referred to the isolation of Asian countries from one another as one of the most notable consequences of the period of colonial rule in Asia.

India always had contacts and intercourse with her neighbour countries in the north-west, the north-east, the east and south-east. With the coming of British rule in India these contacts were broken off and India was almost completely isolated from the rest of Asia. The old land routes almost ceased to function and our chief window to the outer world looked out on the sea routes which led to England. A similar process affected the other countries of Asia also. Their entire economy was bound up with some European imperialism or other; even culturally they looked towards Europe and not to their own friends and neighbours from whom they had derived so much in the past.¹

It was natural that independence should lead to a gradual breaking down of this isolation, to a resumption of traditional patterns of relations between Asian states, and provide them with new opportunities for political, economic and cultural co-operation at international, or inter-regional levels. At the same time, withdrawal of the colonial power left some states in uneasy geographical proximity to bigger, more powerful neighbours. For these states, problems arising from undefined borders, or the status of non-indigenous populations or the fear of a new economic domination added to the apprehensions caused by the mere fact of juxtaposition. Hence, enthusiasm for regional associations and interests was often not unmixed with a profound concern for regional security,

1. *Asian Relations: Report of Proceedings and Documentation of the First Asian Relations Conference* (New Delhi, 1948), p. 23.

and concurrently with increasing co-operation at an Asian regional level is the attempt of some governments to insure against potential political threats (real or imagined) from Asian regional sources.

Indo-Ceylon relations since independence are peculiarly illustrative of this ambivalence. On both sides of the Palk Strait, independence led to a new awareness of the historic ties between the two countries, of their ethnic and cultural affinity, and of past traditions more specially of cultural co-operation between them. Common membership of the Commonwealth, of UNO and other international organisations has provided them with increasing opportunities for political and economic co-operation; Asian regional conferences, like Bandung, or the 1954 Asian Prime Ministers Conference, have provided new platforms for expression of a common political outlook in the context of the cold war. Despite all this, however, apprehension of India on various grounds has been a not unimportant factor in Ceylon's attitude to India. It is apt to be remembered, more especially in Ceylon, that historically Indo-Ceylon relations have been marked by conflict as well as co-operation, and that the traditional enemy of the Sinhalese has been the South Indian Tamil invader.² Therefore, the unresolved question of the status of the large number of persons of Indian Tamil origin in Ceylon is of more than ordinary significance for Ceylon, as are also the attitudes official and otherwise, prevailing in India on this question. In view of its importance for Ceylon, it is proposed to give this question extended treatment in the chapters which follow. This chapter is concerned with broader questions of political and cultural relations between India and Ceylon.

The suggestion of isolation during the colonial period was perhaps less applicable to Indo-Ceylon relations than to relations between other Asian countries; it was certainly less applicable in an economic than in a political and cultural sense. In a political sense, no doubt, India and Ceylon had never seemed so distant from each other as during the colonial period. Both countries were dependent parts of the British Colonial empire; their advance towards self-government, at each successive stage of their constitutional development, was determined in general by the traditions of British parliamentary democracy and in particular by the political attitudes obtaining at the time in Whitehall. Political develop-

2. Before the advent of the Portuguese in the sixteenth century, every invasion of Ceylon invariably emanated in South India.

ments in the West, especially in Great Britain, were therefore more important than developments nearer home. Decline of cultural contacts between the two countries was implicit in the general decline of traditional culture, and the premium placed on English as the official language and the language of higher education. From an economic point of view, Great Britain took precedence over any other country both in India and Ceylon in trade and investment, but Indo-Ceylon relations were least in abeyance in an economic sense. If Britain provided the capital for the development of Ceylon's plantation industry during the nineteenth century, the labour supply came from India, and the conditions of work and the status of Indian labour-immigrants formed the subject of frequent negotiations between the colonial Governments of India and Ceylon. Besides, the Indian trade, though eclipsed by trade with Great Britain, continued to account for a significant proportion of Ceylon's total trade, especially on the import side. In 1939, India supplied 21.7 per cent of Ceylon's imports and purchased 3.5 per cent of Ceylon's exports. During the war years, when traditional markets were either closed or inaccessible, Indo-Ceylon trade more than doubled, and India became a vital source of Ceylon's food supplies. In 1942, for example, India was supplying 52.3 per cent of Ceylon's imports and purchasing 7.9 per cent of her exports, and although these figures dropped when the war situation eased in 1945 to 28.4 per cent and 4.3 per cent respectively the mutual trade was important both from India's and Ceylon's point of view.³

In fact, "the urgent need of creating a better understanding between India and Ceylon and of securing the speedy settlement of problems of mutual concern that arise from time to time between the two countries including questions of food supplies from India" led the Government of Ceylon in 1942 to obtain the approval of the Colonial Secretary and the Government of India for the appointment of a Special Representative of the Government of Ceylon in India.⁴ The first such representative chosen by Ceylon was Sir Baron Jayatilaka, leader of the State Council, Vice-Chairman of the Board of Ministers, and leading Ceylonese politician at the time. India reciprocated in August 1943 by appointing an Indian Representative in Ceylon (Mr. N.S. Aney). Since 1923, and consequent

3. Department of Commerce, *Thirty Years Trade Statistics of Ceylon, 1925-1954*, Tables XVIII and XIX.

4. *State Council Deb.*, 1942, Vol. II, pp. 2330-31.

upon the Indian Emigration Act of 1922, there had been an Indian Agent in Ceylon with the special object of looking after the interests of Indian labour in the island. After 1943 the Agent was made administratively subordinate to the Representative, but continued to be in direct charge of matters pertaining to Indian labour welfare; in 1946, a Trade Commissioner for India was added to the staff.⁵ Thus, even before independence, India and Ceylon had exchanged representatives. After independence, it was only necessary to raise the status of the Representative to that of High Commissioner, in conformity with Commonwealth practice.

The Strategic Interest in Indo-Ceylon Relations

Ceylon's geographic proximity to India has always had a powerful influence on her history. The immense disparity in their size has determined that political and cultural influences have usually, in the past, proceeded from India to Ceylon and not *vice versa*. But, as pointed out above,⁶ the sixteenth century had witnessed a profound change in the relation between India and Ceylon. The advent of European sea-power to the Indian Ocean area had pin-pointed for the first time the value of *points d'appui* in this area. The Portuguese, for example, had constructed an oceanic strategy based on possession of the key points of Ormuz, Goa and Malacca. British control of the Indian Ocean in later times had rested on their possession of Aden, Trincomalee and Singapore. As far as India and Ceylon were concerned, it had come to be realised by naval strategists that control of Ceylon was fundamental to the command, not merely of India, but of the Indian Ocean itself. This fact was accentuated during the Second World War after the Japanese conquest of Singapore. In April 1942, Japanese carrier-based aircraft bombed the Ceylonese harbours of Colombo and Trincomalee, and a Jap invasion of Ceylon was widely feared to be imminent. A Japanese conquest of Ceylon would have constituted a grave threat to India, with her long and vulnerable ocean frontiers. The lesson was never forgotten in India. On the eve of independence and after, Indian writings began to appear on the theme of the Indian Ocean as *Mare Nostrum*, and of the whole Indian Ocean area as vital to India's security. Ceylon inevitably figured in these writings;

5. P.R. Ramachandra Rao, *India and Ceylon A Study* (Bombay, 1954), p. 77.

6. See, Introduction, pp. 2-3, *supra*.

it was inevitable also, that they should affect, to some extent, Ceylon's attitude to India. It is therefore proposed to examine these writings, and the conceptions which underlay them, in some detail.

Theories of Indian Defence and Security

Sardar K.M. Panikkar writes:

An integrated conception of the defence of India, and a doctrine of Indian defence supported by a consistent foreign policy are among the two major contributions of Britain to the Indian people.⁷

In British times, the defence and security of India had rested on a three-fold basis; (a) safeguarding of the North-West Frontier of India through which, historically, successive inroads into Indian territory had been made by invading armies, (b) preventing the strategic area around the Indian sub-continent from falling under the control of a foreign Power, (c) command of the Indian Ocean and its environs. Since from about the last quarter of the nineteenth century until the Japanese entry into the Second World War, Britain had unquestioned supremacy of the Indian Ocean, threats to India's ocean frontiers during this period were practically non-existent. Britain accordingly conceived of the defence of India as essentially a continental system. Besides the defence of the North-West Frontier itself, (and during the Second World War of the North-East Frontier as well), India's security was conceived of as revolving chiefly round the territorial integrity of "buffer states" like Iran (Persia), Afghanistan, Tibet and Sinkiang. Any threat to any of these states from a foreign Power was considered to be a threat to the territorial integrity of India.⁸ This system was not only eminently successful in preserving the integrity of British India against foreign invasion; it also ensured that any threat to India would be resisted beyond India's borders.

This conception of Indian defence as a continental system did not make much appeal to Indian writers on the eve of independence and after. They realised that the continental conception of defence had been entirely dependent on British command of the Indian seas. This vital condition of India's defence was thought no longer to exist, after Britain's withdrawal from South Asia. Some writers spoke of a "vacuum in naval power" after the British withdrawal;⁹ India's destiny and interest was

7. K.M. Panikkar, *Problems of Indian Defence* (Bombay 1960), p. 23.

8. *Ibid.*, pp. 23-26.

9. Indian Council of World Affairs, *Defence and Security in the Indian Ocean Area* (Bombay, 1958), p. 29.

considered to lie in filling this vacuum. India was seen as “primarily and essentially a Maritime Power”, and the Indian Ocean as a vital and legitimate object of Indian domination.¹⁰ From another angle as well, the continental theory was thought to be inadequate and outmoded by Indian writers. They could see no fundamental threats to India’s land frontiers, despite the differences between India and Pakistan on a number of issues, and the actual outbreak of hostilities over Kashmir. To them, indeed, India’s land frontiers seemed relatively secure. The crucial North-West Frontier had devolved on Pakistan after Partition; the North-East Frontier was almost wholly shared with Burma, which was a friendly and peaceful power; in the North lay the massive Himalayan ranges which, for centuries, had acted as a barrier against invasion. The disputes with China over the Himalayan border still lay in the future. The threat to independent India, if such existed, was conceived of as mainly a threat to her vulnerable ocean frontiers. Panikkar wrote in 1945:

There has been an unfortunate tendency to overlook the sea in the discussion of India’s defence problems. Until now, the discussion has proceeded on the assumption that the security of India is a matter exclusively of the North-West frontier . . . This is an entirely one-sided view of Indian history . . . The North-West Frontier and perhaps the North-East Frontier also will (therefore) remain strategic areas for the defence of India. But . . . ever since the sixteenth century . . . the future of India has been determined not on the land frontiers, but on the oceanic expanse which washes the three sides of India.¹¹

“It is the oceanic space”, insisted Panikkar, “that dominates the strategy of Indian defence”.¹² According to another Indian writing in 1954:

[The] commonly known picture of the defence of India—on her land frontiers [i.e., in British times] is hopelessly out of context today. Indeed the air-age even threatens to by-pass the accustomed sea-ways . . . Ocean space values have to be reconsidered in terms of aerial geography.¹³

10. K.B. Vaidya, *The Naval Defence of India* (Bombay, 1949) pp. 101-2.

11. K.M. Panikkar, *India and the Indian Ocean* (London, 1945) p. 7.

12. *Ibid.*, p. 84.

13. Ramachandra Rao, *op. cit.*, p. 11.

The consensus among Indian writers was clear enough. Even as late as 1958, a publication of the Indian Council of World Affairs could state: "... the key to strategic control of the Indian Ocean region will remain the Indian Ocean itself".¹⁴

Further, writers like Panikkar made a clear distinction between India's defence and her security, and defined India's "security sphere" in the widest possible sense. In Panikkar's view (expressed in 1946), India's security area was coterminous not only with the whole Indian Ocean area including countries such as Persia, Burma, Thailand, the Indo-Chinese coastline, Malaya, Singapore and Ceylon, but also with an outer ring of states formed by Afghanistan, Tibet and Sinkiang.¹⁵

Panikkar's basic writings on the oceanic theory had appeared before independence;¹⁶ the impact of later events, particularly those following Partition and the differences between India and Pakistan, and the proclamation of the Chinese People's Republic and China's renewed interest in Tibet dating from 1950 therefore did not figure in these writings. But other Indian writings on defence and security cited in this section appeared *after* these events and, indeed, Panikkar himself published a second edition of his *India and the Indian Ocean* in 1951 without material change of his general oceanic theory. A clear change of emphasis becomes evident only in 1960, with the publication of Panikkar's *Problems of Indian Defence*. It might be presumed, therefore, that until about 1960 Panikkar himself and other Indian writers following him saw nothing in the posture either of Pakistan or of China as two powerful neighbours on India's borders to modify their basic "oceanic" approach to problems of Indian defence and security.

Attitude of the Government of India

It is problematical to what extent this approach has, in the past, influenced the Government of India's defence outlook. It is undoubtedly true that from the outset India's involvement with Pakistan brought to the fore the question of her land frontiers. The United States' decision

14. *Defence and Security in the Indian Ocean Area*, p. 29. There appears to have been a time-lag of about five years between the actual preparation of the Indian Council's geo-political study and its publication.

15. K.M. Panikkar, *The Basis of an Indo-British Treaty* (Bombay, 1946), pp. 41-44, Appendix 11; see also Vaidya, *op. cit.*, pp. 29-30.

16. *India and the Indian Ocean* (1945), and *The Basis of an Indo-British Treaty* (1946).

to give military aid to Pakistan, and Pakistan's adherence to SEATO (1954) aggravated India's security problem inasmuch as she now had, on her land frontier, a neighbour who was unfriendly as well as powerful. Despite the avowed principles of her foreign policy, and despite the urgency of problems of economic development, India was compelled annually to allocate a significant proportion of her national revenue for defence.

Early Chinese Communist activities in Tibet, too, were a source of alarm in New Delhi. Chinese threats to liberate Tibet were quickly followed by the negotiation of defence agreements between India and Nepal, and India and Bhutan, while defence arrangements with Sikkim, which became a virtual Indian protectorate, were consolidated. Following the Chinese occupation of Tibet in October 1950, the Government of India could not ignore the possible Chinese threat to India's northern frontiers. In 1952, Nehru personally visited the North-East Frontier Agency area to ensure that steps were taken to secure the Indian frontier in that area. Later, attempts were made to reach the McMahon Line established by the Simla Convention in 1914, and to set up checkpoints there. Similarly, a program of road construction was undertaken in the sub-montane belt to open up the area and strengthen its defence.¹⁷

Regarding Tibet itself, the Indian Government's attitude was somewhat ambivalent. After an initial adherence to traditional British policy regarding Tibet as a "buffer state", Indian policy took up the position that China was suzerain Power in Tibet (Chinese *sovereignty*, even, was conceded in one Indian communication) and that, though India might desire Tibet to remain autonomous, she would do nothing to guarantee this.¹⁸ In December 1950, Nehru declared that as far as India was concerned, the McMahon Line was the definitive frontier, and nobody would be allowed to cross it.¹⁹ By the Sino-Indian Agreement on Trade and Intercourse between Tibet and India, signed in April 1954, India formally recognised Tibet as a part of China and surrendered all the extra-territorial rights enjoyed in Tibet by the British Government of India.²⁰ The Preamble

17. Panikkar, *Problems of Indian Defence*, p. 42; Girilal Jain, *Panchsheela and after: A Re-appraisal of Sino-Indian Relations in the Context of the Tibetan Insurrection* (Bombay, 1960), p. 158.

18. K. Gupta, *Indian Foreign Policy* (Calcutta, 1956), p. 53.

19. Gupta, *op. cit.*, p. 54.

20. Ministry of Information and Broadcasting, Government of India: *China's Betrayal of India* (Delhi, 1962), p. 10.

to the Agreement contained the first statement of the 5 principles of co-existence (*panchsheel*) which were henceforth declared to govern relations between the two countries.

With the signing of this agreement, it was presumed by the Indian Government that there were no problems pending between the two countries and that such questions as might arise thereafter would be settled on the basis of mutual goodwill.

In fact, it would appear that the Indian Government placed much greater reliance on the diplomatic instrument than on defensive military preparations to safeguard India's Northern borders. From the outset, Indian policy towards Communist China was firmly rooted in the desire of India to preserve friendly relations with her powerful neighbour. The Sino-Indian Agreement on the question of Tibet had its sequel in June 1954, in the visit of Chou En-lai to New Delhi. This visit, and the joint re-affirmation by the two Prime Ministers on this occasion, of the principles of *Panchsheel*, were widely regarded in India and elsewhere as a landmark in Sino-Indian relations and a great triumph for Indian diplomacy. At the Bandung Conference (April 1955) too, India was much concerned that China should be detached, if possible, from her close diplomatic alignment with Soviet Russia, and that a firm foundation should be laid for China's peaceful relations not only with the West, but also with the countries of South-east Asia peripheral to China.²¹ There was in Nehru's attitude to New China a degree of ambivalence which was perhaps unavoidable in the circumstances. As an Indian writer has said:

(Nehru) at once welcomed and dreaded the Chinese revolution. He welcomed it in the erroneous belief that it was part of the nationalist anti-imperialist upsurge in all Asia though he feared that the revolutionary tide might inundate neighbouring lands thus endangering India's freedom and democracy.²²

Between 1954 and 1959 the atmosphere of cordiality in Sino-Indian relations was maintained, and even survived what Indian writers later referred to as "cartographic aggression" by Chinese authorities. According

21. Cf. G. McTurnan Kahin, *The Asian-African Conference*, Bandung, April, 1955 (Ithaca, New York, 1956), pp. 4-5; see also Mahendra Kumar, "Sino-Indian Relations 1950-59", *International Studies*, 5: 22, July-October, 1963.

22. Jain, *op. cit.*, p. 151.

to the Indian version, Nehru's qualms about Chinese maps showing parts of the Indian frontier as Chinese territory were allayed by Chou en-Lai's assurance that the McMahon Line would be regarded by him as legal. Already during this period, however, minor border disputes had erupted between the two countries. In July, 1954, e.g., China protested to India that Indian troops had crossed into Bara Hoti (Wu-je); while the government of India claimed Bara Hoti as Indian territory. During 1955-56 such incidents were repeated; and late in 1958, the Indian authorities discovered that the Chinese had built a road (the Aksai-Chin road) which connected Sinkiang with Tibet through eastern Ladakh. India protested, but generally, until the events of 1959, both countries tended to gloss over their differences. Events took a new turn however when in January 1959 Premier Chou En-lai in a communication to Nehru, declared that "the Sino-Indian border had never been formally de-limited" and that "the McMahon Line was a product of the British policy of aggression against the Tibet region of China . . . and cannot be considered legal".²³

Recent Events and the Changing Emphasis in Indian Defence

Thus, by the beginning of 1959, the atmosphere of cordiality and goodwill in Sino-Indian relations had to a large extent evaporated. Events in Tibet hastened the process. In March 1959, the Tibetan Local Government was dissolved. Thus Tibet lost its autonomous status and became an integral part of the Chinese People's Republic. The Dalai Lama sought and was given political asylum in India. A Tibetan national uprising was quickly and effectively suppressed by the Chinese Communists. These events were of momentous importance to India and the Indian Government. Nehru had implicit faith in China's respect for Tibetan autonomy and considered the Chinese action as repugnant to the principle of *Panchsheel* and the "Bandung spirit". India now found herself face to face with China on a wide frontier in the North, and discovered that the frontier had become the subject of serious dispute between the two Powers. In the North-East Frontier Agency area, in the State of Jammu and Kashmir, and along a wide sector on the Indo-Tibetan border, China was found to be in occupation of extensive tracts of territory which the Indian Government regarded as traditionally Indian. The Chinese rejected the McMahon Line, and published maps showing

23. *China's Betrayal of India*, pp. 20-21.

large tracts of the submontane belt as Chinese territory.²⁴ Both governments engaged in a feverish activity of building roads, establishing checkpoints, and border patrolling.

It was natural that these events should entail an "agonising reappraisal" of the question of Indian defence, and even of the wider field of her foreign policy. Although in May 1959 Nehru was still defending his adherence to the concept of *Panchsheela* and rejecting Pakistan's offer of joint defence, his disillusionment was obvious; he had to admit that the faith of the people in *Panchsheela* and the "Bandung spirit" had suffered considerably.²⁵ No longer could India depend either on the Himalayan ranges or on Chinese good faith to safeguard her territorial integrity. Adequate military preparations had to be taken in hand on her northern borders, if necessary to forestall Chinese infiltration by force. "For the first time", says Panikkar, "the Himalayan region became a live frontier after having remained dead all through history".²⁶

The impact of recent events on the overall defence strategy of India was bound to be profound. Panikkar, progenitor and chief exponent of the oceanic theory of Indian defence is constrained to write;

The situation (therefore) has undergone a basic change. The defence problems of India are no longer what they were under the British. They have to be thought out and formulated afresh in terms of the altered political and other circumstances of Asia.²⁷

The same writer can scarcely conceal his disillusionment when he writes that "all previous plans of defence had to be reconsidered in view of the changed conditions in Tibet".²⁸ Symptomatic of the changing emphasis is the role assigned to naval defence in Panikkar's book, *Problems of Indian Defence*. Naval defence is still considered important, no doubt, but the subject rates one chapter in the book, which is almost wholly devoted to questions of military policy and organisation, in the light of

24. In a letter of 8.9.59, Chou En-Lai himself, for the first time, laid a formal claim to 50,000 square miles of territory in Ladakh and in NEFA. For the Chinese view of the dispute see Government of the People's Republic of China: *The Sino-Indian Boundary Question* (Peking, 1962).

25. Jain, *op. cit.*, p. 131.

26. *Problems of Indian Defence*, p. 41.

27. *Ibid.*, p. 43.

28. *Ibid.*, p. 121.

changing political circumstances. Gone is the broad sweep of *India and the Indian Ocean*, and of India's security sphere extending to far-away places. The emphasis is now on land frontiers, not ocean frontiers. Pakistan assumes a new geo-political significance in the light of changed circumstances: China can no longer be regarded without suspicion. Panikkar writes:

. . . the land frontier has become a live one on the western, eastern and northern boundaries. Where there was no major power touching the Indian border which could challenge the armed might of the Anglo-Indian empire, the position is totally different today. Pakistan, armed and trained by the United States, is a considerable power in relation to India, while China though her seat of dynamic power is far away from the Indian border, can bring considerable military strength to bear on any part of the Sino-Indian border.²⁹

Ceylon as a Factor in Indian Defence

Until recent events on India's northern frontiers made all such views meaningless and unrealistic, the Indian Ocean was the centre of Indian theories of defence, and since Ceylon occupies a strategic location in this ocean and possesses, besides, two excellent harbours in Colombo and Trincomalee, the island was thought to be fundamental to any conception of Indian defence. An Indian writer could state in 1954:

Ceylon is the natural focus of the Indian Ocean, and therefore, of its defences. It possesses unrivalled geographical advantages. Consider its radiating distances to west and east, its central position. Mauritius lies 2,072 miles; to Singapore 1,575; to Calcutta and Rangoon, almost equidistant, between 1,235 and 1,240 miles; to Bombay 880. Colombo is also the focus of air routes in the Indian Ocean and is linked up through India with trans continental air services . . .³⁰

Again: Ceylon is the fulcrum of the Indian Ocean; in the geography of the air age, Ceylon's oceanic and aerial nodality is of decisive importance.³¹

29. *Ibid.*, p. 43.

30. Ramachandra Rao, *op. cit.*, p. 8.

31. *Ibid.*, p. 9.

Panikkar drew the conclusion in 1945 that the strategic unity of India, Ceylon, and Burma was so obvious that one of the pre-requisites to a "realistic policy of Indian defence" was the "internal organisation of India on a firm and stable basis with Burma and Ceylon".³² Panikkar, however, did not press this point of view after the independent existence of these countries had become an accomplished fact, and in the second edition of the work in question (published in 1951), the above statement is discreetly omitted.

Other writers and politicians were undeterred by the independence of Burma and Ceylon. Thus, in 1949:

The first and primary consideration is that both Burma and Ceylon must form with India the basic federation for mutual defence whether they will it or not. It is necessary for their own security.³³

In April of the same year occurred the most significant Indian effusion on the subject. Explaining a Bombay speech in which he had said that "India must sooner or later enter into a treaty with the Ceylonese people so that Ceylon may become an organic part of the body politic", Dr. Pattabhi Sitaramaya, President, Indian National Congress, adduced the strategic factor as the dominant motive for such a union between India and Ceylon:

India and Ceylon must have a common strategy and common defence strength and common defence resources. It cannot be that Ceylon is in friendship with a group with which India is not in friendship—not that Ceylon has no right to make its own alignments and declare its own affiliations—but if there are two hostile groups in the world, and Ceylon and India are with one or the other of them and not with the same group, it will be a bad day for both.³⁴

Nor was the strategic motive the only one advanced for such a union. Nehru himself, in 1945, had pointed to the ethnic, linguistic and cultural unity of India and Ceylon to support the view that Ceylon would inevitably be drawn into a closer union with India "presumably as an autonomous

32. *India and the Indian Ocean*, p. 95.

33. Vaidya, *op. cit.*, p. 30.

34. Stated in interview with representative of *Ceylon Daily News*, 23 April 1949.

unit of the Indian Federation".³⁵ Such views, however, were soon repudiated by Nehru; indeed, in the post-independence period, he repeatedly tried to assure Ceylonese that India had no designs on Ceylon. The fact remains, however, that such views were once held by prominent persons in India, and are believed by Ceylonese still to be representative of certain sections of opinion on the sub-continent.

Some writers have suggested the likelihood of an Indian occupation of Ceylon in the event of a threat to India from the sea.³⁶ Such an eventuality will, of course, always remain a theoretical possibility and one that cannot be ignored by Ceylonese governments, especially in the context of the present Sino-Indian conflict. This conflict has necessitated, as observed earlier in this chapter, a fundamental revision of India's defence outlook; but it has also enhanced the importance of countries strategically situated within her periphery. More than ever before, the international posture of countries such as Nepal, Bhutan, Sikkim, even Burma and Ceylon becomes a matter of vital concern for India. And although no naval threat to India could be said realistically to exist at the present time, it is not improbable, if such a threat were to materialise in the future, that military and strategic considerations may emerge as the most important determinant of Indo-Ceylon relations. It is, therefore, proposed in the following pages to examine in some detail the nature of Indo-Ceylon relations, and in particular Ceylon's political attitude to India.

Indo-Ceylon Political Relations

It needs to be mentioned, at the outset, that while there was a fundamental consistency of official policy towards Ceylon in India, the same was not true of Ceylonese policy towards India. In India, the Congress party has remained in power since independence, but in Ceylon no less than eight governments have been in power between 1948 and the present. A shift of emphasis in policy from one government to the next

35. Quoted in W.H. Wriggins, *Ceylon: Dilemmas of a New Nation* (Princeton, 1960), p. 399. Writing in his *Discovery of India* about India's future role in the Indian Ocean area, Nehru stated: "... the small national state is doomed. It may survive as a cultural autonomous area but not as an independent political unit". Jawaharlal Nehru, *The Discovery of India* (London, 1944), 3rd. ed., p. 511.

36. Wriggins, *op. cit.*, p. 377; J.D.B. Miller, *The Commonwealth in the World* (London, 1958), pp. 221-2.

was, therefore, inevitable in Ceylon, especially since the decision-making process in foreign policy in the island is centred largely in the Prime Minister. However, if nuances of policy change are discounted, it is possible to distinguish three distinct phases in Indo-Ceylon political relations in the period since independence: (i) the period 1948-56, which corresponds to the period of U.N.P. administration in the island,³⁷ (ii) the period 1956-October 1962, and (iii) the period from October 1962 to April 1965, both latter phases being marked by S.L.F.P. rule with the dividing line taken in October 1962, when the Sino-Indian conflict erupted into open war.³⁸

The first phase, 1948-1956

Throughout the greater part of the period since independence, the personality of Pandit Nehru has been a factor of momentous importance in Indo-Ceylon relations. Not only was the former Indian Prime Minister almost universally admired and respected in the island as an Asian leader and international statesman, but his efforts on behalf of international peace and understanding have won for him many Ceylonese friends of varying political persuasions. His role in the formulation of India's foreign policy and his attachment to the principles of *Panchsheela*, based on India's ancient Buddhist traditions, were in themselves a guarantee during his time that Ceylon had nothing to fear from India. However, as Prime Minister of India, Pandit Nehru had to act constantly as the champion of rights of persons of Indian origin in the island, and frequently found his policy on this issue at variance with that of the Ceylonese Prime Minister and government. In Parliament, he once regretted "this long-standing and vexing controversy which has come in the way of developing that friendly and co-operative relationship between our countries which all of us so desire and which geography, culture and history indicate".³⁹ It has been suggested that for fear of appearing to

37. The first Prime Minister of Ceylon, Mr. D.S. Senanayake, was succeeded by his son Mr. Dudley Senanayake in March 1952. Mr. Dudley Senanayake resigned office in October 1953, and was succeeded by Sir John Kotelawala, whose administration lasted till April 1956, when the U.N.P. were defeated at the polls.

38. Mr. S.W.R.D. Bandaranaike's premiership extended from April 1956 to September 1959; Mrs. Sirimavo Bandaranaike held office during the period July 1960 to March 1965.

39. *H. of R. Deb*, (12 November 1952), Part I, Vol. 3, Col. 295.

be a bully, the Nehru government was over-cautious in its criticisms of Ceylonese policies towards persons of Indian origin resident in Ceylon.⁴⁰ However this may be, Nehru himself went to great pains to assure Ceylon of India's goodwill and peaceful intentions. Thus, when Dr. Sitaramaya's statement suggesting Indo-Ceylon federation evoked a thoroughly hostile response in Ceylon, Nehru sent a special message assuring Ceylon that India had no designs on her and would not interfere with her sovereignty.⁴¹ Again, speaking at a mass reception in Colombo on the occasion of his visit to attend the Commonwealth Foreign Ministers Conference in January 1950, the Prime Minister said:

Some people fear that the great country India might want to develop or sort of absorb Ceylon. I assure you that if any people have any such idea it is completely wrong.⁴²

Reverting to the subject some years later, he characterised as "fantastic nonsense" the fear of some Ceylonese that India might invade or absorb Ceylon;⁴³ and in 1959 the Indian leader thought fit to remark on the "quite unjustified" fear of India in Ceylon to a group of Delhi University Students who were leaving on a goodwill mission and educational tour of the island.⁴⁴ In each case, the former Prime Minister was trying to allay some specifically expressed fear of India in Ceylon, or to counteract some irresponsible or chauvinistic utterance made in India itself. Though he himself had not been wholly blameless in this respect in the past, he was much concerned about the effects on Ceylon of any indiscreet Indian statements based on the strategic, linguistic or cultural unity of India and Ceylon.

The Ceylonese attitude to India during this period has well been summed up by Sir Ivor Jennings:

If India and Ceylon were linked it would not be on a basis of quality; the link would involve the incorporation of Ceylon in the Indian

40. See M.S.Rajan, "Indian Foreign Policy in Action 1954-56", *India Quarterly*, 16: 205, July-September, 1960.

41. *The Hindu*, 7 May 1949; for the kind of reaction which this suggestion evoked in Ceylon, see leading article entitled 'An Impertinence' in *Times of Ceylon*, 27 April 1949.

42. *Ceylon Daily News*, 16 January 1950.

43. *The Hindu*, 20 May 1957.

44. *Ceylon Daily News*, 30 May 1959.

Federation, and some Indian leaders have gone so far as to speak of this development as "manifest destiny". Such expressions inevitably cause Ceylonese nationalism to rebound. Ceylon has a higher standard of living, a higher degree of literacy, a pleasanter mode of life, a less embittered social atmosphere, and a less crowded population. If the island were to be opened to unrestricted Indian immigration, the Sinhalese and the Ceylon Tamils would soon be swamped by the hard-working Indian Tamils and highly competent Indian businessmen. India thus appears as a friendly but potentially dangerous neighbour to whom one must be polite but a little distant. This aspect, too, must not be exaggerated, though it always is exaggerated in Indian press comment. It is not that India and Indians are unpopular, but that the Ceylonese, while admiring much that is Indian, and feeling themselves racially akin to Indians, have a sensation of living under a mountain which might send down destructive avalanches.⁴⁵

It would be no exaggeration to say that political aloofness was the chief characteristic of Ceylon's attitude to India during the period 1948-56. As far as Ceylon was concerned, the unsolved question of persons of Indian origin resident in Ceylon was another factor which stood in the way of developing the close associations which had been traditional between the two countries. Since this problem was a relatively minor one for India, and since the burden of the problem rested with Ceylon, the Indian government could afford to adopt a patient, long-term attitude, and isolate the citizenship and immigration issues, which were controversial, from their general desire to pursue a friendly and peaceful policy towards a neighbouring country. On the other hand, not only was the problem physically present in Ceylon, but every delay in its solution was thought to be injurious to the island's own interests. In pursuance of policies which Ceylonese ministers had framed during the Donoughmore period, U.N.P. governments since independence had passed basic legislation dealing with the questions of citizenship and immigration. Insofar as this legislation concerned the island's Indian minority, its chief object may be said to have been the reduction of their numbers. The Indian government, however, had objected to this legislation; during the period under review, they firmly refused to countenance any reduction of Indians.

45. Sir Ivor Jennings, *The Commonwealth in Asia* (London, 1951), p. 113.

in Ceylon, except those who, without any doubt, were Indian nationals holding Indian passports. U.N.P. policies, therefore, failed to achieve their object: the Indian problem was still physically present in Ceylon. Besides, there was always the constant pressure from the Government of India in regard to the status and rights of Indians in the island, and the ever-present anxiety of the Ceylon Government that a particular policy or a particular piece of legislation might not be acceptable to India.

Therefore, notwithstanding their great respect for Pandit Nehru, U.N.P. Prime Ministers had every reason to be apprehensive of and politically aloof from India. Added to the tensions arising from the unsolved citizenship and immigration issues, were apprehensions of India absorbing or invading Ceylon, to which some earlier Ceylonese Prime Ministers were peculiarly prone.

The Commonwealth as Counterpoise

The firm support which U.N.P. Prime Ministers consistently gave to the Commonwealth connection must be partly explained by the above considerations. There were, doubtless, other factors which would have determined in any event that Ceylon's association with the Commonwealth should be close in the early years after independence. The long historical association with the British, the manner of the transfer of power, sentiment, economic and commercial ties were important considerations in this connection. But there is a good deal of evidence to suggest that for the Ceylonese Government during the period under discussion, the Commonwealth assumed an added significance as a possible counterpoise to India. It is not merely that the Commonwealth gave Ceylon "an artificial but useful equality with India", or that it added to her international stature. The Commonwealth, that is to say, the connection with Britain, was seen by U.N.P. Prime Ministers as an essential condition of Ceylon's security. D.S. Senanayake who, as founder of the U.N.P. and first Prime Minister of Ceylon had much to do with the formulation of Ceylon's foreign policy in these years, laid down almost as axiomatic the principle that friendship with Great Britain was Ceylon's greatest security,⁴⁶ a

46. See e.g., *H. of R. Deb.*, (1.8.1951), Vol. 10, col. 1852.

principle that became in his time and in that of his U.N.P. successors the basis of all Ceylon's foreign relations. Jennings has stated that although Mr. D.S. Senanayake always regarded India as the mother country,

he was well aware of the danger implicit in having nearby a population of 350 million people pressed outward by a standard of living much lower than that in Ceylon and capable, under the wrong leadership, of becoming aggressive . . .⁴⁷

He had no qualms about Nehru's government, but was unwilling to gamble on India's future good intentions, especially in view of Indo-Ceylonese divergences over the citizenship question. The link with Britain was seen not only as an essential measure of military security, but also as a counterweight against increasing Indian pressure on the Indo-Ceylon question.⁴⁸

In later years, when a solution of this question seemed more distant than ever, considerations such as the above were to receive even more concrete expression. For Sir John Kotelawala, the very fact that Ceylon's two immediate neighbours were also fellow members of the Commonwealth served "as her first insurance against any possibility of aggression from quarters closer home".⁴⁹ In a public speech in 1955, the Prime Minister declared that "the day Ceylon dispensed with Englishmen completely, the island would go under India";⁵⁰ and even early in 1957, after he had fallen from power, he gave it as his opinion that the flag of India would soon fly over Ceylon if the Bandaranaike government continued to rule the island.⁵¹ This allusion, presumably, was in the context of the Bandaranaike government's request, after their assumption of office, that British bases should be withdrawn. For U.N.P. governments, the British bases were the crux of the matter. After independence, the use by Britain of the naval base at Trincomalee and the air base at Katunayake was continued

47. Sir Ivor Jennings, "Crown and Commonwealth in Asia", *International Affairs*, (London), 32: 138, April, 1956.

48. In the context of ideas such as these, the *Hindusthan Times* (9.2.1953) commented: "The plank of Ceylon's foreign policy is her defence agreement with Britain, which she is wrongly interpreting as giving her the right to take a high line with neighbours".

49. Sir John Kotelawala, "Ceylon as Switzerland in Asia", *The New Commonwealth*, 29: 315-16, April 4, 1955.

50. *The Times*, 26 May 1955.

51. *The Hindu*, 13 January 1957.

under an administrative arrangement covered by the Ceylon-United Kingdom Defence Agreement of 1947. It has been argued that the Defence Agreement was negotiated by D.S. Senanayake rather as an inducement to Britain to hasten Ceylon's independence than for any specific military purpose.⁵² But the Agreement and the occupation by Britain of the bases more particularly came to acquire a new significance in the light of Ceylon's relations with India, and in the context of Indian writings on the oceanic theory of India's defence. In Parliament, Sir John Kotelawala expressed himself as "worried" about "several statements in one of [Panikkar's] books that India must have Trincomalee for her safety".

I have also heard that Mr. Panikkar is supposed to speak for Pandit Nehru. He is supposed to know Pandit Nehru's thoughts and has said that India, Ceylon and Burma must have a Monroe Doctrine, that India will be the father of the two children, Burma and Ceylon. We do not want that; we do not want that fatherly advice nor their protection. We want Trincomalee for our use.⁵³

Panikkar denied having made any statement in any of his books claiming Trincomalee for India.⁵⁴ Pandit Nehru himself repudiated the suggestion that Sardar Panikkar spoke on his behalf, or on that of the Indian government. As far as he was aware, no one had said so far that India must have Trincomalee, nor was it correct that any kind of Monroe Doctrine had been put forward either by himself or on his behalf.⁵⁵ Despite these denials, however, apprehensions of India continued to exist in U.N.P. circles, and in October 1956, a prominent U.N.P. leader (Mr. J.R. Jayawardena) in attacking Prime Minister Bandaranaike as a "puppet following Nehru's foreign policy" alleged that leading Indians

52. See Sir Ivor Jennings, *The Approach to Self-Government*, (Cambridge, 1956), pp. 50-51.

53. *H. of R. Deb.*, (7.9.1954), Vol. 20, col. 51-52.

54. *The Hindu*, 10 September 1954. Panikkar, had, however, made a speech in Bombay about two weeks before the Ceylonese Prime Minister's statement in which he had declared that India had made clear to foreign (Big) powers that she would not tolerate any interference in the affairs of Nepal, Burma or Ceylon as countries lying within India's area of primary and strategic importance. See *The Hindu*, 26.8.1954; also Rajan, *op. cit.*, pp. 228-29, and n. 100. Professor Rajan cites Panikkar's speech, but is unaware of the authority on which it was made.

55. *Lok Sabha Deb.*, (16.9.1954), Vol. 4, Part I, col. 1202-04.

were saying that India should occupy Trincomalee when the British moved out. What, he asked, was there to prevent a future hostile Indian government from occupying Trincomalee to protect Indian citizens in Ceylon?⁵⁶

For U.N.P. leaders, British occupation of the bases in Ceylon was the surest guarantee of Ceylon's security. At the same time, their political attitudes towards India were not uninfluenced by conceptions of Pan-Asian solidarity, and of the prominent role which free India was playing as a neutralist and anti-colonialist nation. Ceylon was one of the participants in the Asian Relations Conference held in New Delhi on the initiative of India in March-April, 1947. In 1949, the question of Indonesian independence was the subject of another conference held in New Delhi, at the instance of Nehru, and Ceylon was one of the eighteen states invited. In 1954, Sir John Kotelawala himself was instrumental in organising a conference between the Prime Ministers of India, Pakistan, Burma, Ceylon and Indonesia in Colombo, where *inter alia*, nuclear disarmament, communism, colonialism in general and the Indo-Chinese question in particular, and problems of economic co-operation in South-east Asia were discussed. This same group of countries (the Colombo Powers) acted as hosts at the Asian-African Conference held in Bandung, Indonesia, in April 1955, where problems of a similar nature were discussed by 29 Asian and African countries.

There were among Asian countries, as these conferences demonstrated, a variety of problems of common interest in international affairs, such as questions of economic development, the need to foster and preserve an atmosphere of peace internationally as well as in the Asian region in particular, a disposition to resist communist movements which might be subversive of newly-won independence in certain countries, resistance to colonialism and racialism itself. On many of these issues India was without question a leader of opinion in free Asia, and this fact was not

56. *The Times*, 2 October 1956: Sentiments such as these have recently begun to find an echo in Mr. R.G. Senanayake, now an Independent M.P., but formerly a Cabinet Minister successively under Mr. Dudley Senanayake, Sir John Kotelawala and Mr. S.W.R.D. Bandaranaike. Mr. R.G. Senanayake believes that India still has designs on Trincomalee, and has found support for this view in the reported decision of India to build a naval base in the Andaman Islands. See comment in the *Indian Express*, 18 July 1963; for a more recent speech in the same strain, see *Ceylon Daily News*, 16 July 1964.

without its importance in determining Ceylonese attitudes to India. Whatever the differences between India and Ceylon on other issues, and however apprehensive the Ceylonese Government might be of India's future intentions towards the island, there were a whole corpus of problems, especially those relating to Asia itself, on which the two governments thought alike, and on which there was ample basis for political co-operation. Similarly the Commonwealth provided other platforms for co-operation between these governments, more especially in the economic sphere since the inauguration of the Colombo Plan in 1950. The benefits of bilateral trade, too, were mutually recognised, as shown by the negotiation of three trade agreements between 1949 and 1953.⁵⁷ Thus, although the link with Britain was seen by U.N.P. Prime Ministers as the primary condition of Ceylon's foreign policy, they were also not unaware of the island's position as an Asian power in an Asian environment,⁵⁸ and recognition of this fact was inevitably drawing them into closer political contacts with India.

Opposition Attitudes

All sections of the parliamentary opposition were strongly critical of the U.N.P.'s policy towards India. Until 1951, the parliamentary opposition consisted mainly of the Trotskyite Sama Samaja Party, the Communist Party, the Tamil Federal Party and the Ceylon Indian Congress. In 1951, Mr. S.W.R.D. Bandaranaike who had till then been a minister in the U.N.P. government resigned office, crossed the floor and formed a parliamentary group of a new political party, the Sri Lanka Freedom Party, consisting of several erstwhile government supporters. After the elections in 1952, the CIC was without parliamentary representation in Ceylon.

Mr. Bandaranaike had been a minister in the U.N.P. cabinet when that government passed its basic legislation dealing with the citizenship status of persons of Indian origin in Ceylon. But while subscribing to the underlying purpose of that legislation, which was to restrict the number of persons of Indian origin in Ceylon, Mr. Bandaranaike criticized the handling of this issue by the U.N.P., especially under the government

57. See Chapter VI.

58. Sir John Kotelawala wrote in 1955: "... we are an Asian nation and we cannot forget our obligations towards Asia . . ." *op. cit.*, p. 317.

of Sir John Kotelawala. He was particularly concerned about the impact of the Indo-Ceylon question on general political relations between India and Ceylon, and accused Kotelawala of having “dissipated that degree of close friendliness that existed between us here and the Prime Minister of India”.⁵⁹ He stated it as his opinion that “amongst all those in authority in India the one friend that Ceylon has over this issue is the Prime Minister of India, Pandit Jawaharlal Nehru”,⁶⁰ and thought that U.N.P. Governments were losing valuable time and opportunities in not negotiating a solution of this question.

Other opposition parties were unanimous not only in rejecting the basic principles of the Government’s citizenship and connected legislation as being rigid, restrictive and discriminatory to persons of Indian origin in Ceylon, but they firmly believed that successive U.N.P. Governments were relying on their friendship with Britain to safeguard themselves against India. As the Leader of the Opposition (Dr. N.M. Perera) put it in 1948:

There is a feeling among sections of the Government and the U.N.P. that we have to safeguard ourselves against India, that we have to fight against India, and that therefore it is necessary that we must lean upon Britain for the purpose. There is a feeling like that throughout the country among certain sections of the population. I say that it is political myopia of the worst type.⁶¹

There were, no doubt, other grounds as well for the Oppositions’ criticism of British bases in Ceylon. The inconsistency of these bases with the policy of neutralism professed by U.N.P. governments was one such consideration, but their significance in the context of Indo-Ceylon relations was something peculiarly susceptible to opposition attacks. A former secretary of the Ceylon Indian Congress wrote in 1950:

59. *H. of R. Deb.*, (22.6.1955), Vol. 21, col. 253.

60. *Ibid.*

61. *Ibid.*, (19.8.1948), Vol. 4, col. 1696; also Vol. 5, col. 450; *Senate*, Vol. 2, col. 1315-17, 2025. In a public speech in Jaffna, in 1954, the Tamil leader G.G. Ponnambalam ridiculed the notion that the independence of Ceylon could eternally be dependent upon the armed assistance of the U.K., 7,000 miles away. *The Hindu*, 19 September 1954.

It would indeed be a sad commentary if Ceylon entertains such apprehensions [of imperialist and expansionist designs by India] and attempts to bang the door against India by keeping Great Britain pitched against the Indian sub-continent.⁶²

The fact that the bases could hardly have been seen in this light by Britain herself is irrelevant to the point at issue. The statements of U.N.P. government spokesmen, as well as those of Opposition critics lend colour to the view that the Commonwealth link was seen by the Ceylon Government during this period as affording, among other things, a measure of security against India.

The Second Phase, April 1956 to October 1962

In April 1956 the U.N.P. Government of Sir John Kotelawala was defeated by a United Front Coalition (M.E.P.), consisting of the S.L.F.P. and a Trotskyite splinter group (V.L.S.S.P.) under Mr. Philip Gunewardena. Mr. Solomon Bandaranaike became the new Prime Minister. The S.L.F.P. professed to be a democratic socialist party, but the main basis of its electoral support had been Sinhalese-Buddhist nationalist interests. Reconciliation of these interests with the M.E.P.'s declared socialist objectives proved, from the inception, difficult, and in June 1959, following upon an internal crisis in the cabinet, the Trotskyite ministers resigned office; the M.E.P. coalition ceased thereafter to exist, although Mr. Gunewardena's party continued to call itself the M.E.P. In September 1959, Mr. Bandaranaike himself was assassinated. There followed a period of ministerial instability characterised by the Caretaker Government of Mr. W. Dahanayake, an inconclusive general election in March 1960 and the short Premiership of Mr. Dudley Senanayake. In the general election held in July 1960, however, the S.L.F.P. returned to power with a comfortable majority, and Mrs. Sirimavo Bandaranaike was appointed Prime Minister. In June 1964, in the last year of Mrs. Bandaranaike's administration, in a bid to strengthen the government and to arrest a steadily deteriorating economic situation, the S.L.F.P. entered into a coalition with the L.S.S.P., whereby the leading leftist politician, Dr. N.M. Perera and two other Trotskyite leaders, were admitted to the Cabinet. Thus, the greater part of the period since 1956 has witnessed the rule of the S.L.F.P. in Ceylon.

62. H. M. Desai, "Ceylon and India", *United Asia*, 2:374, April 1950.

The period of S.L.F.P. rule, since 1956 has been marked by a noticeable improvement in the relations between India and Ceylon. On the eve of his taking office as Prime Minister in April 1956, Mr. Bandaranaike had said:

I visualize much more friendly relations and closer co-operation between myself as Prime Minister of this country and Pandit Nehru as Prime Minister of India in dealing with not only problems affecting our two countries and Asia but general world problems.⁶³

Some months later, at a public farewell dinner given by the Indian Mercantile Chamber to Mr. B.N. Chakravarty, Indian High Commissioner in Ceylon, the Prime Minister stated that "in many matters concerning international affairs, I happen to hold views not dissimilar to those held by Mr. Jawaharlal Nehru".⁶⁴ An identity of views on international affairs was doubtless a factor in the changed attitude to India. This identity itself was in part a product of ideological affinity and a common political outlook between the prime ministers. The political outlook of both prime ministers was a peculiar compound of British liberalism and moderate socialism; both men were genuinely dedicated to parliamentary democratic forms of government and in internal economic policy aimed at achieving mixed economies in their respective countries. Like many Asian intellectuals, their attitudes to capitalism were coloured by the fact that due to lack of capital and technical skills in their countries, the state had of necessity to step in as entrepreneur. In addition, capitalism was recognised as a political liability on the ground of its historical connections with imperialism; political co-operation with the United States and the United Kingdom was bound to be exploited by opposition critics as collusion with "Anglo-American imperialism", a slogan with a wide appeal in former colonial territories. The Soviet Union, on the other hand, was absolved of the "cosmic guilt" of colonialism; neither Nehru nor Bandaranaike regarded the Soviet Union as a colonial power, and in this respect they both differed from the former Ceylonese Prime Minister Kotelawala, for whom Soviet control over East European

63. *The Hindu*, 8 April 1956.

64. *Ibid.*, 7 October 1956.

countries had signified a "new colonialism", which it was necessary to denounce equally with the more familiar forms of western colonialism. On the question of the denunciation of western colonialism itself, there was general unanimity.

An example of this identity of political outlook is provided by the Delhi Conference on Hungary and Suez held in November 1956. The conference, summoned at Nehru's initiative, was attended by the Prime Ministers of India, Burma, Indonesia and Ceylon; but with the sole exception of Burma, the denunciation by all the other countries represented of the Anglo-French-Israeli invasion of Suez was in marked contrast to the moderation of their strictures on the Soviet action in Hungary. It might be presumed that Ceylon's attitude at this conference might have been different had Kotelawala been her Prime Minister instead of Bandaranaike. However, Kotelawala's views on Soviet colonialism had not precluded him from jointly subscribing, with India and other Asian and African powers, to a consensus of views on various international problems. Indeed, on the occasion of Nehru's visit to Ceylon to participate in the Buddha Jayanti celebrations in May 1957, he signed a Joint Statement⁶⁵ with Premier Solomon Bandaranaike which differed little in content from the joint communiques issued by the various Asian regional conferences in 1954 and 1955. The Prime Ministers reaffirmed their faith "in the five principles of international relations known as Panch Shila, which were embodied in and extended by the principles adopted by the Bandung Conference"; they recognised the importance of the United Nations as an instrument for securing world peace, regretted Communist China's exclusion from this body, called for an immediate cessation of nuclear testing, etc. Thus, community of outlook in international affairs does not by itself explain the improvement in Indo-Ceylon relations which followed the accession of Solomon Bandaranaike to power. Ceylon's official attitude to India itself had changed radically. The Commonwealth was no longer looked upon as an instrument to redress the balance against India. Mr. Bandaranaike considered India a friendly power, and did not envisage a political threat from her. He strongly repudiated suggestions of Indian aggression against Ceylon, and commenting on the prevalence of such fears in the island is reported to have said that he had no duty cast upon him to meet the unreasonable

65. For text, see *The Hindu*, 20 May 1957.

fears of the people.⁶⁶ Consonant with this attitude was his policy towards British bases in Ceylon. Whereas for earlier Prime Ministers the existence of these bases was an essential condition of Ceylon's security, Solomon Bandaranaike regarded them as inconsistent with a foreign policy of non-alignment, and saw nothing in the posture of India to justify their continuance. Termination of the bases had been a declared objective of the M.E.P. manifesto in 1956. Soon after his assumption of office Mr. Bandaranaike requested the United Kingdom Government to withdraw their bases in Ceylon, and this was agreed to. A phased withdrawal of the naval base at Trincomalee, and the air base at Katunayake, commenced in October and November 1956, respectively. Indian opinion at the time had reason to welcome this action, for the bases had conflicted not only with India's own avowed policy of hostility to foreign military bases and defensive pacts, but also because they had undoubted strategic value in relation to India, and could always potentially be used inconsistently with India's interests.

Another reason for improvement in Indo-Ceylon relations during this period was the emergence of a basic identity of approach between the Indian Government and Solomon Bandaranaike in respect of the problem of persons of Indian origin resident in Ceylon. Even as an opposition politician, Mr. Bandaranaike had avowed the belief that "the so-called Indo-Ceylon Problem" was essentially a problem of Ceylonese citizenship and, therefore, a domestic concern of Ceylon.⁶⁷ He was no doubt aware that persistence in this view had become meaningless after the negotiation of the Indo-Ceylon agreement relating to persons of Indian origin in

66. *Ibid.*, 12 and 14 June 1956.

67. In an exclusive interview with a representative of *The Hindu* in December 1953, Bandaranaike said: "I see no point in a deputation, official or unofficial going to Delhi to discuss the so-called Indo-Ceylon problem which is in fact a problem of Ceylon citizenship. It is a well-recognised principle that a sovereign country has the power within its sole discretion to decide the composition of its population. This principle was admitted at the original discussion with the Indian government as far back as 1940. In pursuance of this principle, if any section of the population at present living in Ceylon has any grievance regarding matters concerning citizenship, the proper method of dealing with it is to have full discussions with all interested sections in this country. Thereafter, if any issue arises which makes it desirable for any talks with the Indian Government, that is the point of time at which discussions with the Indian Government can usefully take place . . . it is not possible for Mr. Nehru or the Indian Government to solve the question of our citizenship for us, nor indeed is it desirable for us to expect them to do so". *The Hindu*, 15 December 1953.

January 1954. Indeed, when Indo-Ceylonese differences of interpretation of this agreement necessitated further discussions with the Government of India in October 1954, Mr. Bandaranaike (then Leader of the Opposition) was persuaded to go to Delhi as a member of the Ceylonese delegation. But he believed that the January Agreement was ill-advised and, avowedly, went to Delhi in October in order to try to "salvage" something of the agreement and to obtain clarifications.⁶⁸ Bandaranaike's attitude to this agreement is shown by a statement of S.L.F.P. party policy in February 1955 to the effect that "the wisest course would be to abrogate the Agreement by friendly discussion [with India], to go on with the registering of Indians who have applied for our citizenship and when that task is completed to take up the question of those who have failed to obtain our citizenship with India on a fresh basis".⁶⁹ This remained his policy after he became Prime Minister; and although he declared, under pressure from opposition spokesmen to clarify his policy, that "it is a question in which the Government of India is interested and concerned and a solution of which would, to a great extent, depend on certain matters of policy, goodwill and the co-operation of the Government of India",⁷⁰ his basic approach to the problem was that the citizenship issue was an internal affair of Ceylon, and that only after its solution need the Government of India be consulted about the future of the residue of "stateless" persons of Indian origin. Indeed, realising that India was adamant on this point, he even appeared to abandon the principle of repatriation of Indians as a solution to the question, a policy which he had been advocating for many years. Significantly, of all the Ceylonese governments since independence, only that of Solomon Bandaranaike did not hold a major conference with the Indian Prime Minister on the Indo-Ceylon question.

The change of approach on the Ceylonese side was matched in India, too, by a new policy of regarding the Indo-Ceylon problem as primarily the domestic concern of the Ceylonese Government. It is not clear when the new policy was initiated; certainly it was after Mr. Bandaranaike's assumption of office, for Nehru's last communication with the previous

68. *Ibid.*, 7 March 1958; for a discussion of the 1954 January Agreement, see Chapter IV.

69. Quoted in I.D.S. Weerawardhana, *Ceylon General Election 1956* (Colombo, 1960), p. 58.

70. *H. of R. Deb.*, (30.7.1957), Vol. 29, col. 84.

Ceylonese Prime Minister (Sir John Kotelawala) had been a suggestion that the disputed clauses of the Indo-Ceylon agreement of 1954 should be referred for arbitration,⁷² a proposal which was still hanging fire when the Kotelawala Government fell in April 1956, and which was not acceptable to the new Prime Minister. In replying to questions in the *Lok Sabha* in the recent past, Pandit Nehru took pains to distinguish between Indian nationals in Ceylon, who were the legitimate object of India's concern, and the other category of persons of Indian origin who had become 'stateless,' responsibility for whom he disavowed. Thus, in 1958:

And the problem is, in the main, that of the Ceylon Government because these people, according to our showing, are not Indian nationals. Whether registered or not, we feel they are or ought to be, Ceylon nationals. It is their problem.⁷³

While acknowledging India's interest in the problem for historical, political and cultural reasons, and Ceylon's own difficulties in the way of its solution, he firmly refused to accept as Indian nationals "large numbers of people who have lived there [in Ceylon], who have been born there, and just ask them to walk across to India. . ."⁷⁴ At the same time, however, he recognised that, difficult and complicated though the problem was, "it is increasingly realised in Ceylon by the Government and others, and by us of course, that we should not treat it as a political problem or dispute, but as a human problem. . ."⁷⁵ The Indian attitude was stated by a government spokesman as follows:

There is a measure of agreement in our outlook. Ceylon authorities, who are directly concerned with the problem, and we, who are indirectly concerned with it, are both conscious of our long common tradition of good neighbourliness and friendship and neither of us would like this friendship to be affected by any wrong or hasty step. We are both aware that no quick solution is available. We are both exploring possibilities of a just and fair solution of this essentially human problem.⁷⁶

72. *The Hindu*, 5 May 1956.

73. *Lok Sabha Deb.*, (9.4.1958), 2nd ser., Vol. 15, col. 9057.

74. *Ibid.*, col. 9057-58.

75. *Ibid.*

76. *Ibid.*, (25.11.1958), 2nd ser., Vol. 22, col. 1447-48.

The tendency to gloss over mutual differences and emphasise common bonds of friendship and good neighbourliness was a characteristic feature of the policy of both countries during the period of the two Bandaranaike administrations, more especially during that of Solomon Bandaranaike. Evidence of the improved relationship after 1956 is seen at a personal and cultural level, as well as in general political relations.⁷⁷ Pandit Nehru was chief guest on the occasion of Ceylon's Buddha Jayanti celebrations held in May 1957, and again visited Ceylon in October 1962 to inaugurate the Bandaranaike Memorial Ayurvedic Research Institute at Nawinna. In June 1959 President Rajendra Prasad arrived in Ceylon bringing with him "the good wishes and the deep feelings of friendship and good neighbourliness from the people and Government of India for the Ceylonese people".⁷⁸ Solomon Bandaranaike himself was one of the invitees to India's own celebrations in honour of the 2500th anniversary of Buddhism.⁷⁹ Nehru's esteem for Solomon Bandaranaike was further demonstrated by the fact that when the Ceylonese Prime Minister was assassinated in September 1959, a public holiday was declared in India in honour of the dead leader; similarly in Ceylon, too, a public holiday was declared on Nehru's death in honour of the Indian statesman. Again, when Prime Minister Sirimavo Bandaranaike visited India on a holiday and pilgrimage tour in December 1960, she was welcomed by Nehru not only as the Prime Minister of the country with which India had friendly relations, but also as the wife of S.W.R.D. Bandaranaike, whom Indians "knew so well".⁸⁰

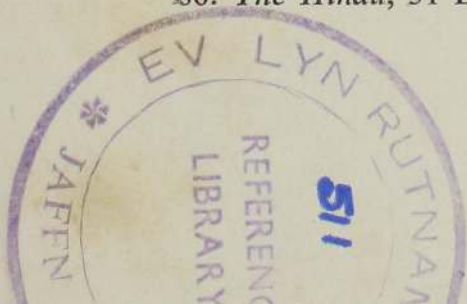
This mutual goodwill and community of outlook, though a factor in improving Indo-Ceylon relations in the period following Solomon Bandaranaike's advent to power must not, however, obscure the fact that both in India and Ceylon the fundamentals of policy towards persons of Indian origin in Ceylon had remained unchanged. Both the Solomon and Sirimavo Bandaranaike Governments were guided, during this period by the legislation and policies framed by U.N.P. governments before 1956, while the Indian Government did not shift appreciably from its original view, expressed as early as 1948, that the vast majority of persons of Indian descent in Ceylon, who were not

77. Cultural relations are discussed in Chapter II.

78. *The Hindu*, 17 June 1959.

79. *Lok Sabha Deb.*, (30.6.1956), Part I, Vol. 4, col. 4600.

80. *The Hindu*, 31 December 1960.



legally Indian nationals, were in fact naturalised Ceylonese, and that the Government of Ceylon should acknowledge them as such. Moreover, during the period under review, the Indo-Ceylon question was in abeyance largely due to two factors: (a) the emergence of linguistic conflicts between the Sinhalese and Ceylon Tamils, which dominated the politics of this period; (b) the process of investigation into the citizenship applications of persons of Indian origin resident in Ceylon had not been completed by the Ceylonese authorities until 1964, and the holding of an Indo-Ceylon conference to discuss the future of the "stateless" class among these persons was, therefore, postponed until such completion. The results of the Indo-Ceylon conference which was held in New Delhi in October 1964 are discussed elsewhere.⁸¹ But even more momentous, from the point of Ceylon's future relations with India, are the events which followed from the deterioration of the Sino-Indian dispute in October 1962, and their repercussions in Ceylon.

The Third Phase: October 1962 to the present

Up to 20 October 1962, the Sino-Indian dispute had been generated by relatively minor border intrusions and incursions and by the rivalry of the two powers to extend their check-posts and communications network as far as possible without recourse to a major armed conflict. On 20 October 1962, however, the dispute took a turn for the worse by the rapid deterioration of the dispute into a large-scale campaign. According to the Indian version, Chinese forces crossed the international boundary in the eastern sector on 8 September 1962 and, "while an exchange of notes on this subject was going on, made a massive attack on our Defence forces on the morning of the 20 October all along the India-China border in the eastern sector as well as the western sector".⁸² According to the Chinese version, India was the aggressor, and it was India who "deliberately provoked" the war by launching "massive armed attacks all along the line on the Chinese frontier guards on October 20, 1962".⁸³

81. See Chapter IV.

82. Government of India, Ministry of Information and Broadcasting, *Chinese Aggression in War and Peace: Letters of the Prime Minister of India* (New Delhi: 1962), p. 32.

83. Government of the People's Republic of China, *The Sino-Indian Boundary Question* (Peking, 1962), 2nd ed., p. 39.

Whatever the origins of the war, the weeks following its outbreak not only witnessed a crisis in Sino-Indian relations, but necessitated a reappraisal of policy towards India and China in many countries of Asia and Africa. Ceylon's reaction to the conflict makes an interesting study. Only two of the major political parties on the island gave their unqualified support to India. Mr. Dudley Senanayake, U.N.P. leader and Leader of the Opposition, addressed a letter to Prime Minister Nehru condemning Chinese aggression and expressing his and his party's support for India.⁸⁴ Thus, the Sino-Indian conflict had the effect of reversing the U.N.P.'s earlier distrust and suspicion of India, and of rallying the party's support for India on the basis of anti-communism and anti-imperialism. The M.E.P. also came out in support of India, and through its journal as well as in public meetings strongly condemned Chinese aggression. The attitude of these two parties was consonant with the attitude of the Ceylonese press generally. The strongest support for India, however, came from the Tamil parties in the island. The Federal Party, which represented the Ceylon Tamil community, and the Ceylon Workers' Congress (C.W.C.) and Ceylon Democratic Congress (C.D.C.) which together represented the bulk of the immigrant Indian estate workers, not only supported India but also began to organise volunteers to fight the Chinese and to raise contributions in aid of the Indian National Defence Fund.⁸⁵ On the other hand, the *Jatika Vimukti Peramuna* (J.V.P.) roundly condemned India as the aggressor and maintained that "China was legitimately defending its frontiers".⁸⁶ The J.V.P.'s policy can be easily explained by its concern with the problem of persons of Indian origin resident in Ceylon: India's inflexibility on this issue earned for her the lasting opposition of nationalist Sinhalese groups in the island, and these saw the Sino-Indian conflict largely in the perspective of their built-in prejudice against the Indian government and Indians in Ceylon. The Communist Party, while generally siding with China, maintained a somewhat more equivocal attitude, in the context of the party's own internal dissensions arising out of the Sino-Soviet ideological dispute.

84. See Urmila Phadnis, "Ceylon and the Sino-Indian Border Conflict", *Asian Survey*, 3; 189-96, April, 1963.

85. *loc. cit.*,

86. *ibid.*, p. 193; *Ceylon Daily News*, 19 November 1962.

The consensus of neutralist opinion on the Sino-Indian conflict was represented by the government party, the S.L.F.P., and the Trotskyite L.S.S.P., although in both parties there were important pro-India lobbies. The L.S.S.P. secretary, Mr. Leslie Goonewardena, expressed the view that the border dispute should be settled by an "agreed arbitration".⁸⁷ In the S.L.F.P., however, some members even went to the extent of advocating the abrogation of Ceylon's trade pact with China, and of contributing to the Defence of India Fund.⁸⁸

Attitude of the Government of Ceylon

The deterioration of the Sino-Indian dispute in October 1962 posed a crucial question of policy for the Ceylon Government. In a message of 26/27 October addressed to Heads of Governments Prime Minister Nehru had solicited their sympathy and support for India's cause. The Ceylonese Prime Minister responded to this overture by appreciating that "India would not want to do anything to prejudice her territorial integrity or self-respect by submitting to negotiations under pressure of armed forces",⁸⁹ but without formally supporting India's stand in the dispute or branding China the aggressor.⁹⁰ Although this attitude caused considerable misgivings in Indian circles, particularly in the context of the goodwill and friendly atmosphere which had pervaded Indo-Ceylon relations since 1956, and in view of the long-standing historical and cultural connections with India, it was not altogether unreasonable or unrealistic for Ceylon to have adopted a neutralist policy in the conflict between the two Big Powers of Asia.⁹¹ Ceylon exports more than 60% of her total rubber exports to China, and receives from her more than

87. *Ceylon Daily News*, 26 October 1962. The LSSP was an opposition party when the Sino-Indian dispute erupted into war in October 1962, but joined the government in June 1964.

88. Phadnis, *op.cit.*, p. 194.

89. *Hindusthan Times*, 5 November 1962.

90. Of the countries peripheral to India, Burma and Pakistan, too, adopted a neutralist attitude in the conflict.

91. Discussing the failure of some countries to unreservedly condemn Chinese aggression and support India's stand in the dispute, an Indian writer finds Ceylon's case "the most intriguing". See Parimar Kumar Das, "The Reaction of the Commonwealth of Nations", in *Chinese Aggression and India*, International Studies, 6: 68, July-October 1963. Phadnis, *op.cit.*, p. 195 found in Ceylon's refusal to brand China the aggressor a policy of seeming "to equate the adversaries" which, in her view, was tantamount to a suspension of Ceylon's moral judgment on Chinese aggression.

40% of her total rice imports under a rubber-rice barter agreement which was first negotiated for a five-year period in 1952, and which has been renewed regularly since. Since 1957, China has been a generous provider of economic and technical assistance to the island;⁹² to have categorically supported India would, therefore, have gravely imperilled the Ceylonese economy in that it would have entailed a reappraisal of the rubber-rice agreement with China and possibly its abrogation. Moreover, it is clear that Ceylonese neutrality on this issue stemmed also from the conviction that the principles of non-alignment were equally applicable to the Sino-Indian conflict as to the conflict between power blocs. Indeed, western military aid to India was interpreted by Prime Minister Sirimavo Bandaranaike as a "kind of entanglement with the power blocs";⁹³ and in December 1962, during the conference of the six non-aligned Afro-Asian nations held in Colombo, she declared that "the Sino-Indian conflict has also afforded an opportunity for the power politics of the "cold war" to penetrate . . . into the affairs of the Afro-Asian world".⁹⁴ Indian writers and spokesmen have vehemently denied that India's non-alignment policy has been prejudiced by her involvement with China, and have pointed to the Soviet Union's decision to fulfil her commitment in respect of MIG fighter planes to India in support of the view that Indian foreign policy remains unchanged.⁹⁵ Implicit in the Indian view of non-alignment, however, is the conviction that all non-aligned nations should rally to the support of India in her condemnation of Chinese "aggression", for neutralism is properly applicable only to the power-conflict between communism and anti-communism and has no bearing on the Sino-Indian conflict which is a struggle between the aggressor and the aggrieved, or

92. In September 1957, China agreed to provide Rs. 75 million during the next five years to assist Ceylon's rubber rehabilitation scheme; in March 1958, China further provided a loan of Rs. 50 million repayable over 10 years (commencing in 1965) at 2.5% interest, for relief and reconstruction in connection with damage caused in Ceylon by heavy floods. In June 1964, all interest on this loan was waived, and interest already paid was treated as part of repayment of loan principal.

93. *Ceylon Daily News*, 11 December 1962.

94. *ibid.*

95. See, for instance Phadnis, *op. cit.*; Parimar Kumar Das, *op. cit.*; also M.S. Rajan, "Chinese Aggression and the Future of India's Non-Alignment Policy", *International Studies*, 5: 115-32, July-October 1963. Nehru stated that India's non-alignment policy had been vindicated in as much as the United States and Britain had come to her assistance while the Soviet Union, too, had not supported China but "tilted in our favour". *India News* (Colombo) 1 February 1963.

between right and wrong. Such a static view of neutralism was rejected by the Ceylon Government, which regarded the Sino-Indian conflict as another instance of the international power struggle and which, equally with the more ideologically oriented manifestations of the cold war, was a danger to the peace of the world.⁹⁶ Accordingly, the Ceylon Government refused to be drawn into taking sides in the conflict,⁹⁷ and from November 1962 onwards devoted its efforts to bringing about a settlement between the two Asian powers.

Ceylonese Mediation in the Sino-Indian Conflict

On 24 October 1962, four days after the border dispute had escalated into a large-scale campaign, China put forward three proposals with a view to reopening peaceful negotiations. These involved (a) withdrawal of armed forces of each side 20 kilometres from the line of actual control between the two sides along the entire Sino-Indian border; (b) if the above were acceptable to India, China would withdraw its frontier guards in the eastern sector of the border to the north of the line of actual control; at the same time both India and China agree not to cross the line of actual control, i.e., the traditional customary line, in the middle and western sectors; (c) in order to seek a friendly settlement of the question, talks should be held once again by the Prime Ministers of China and India. These proposals, however, were unacceptable to the Government of India as a basis for negotiation. India demanded, as a prior condition of the opening of negotiations, that Chinese forces withdraw to the position where they were all along the boundary before 8 September 1962.⁹⁸ By "the line of actual control" in the Chinese proposals was meant the line of control as existed between the Chinese and Indian sides on November 7, 1959.⁹⁹ The basic divergence therefore turned on that stretch of territory which had lain between the Sino-Indian positions between the dates 7 November 1959 and 8 September 1962.

96. In fact, the old view of non-alignment as a policy applicable only to the conflict between communism and anti-communism is increasingly being undermined by the development of the Sino-Soviet dispute, and by such negations of the concept of bipolarity as is manifested by the new trend of friendship and amity in Sino-Pakistani relations.

97. For instance, the government refused facilities for the remittance to India of funds collected in Ceylon in aid of the Indian National Defence Fund.

98. Letter of October 27, 1962, from the Prime Minister of India to Premier Chou En-lai. Government of India, *Chinese Aggression on War and Peace*, p. 10.

99. Letter of November 4, 1962, from Premier Chou En-lai to the Prime Minister of India. *Ibid.*, p. 38.

The first efforts in the direction of mediation of the dispute was made by President Nasser of the United Arab Republic. On 26 October 1962 President Nasser suggested a four-point plan for the cessation of hostilities and resumption of negotiations¹⁰⁰ which substantially corresponded to the Indian Prime Minister's proposals as contained in his letter to Premier Chou En-lai of 27 October 1962. Not surprisingly, therefore, China rejected the UAR proposals. On 21 November 1962, China herself unilaterally declared a cease-fire. This declaration said that in the western and middle sectors of the border, Chinese forces would withdraw 20 kilometres behind the line of actual control as of 7 November 1959, India being likewise required to withdraw on its side of the line so as to create a demilitarized zone. In the eastern sector, Chinese forces, according to the declaration, would withdraw to "the illegal McMahon Line".

Against this background, the Ceylonese Prime Minister Mrs. Sirimavo Bandaranaike took the initiative in convening the conference of six non-aligned Afro-Asian nations which was held in Colombo on 10 December 1962. The Colombo Conference was not intended to judge upon the rival claims of the disputants; rather it was meant as a device to bring about an atmosphere which would be conducive to direct negotiations between India and China. Accordingly, the proposals emanating from the conference (a) urged China to carry out their proposed 20 kilometre withdrawal to military posts in the western sector; appealed to the Indian government to keep their existing military positions and provided for the creation of a demilitarized zone in the area vacated by the Chinese which would be administered by civilian posts of both sides to be agreed upon, "without prejudice to the rights of the previous presence of both India and China in that area";¹⁰¹ (b) considered that in the eastern sector, the line of actual control in the areas recognised by both Governments.

100. These were: (i) Fighting be ended forthwith; (ii) Both sides revert to the positions they held prior to the recent armed clashes which began on October 20, that is, behind the line where their forces stood on 8 September last; (iii) Demarcation of a demilitarised zone to separate the forces of the two countries; and (iv) opening of negotiations between the two sides to settle all points relating to the border dispute by peaceful means. See Government of India, Ministry of Information and Broadcasting, *China Disregards the Colombo Proposals* (New Delhi, 1963), pp. 7-8.

101. *ibid.*, p. 12.

could serve as a cease-fire line to their respective positions, the remaining areas in this sector were to be settled in future discussions; (c) suggested that in the middle sector, problems would be solved by peaceful means without resorting to force.¹⁰²

These proposals together with their clarifications¹⁰³ were personally explained by Mrs. Bandaranaike and the Indonesian Foreign Minister Dr. Subandrio in Peking during 4th to 9th January 1963, and in New Delhi by Mrs. Bandaranaike, Aly Sabri (UAR) and Mr. Kofi Asate Ofori Atta of Ghana during 11th to 13th January 1963. India found that these proposals together with the clarifications given by Ceylon, UAR and Ghana satisfied the main Indian demand that the Chinese should withdraw to the positions held by them in all the sectors prior to 8 September 1962. India therefore accepted the Colombo proposals *in toto*.¹⁰⁴ As regards China, the Chinese Premier Chou En-lai had, in a letter to Mrs. Bandaranaike dated 19 January 1963, stated that "the Chinese Government accepts in principle the proposals of the Colombo Conference as a preliminary basis for meetings of Chinese and Indian officials to discuss stabilisation of the cease-fire and disengagement and to promote Sino-Indian boundary negotiations".¹⁰⁵ But the Chinese acceptance was subject to the reservation that the provision regarding the Indian troops keeping their existing military position should be equally applicable to the entire Sino-Indian border and not to the western sector alone; and that the Indian authorities desist from establishing any civilian posts in the demilitarised zone in the western sector.¹⁰⁶ Indeed, the right to establish civilian posts in the Ladakh region of the western sector has emerged as the most important obstacle presently precluding the resumption of Sino-Indian negotiations on the basis of the Colombo proposals. China regarded her right to establish such posts in the demilitarised zone in Ladakh to be incontestable, and in fact proceeded to set up 7 civilian posts there. This has been regarded by India as a clear breach of the Colombo proposals, and India has demanded the vacation of these posts

102. *ibid.*, p. 13.

103. For the clarifications offered to the Indian government by representatives of Ceylon, UAR and Ghana, see *ibid.*, pp. 12-13.

104. Letter of 5 March 1963 from Nehru to Chou En-lai. *India News*(Colombo), 13 March 1963.

105. For text of letter, see *Peking Review*, 6: 10-11, 1 February 1963.

106. *ibid.*

by China as an essential pre-requisite for re-opening Sino-Indian negotiations on the basis of the Colombo proposals.¹⁰⁷ Although the Ceylon Government had acted as a mediator between India and China in regard to these civilian posts, there does not appear, at the time of writing, to be any hope that the Chinese Government would be willing to accommodate India on this matter.¹⁰⁸

Ceylon's role as a peacemaker in the Sino-Indian conflict was motivated by her manifest desire to prevent an open rupture between two countries with both of which she had close economic and commercial ties, and with neither of which she could have afforded a breach of the existing goodwill and friendly relations. Ceylon therefore refrained from judging the conflict as a moral issue and abstained from pronouncing any opinion on the relative merits of the case as presented by the rival disputants.

However, whatever the Government of Ceylon's international posture on this question, it is clear that the Sino-Indian conflict has led to an important reorientation and reappraisal of attitudes to India at the internal political level in the island. Thus, from being a party which was till recently politically aloof from and suspicious of India, the U.N.P. has changed into India's strongest supporter; the M.E.P. led by the erstwhile Marxist revolutionary, Mr. Philip Gunewardena, has also unequivocally sided with India in the dispute; while other parties such as the J.V.P. have seen in the Sino-Indian dispute Ceylon's chance to get her own back on India for the latter's intransigence in regard to the Indo-Ceylon question.

Minor Disputes between India and Ceylon

The publicity and widespread interest which have attended Indo-Ceylon divergences over the question of persons of Indian origin resident in Ceylon has tended to obscure some other minor issues in dispute between the two countries. To obtain a clear perspective of Indo-Ceylon political relations, however, some reference to these issues is necessary, and the following pages are devoted to a brief discussion of the Kachcha Thivu dispute, the question of territorial waters and Radio Ceylon's commercial broadcasts.

107. *The Hindu*, 22 August 1964.

108. *ibid.*, 21 and 22 August 1964; *Times of Ceylon*, 1 September 1964.

Kachcha Thivu Dispute

Kachcha Thivu is a small island in the Palk Strait, lying almost midway between Pamban, on the southern coast of India, and Delft, an island off the northern coast of Ceylon. It is half a mile in length and half a mile in width and is barren and uninhabited. During the Second World War, under an order made by the Governor of Ceylon under Defence Regulations, Kachcha Thivu had been used as a naval bombardment practice range.¹⁰⁹ In August 1949, India informed the Government of Ceylon of her own intention of carrying out naval exercises in Palk Strait and of using Kachcha Thivu as a bombardment target. The Government of Ceylon stated, however, that Kachcha Thivu belonged to Ceylon, and if India wished to use it, she must have the prior permission of Ceylon. The matter apparently rested there, but in October 1955 the Government of Ceylon raised the question of using the island as an aerial practice and firing range, and sought the co-operation of the Indian civil authorities in the interests of general safety.¹¹⁰ No reply appears to have been sent by the Indian Government to this communication. In March 1956, the Ceylonese Director of Civil Aviation again informed the Director-General, Civil Aviation of the Government of India that Kachcha Thivu island was intended to be used as a practice aerial bombing and gunnery range by Ceylon, and that civil and other aircraft flying in the area should be duly warned.¹¹¹ The Ceylonese press had also publicised the fact that the island would be used by Ceylon for aerial exercises from 1st April 1956. When this became known in India, protests were raised on the ground that the island formed part of the estate of the Raja of Ramnad, who held a zamindari there, and that therefore it was Indian territory. A member of the *Lok Sabha* entered a motion relating to "the urgent serious situation that has (since) arisen consequent on the present violation by the Ceylon Government of the sovereignty and the mutual relations of the Indian Government by entering into and occupying the Indian territory of the strategic island of Kachcha Thivu . . ."¹¹² The Motion was suspended on the plea of the Indian Prime Minister that he

109. When these regulations lapsed in January 1950, a bombardment range was established in Kachcha Thivu by the Firing Ranges and Military Training Act No. 24 of 1951.

110. *Lok Sabha Deb.*, (28 March 1956), Part II, Vol. 3, col. 3594.

111. *ibid.*, (14 April 1956), Part I, Vol. 2, coll. 2220-22.

112. *ibid.*, (28 March 1956), Part II, Vol. 3, col. 3593.

had no information on the subject, and that he had asked for details from the Madras Government. However, even before the *Lok Sabha* motion, the Indian High Commission in Ceylon had requested the Ceylon Government to postpone their reported decision to have aerial exercises in Kachcha Thivu until its ownership had been established.¹¹³ The Ceylon Government replied affirming Ceylon's sovereignty over the island, but stating that no decision had been taken regarding the proposed aerial exercises.¹¹⁴

The present views of the Madras Government on this issue are not known. It has been argued in the *Lok Sabha* that Kachcha Thivu Island belonged to the Ramanathapuram Samasthanam which had been taken over by the Government of Madras under the Zamindari Abolition Act and that therefore Kachcha Thivu now belonged to Madras State.¹¹⁵ This view, however, is not supported by the historical evidence.¹¹⁶ Nor did it reflect the attitude of the Nehru Government. Statements made by Prime Minister Nehru suggest that he regarded the legal question of the Indian claim to the zamindari in Kachcha Thivu as quite separate from the political question of sovereignty over the island. While conceding India's legal claim to the zamindari, Nehru regarded the political question of jurisdiction over the island as controversial. In any event, he made it clear that:

There is no question of the Government of India or the Government of Ceylon coming into conflict over a tiny little island. There is no national prestige involved in this matter, especially with our neighbour Ceylon.¹¹⁷

113. *loc. cit.*; *The Hindu*, 27 March 1956.

114. *Lok Sabha Deb.*, (1956), Part I, Vol. 2, col. 2221.

115. *ibid.*, (9 August 1960), 2nd ser., Vol. 44, coll. 1570-71.

116. In fact, the ownership of Kachcha Thivu had been considered by the colonial governments of India and Ceylon long before independence, and Ceylon's claim to the island tacitly acknowledged by India. At a conference between the Government of Ceylon and the Government of Madras held in Colombo on 25 October 1921 to decide on a demarcation line between the two countries in the Palk Strait and the Gulf of Mannar, a demarcation plotting was unanimously agreed upon and an agreement was signed by both parties. Kachcha Thivu was on the Ceylon side according to this agreement, but the Madras delegation added a rider to the agreement to the effect that it was signed by them "without prejudice to any territorial claim which may be made by the Government of India to the island of Kachcha Thivu". The Government of India itself, in a letter dated 8 March 1923 to the Madras Government, supported Ceylon's claims to the island.

117. *loc cit.*

Territorial Waters and Contiguous Areas

Another issue which affects Indo-Ceylon relations, and on which there has been some divergence between the two governments in the past is the question of territorial waters and contiguous areas. In March 1956 India, by Presidential Proclamation, extended her territorial waters from the conventional three miles up to a limit of six nautical miles.¹¹⁸ Early in 1957, by a further Presidential Proclamation, India claimed jurisdiction over a contiguous area 100 nautical miles from the outer limits of her territorial waters, with the specific object of protecting "fisheries and other living resources" in this area. The proclamation laid down that "subject to the provisions of any international agreement or convention to which India is, or may hereafter become, a party", she claimed the right to "regulate all fishing activities in the said areas in order to enforce the laws and regulations that may be issued from time to time for the purposes aforesaid".¹¹⁹ These decisions were communicated to the Government of Ceylon through the Ceylonese High Commissioner in New Delhi.

The Government of Ceylon could hardly accept these decisions, as India's establishment of a hundred-mile fishing zone covered Ceylon's own Wedge Bank and Chank fishing grounds. The Indian action was probably not aimed at Ceylon specifically;¹²⁰ however, allegations have been made in the Indian Parliament that Ceylonese fishing craft were intruding on India's wedge bank.¹²¹ Whatever the motives, Ceylon was herself forced to take action to safeguard her interests. In 1957, Ceylon herself issued Proclamations extending her territorial waters up to six nautical miles, and claiming fishing rights within a contiguous area of 100 miles from her territorial waters. The Ceylonese action was obviously purely a reciprocal measure, and intended to demarcate a preliminary negotiating position before embarking on bilateral talks with India on the subject. *The Hindu* quoted a Ceylonese government spokesman as

118. *Gazette of India* No. 81 of 22 March 1956.

119. U.N. Legislative Series, *Supplement to Laws and Regulations on the Regime of the High Seas (Vols. I and II) and Laws concerning the Nationality of Ships* (ST/LEG/SER. B/8, Sales No. 59. v. 2), p. 25.

120. According to the New Delhi correspondent of the *Ceylon Daily News*, the Indian Proclamations were mainly intended to meet competitive fishing by certain other countries, including Japan. See *Ceylon Daily News*, 27 September 1958.

121. *Lok Sabha Deb.*, (17 May 1956), Part I, Vol. 4, coll. 3934-35.

saying that any overlapping of claims or differences between the governments could be settled by negotiation, according to international practice.¹²² This was in accord with the attitude of the Indian Prime Minister himself; Nehru declared in Parliament when the Indian proposal to extend her fishing zone up to 100 miles was under discussion:

Obviously, when we say hundred miles, sometimes the hundred miles may overlap over somebody else's hundred miles. Therefore, some agreement has to be arrived at. It may even reach the other territory. Then obviously it won't apply. So all these adjustments have to be made.¹²³

India's claim and Ceylon's counter-claim to a hundred miles fishing zone could have been made effective only by international agreement between themselves and with other neighbouring states who customarily fished in the Bay of Bengal and the Arabian Sea. Such agreements restricting and regulating fisheries in parts of the sea have, in the past, been concluded with regard to fisheries in the North Sea, the Icelandic Sea and the North Pacific Ocean. However, immediate resort to such a procedure was precluded in the Indo-Ceylon case because of the meeting of the United Nations Commission on the International Law of the Sea, which had been scheduled for February-April 1958 in Geneva. This conference failed to reach agreement on the questions of the limits of the territorial sea and of contiguous areas of coastal states. Indeed, at the conference, India and Ceylon were among a very small minority of states which claimed contiguous areas up to a hundred mile limit (El Salvador and Costa Rica claimed 200 miles), the average claim being closer to the conventional three miles. Therefore, there were clearly better prospects for the required two-thirds majority on the basis of the conventional limits for zones of the sea contiguous to coastal states than for any future agreement based on exaggerated claims like those of India and Ceylon. Indeed, India appeared to withdraw her claim to the hundred-mile limit at the conference, the Indian delegation requesting deletion of any reference to the 1957 Proclamation (which had established the 100 mile limit) from the column headed "Fishing" in a Synoptical Table of Claims made by states which was prepared by the UN Commission.¹²⁴

122. *The Hindu*, 17 May 1957.

123. *loc. cit.*

124. UN Legislative Series, *op. cit.*, p. 25, note.

Thus, it would appear that India is not pressing her hundred-mile claim, and because of the reciprocity of Ceylon's own claim, it might be inferred that this too would lapse in practice. As far as Indo-Ceylon relations are concerned, the two countries have apparently agreed in principle that existing rights on either side would continue to remain unaffected by their mutual claims to the territorial sea and/or contiguous areas.

Radio Ceylon's Commercial Broadcasts

In recent years the Commercial Broadcasting Service of Radio Ceylon has been the subject of further divergence between the Governments of India and Ceylon. Ceylonese officials have claimed that Radio Ceylon's Commercial Service is "the most popular Radio Station in South-East Asia".¹²⁵ Partly due to Ceylon's favourable location, partly due to the Service's powerful transmitters, an extensive area is covered by its broadcasts, reception of which in areas such as South-East Asia, the Middle East and even Central Europe has been claimed by officials of Radio Ceylon. From the inception of the Commercial Service, it has been eminently popular in all parts of India, and Indian advertisers have figured prominently among its patrons. Whether for this reason, or also because of its appeal to certain sections of Ceylonese themselves, the broadcasts have featured mainly musical programmes, derived largely from Hindi and Tamil hit tunes taken from films produced in India, or in the case of the English broadcasts, derived from American jazz.

The Government of India took objection to the commercial broadcasts which were alleged to be beamed directly to India. In August 1957, Dr. Keskar, Indian Minister of Information and Broadcasting, sent an Aide Memoire to his Ceylonese counterpart, Mr. C.A.S. Marikkar, objecting to these broadcasts on two grounds: first, that the Indian authorities themselves had disallowed the type of music which was relayed by Radio Ceylon as tending to corrupt the cultural standards of the people, and that therefore it was improper for a neighbouring country to beam such broadcasts to India; secondly, these broadcasts were stated to run counter to the Commonwealth Broadcasting Convention.¹²⁶

125. *Administration Report of the Director-General of Broadcasting (Ceylon) for 1960.*

126. *The Hindu*, 18 August 1957.

Marikkar himself reportedly took exception to the Indian note of protest, but the Ceylon Government appointed a commission to inquire into the working of Radio Ceylon's Commercial Service.¹²⁷ No result followed from this commission in the sense desired by India, and in December 1957 the Government of India decided, on the plea of foreign exchange difficulties, to restrict remittances to Ceylon by Indian advertisers on Radio Ceylon's Commercial Service. The restrictions took effect from March 1958.¹²⁸ As from this date, the Reserve Bank of India released exchange for broadcasts for export promotion purposes only, "the guiding factor being whether advertising would promote the export of goods to the area broadly covered by the countries of reception of the radio broadcast in question".¹²⁹

This policy greatly restricted Indian advertising on Radio Ceylon, and after 1958 there was an appreciable decline in the Commercial Service's revenue.¹³⁰ Early in 1958, the Ceylonese Minister of Information and Broadcasting invited Keskar for talks in Ceylon, but the invitation was declined.¹³¹ In May 1959, the Ceylonese Minister himself led a delegation to New Delhi, and although he initiated discussions with a view to having the Indian exchange restrictions withdrawn, these were not successful.¹³² India's exchange restrictions are still in force, and as a result Indian advertising on Radio Ceylon's Commercial Service have been severely curtailed.

Indo-Ceylon Cultural Relations

Indo-Ceylon cultural relations are as old as recorded history. Throughout the centuries, India has had a profound influence on Ceylon in every sphere of cultural activity, whether in religion, language and literature, or art and architecture. Indeed, Ceylon's main religions, Buddhism and Hinduism, were derived directly from India, and although

127. *ibid.*, 21 and 22 August 1957.

128. *ibid.*, 15 December 1957.

129. Explained by India's Deputy Minister of Finance in *Lok Sabha Deb.*, (19 September 1958), 2nd ser., Vol. 20, col. 7444.

130. See *Administration Reports of the Director-General of Broadcasting (Ceylon) for 1958-60*.

131. *The Hindu*, 10 January 1958.

132. *Administration Report of the Director-General of Broadcasting (Ceylon) for 1959*.

Buddhism failed to take root as a major religion in India itself, it was preserved in Ceylon from the time of its introduction to the island in the third century B.C., and became, in fact, the mainspring of an ancient Sinhalese civilization. The island's main languages, Sinhalese and Tamil, have also close affinities with Indian languages. Tamil is of course the mother tongue of some 40 million people in South India, and boasts of an extensive literature harking back to the glorious days of the Sangam Age. Sinhalese is unique in that it is spoken only in Ceylon, but it belongs to the Indo-Aryan group of languages, and through its similarities with modern Indian vernaculars such as Gujarati, Marathi, Bengali, Hindusthani, etc., shows unmistakable evidence of Indian influence. These facts, combined with the ethnic affinities of Ceylonese and the peoples of India, have contributed to bring about in the post-independence period, a new awareness of their essential cultural unity and past historic associations on both sides of the Palk Strait.

This is especially true of the years after 1956. Before independence, Indian writers, publicists and politicians had tended to speak of the strategic, cultural and political unity of India and Ceylon; but these sentiments found no response in Ceylon, at official levels at least, until after 1956. U.N.P. leaders like Mr. D.S. Senanayake were no doubt fully aware of Ceylon's immense cultural debt to India, and always regarded India as the mother country. However, as discussed earlier in this chapter, U.N.P. governments before 1956 had their own reasons to be apprehensive of, and politically aloof from, their bigger neighbour to the north. Moreover, during the period of U.N.P. rule in Ceylon, religious and cultural issues had not yet acquired the tremendous importance in Ceylonese politics which they were to acquire after 1956. Until early in 1956, the internal policy of U.N.P. governments was based on accommodation of diverse racial and religious minority interests in the island. Until the U.N.P.'s celebrated switch-over to a unilingual official language policy in the 1956 general election campaign, it had seemed inexpedient to U.N.P. leaders to champion the sectional interests whether of Sinhalese or of Buddhists in the island. However, by the time of the general election of 1956, Sinhalese-Buddhist nationalist sentiment had become so inflamed at what was considered to be a persistent subordination of their interests, that it was no longer possible to divorce religio-cultural issues from political life and, in fact, that election was fought primarily on the issues of religion and language. Sinhalese-Buddhist dissentient

elements led by Buddhist bhikkus, and members of the vernacular-educated intelligentsia like the village schoolmaster and the ayurvedic physician, represented the U.N.P. governments since independence as “completely dominated by an alien outlook and values, and estranged from their national history and culture”.¹³³ Their specific grievances were threefold: first, U.N.P. governments since independence had failed consistently to accord to Buddhism its rightful place as the religion of the vast majority of the inhabitants of Ceylon; the administration, the professions, Parliament itself was dominated by Christians, and Sinhalese Buddhists were without privilege and opportunity in their own land of birth. Second, this state of affairs was being perpetuated by a system of education which had, from colonial times, been heavily weighted in favour of the various Christian denominations, and which successive U.N.P. governments since independence had done nothing to amend in a manner more favourable to Buddhist interests. Third, the western-educated minority who held positions of authority were influenced by social and individual values derived from the West, and had signally failed to effect real social change in the island, with the result that independence had meant little to the vast mass of people who did not have the benefit of an English education.

The Report of the Buddhist Committee of Inquiry (cited earlier), drew the contrast with the position in India after independence:

Since independence, India has steadfastly developed her own national traditions and gone back for inspiration to the golden ages of her history. The leaders of the first Indian Parliament took the oath of allegiance before a statue of the Buddha. The Indian national emblem is the Dharma Chakra, or Wheel of the Law. And India has tried to model her political activity on the pattern of Asoka, generally agreed to be one of the most civilised and humane monarchs known to history.

The contrast with Ceylon is pitiful beyond words. The leaders of our country have forsaken those Buddhist ideals which for centuries were the keystone of the country's greatness, and have embraced a shallow and ephemeral materialism.¹³⁴

133. *The Betrayal of Buddhism. An Abridged (English) Version of the Report of the Buddhist Committee of Inquiry*. Balangoda, Ceylon, 1956, p. 99.

134. *ibid.*

With sentiments such as these, spokesmen for Sinhalese-Buddhist interests, chief among them hundreds of Buddhist *bhikkus*, campaigned against the ruling U.N.P. government at the elections, and in favour of Bandaranaike's United Front coalition. The S.L.F.P., in particular, had since its inception in 1951 appealed more especially to these same Sinhalese-Buddhist nationalist interests, though without success at the 1952 elections. It stood for Sinhala as the only official language of Ceylon, promised to exalt Buddhism to its "rightful place", to revive the system of ayurvedic medicine, and generally to provide greater opportunities for the vernacular-educated intelligentsia as well as for the ordinary Sinhalese villager. There were other factors which worked in Mr. Bandaranaike's favour at the elections. U.N.P. politicians had been in power since independence, and some of them, like Prime Minister Kotelawala, had been ministers even before independence, during the Donoughmore period; a swing of the pendulum was, therefore not wholly surprising. But 1956 also happened to be the year of the Buddha Jayanti, the 2,500th anniversary of the *Mahaparinirvana* of the Buddha, when Buddhism had aroused world-wide interest and, in countries where it was professed, great enthusiasm and rejoicing. Another factor of significance was that a policy of free education and education in the vernacular media in secondary schools, adopted in the mid-forties, was throwing up large numbers of vernacular educated young men and women in the mid-fifties, for whom opportunities were scarcely available within the framework of the U.N.P.'s internal policies.¹³⁵

All these factors combined to give Bandaranaike's coalition a resounding victory at the 1956 elections, and the new M.E.P. government took office in April. A significant new creation of the new government was a Ministry of Cultural Affairs, with the main object of encouraging traditional culture. Among its first legislative enactments was the Sinhala only Act, declaring Sinhala as the only official language of Ceylon. In higher education, the principle was adopted that English should be replaced by the national languages, Sinhalese and Tamil, as the media of instruction, a policy which is being implemented by the second SLFP Government (1960-65); this latter government has also recently initiated educational reforms with a view to secularising the free education system. Both SLFP Governments have given high priority to the development of the system of *ayurvedic* (indigenous) medicine, with the assistance of the

135. For a good discussion of the Ceylonese elections of 1956, see Wriggins, *op. cit.*, chapter IX; also Weerawardhana, *op. cit.*, *passim*.

Government of India. There was, no doubt, a measure of ambivalence in the SLFP political outlook. On the one hand, both SLFP governments have attempted to implement their professed socialist policies by piecemeal legislation such as the nationalisation of omnibus transport, nationalisation of the port of Colombo, nationalisation of life insurance, establishment of a State Petroleum Corporation, etc. On the other hand, however, they were also avowedly representative of Sinhalese-Buddhist nationalist interests who knew little, and cared less, for socialism. In practice, nationalist interests have always had a larger hearing in the SLFP, particularly since it hardly has a socialist base, either in the party itself, or in the constituencies. Consequently, cultural nationalism has counted for more in the party's policies than socialism, and cultural revival has more often than not been effected at the expense of economic reconstruction. The SLFP's "Sinhala only" policy is subject to the "reasonable use of Tamil"¹³⁶ as a regional language. The Ceylon Tamil minority have rejected the inferior status assigned to their language by this policy, and since 1956 have campaigned for recognition of Tamil, equally with Sinhalese, as one of the official languages of Ceylon. The internal political conflicts caused in Ceylon by this divergence, and their repercussions in South India particularly, are discussed in a later chapter. Suffice it to state here that Indo-Ceylon cultural relations are conditioned by the existence of two distinct cultural traditions in the island, both derived from India; one Sinhalese-Buddhist and looking towards North India, the other Tamil-Hindu and looking towards South India. If recent Indo-Ceylon cultural relations have been concerned mainly with the Buddhist tradition, this is so because both countries have a profound interest in Buddhism and its ideals. But it should not be overlooked that the Tamils of northern and eastern Ceylon belong to the same cultural area as South India, a fact which gives added significance to the linguistic conflicts between Sinhalese and Tamil in Ceylon, and to chauvinistic utterances and policies advocated by some politicians in South India.¹³⁷

136. Governed by the Tamil Language (Special Provisions) Act No. 28 of 1958.

137. There is no doubt that recent Sinhalese-Tamil conflicts have been greatly exacerbated by the impolitic and indiscreet contacts between Tamil leaders in Ceylon and South Indian Tamil elements. In 1958, two delegates from the Ceylon Tamil Federal Party to the Union Language Convention held in Madras were prevented from attending that conference as the Indian High Commission in Colombo, presumably at the Ceylon Governments request, refused them visas for India. *Ceylon Daily News*, 4 January 1958.

Buddhism as a Factor in Indo-Ceylon Relations

Of all the factors making for unity and concord between India and Ceylon, Buddhism undoubtedly is the most important; it forms the strongest bond between the two countries. Buddhists comprise 70 per cent of the population of Ceylon, and for the large majority of them India will always remain pre-eminently the land of the Buddha's birth, enlightenment and death. Annually, thousands of Ceylonese Buddhists make pilgrimage to places sacred to Buddhism in India, and the Mahabodhi Society of Ceylon maintains branches in Calcutta, Delhi, and other places of interest for Buddhists in India. Ceylonese Buddhists take pride in the fact that Buddhism was preserved in its pristine purity in the island although it failed to take root as a major religion in India itself; and Ceylonese Governments, particularly those after 1956, have endeavoured to project Ceylon's image as a Buddhist country abroad. In November 1960, the Indian Prime Minister formally inaugurated a Buddhist Pilgrim's Resthouse in New Delhi, built at the expense of the Government of Ceylon.¹³⁸ In December, the Ceylonese Prime Minister Mrs. Sirimavo Bandaranaike embarked on a three-week holiday and pilgrimage tour of India, visiting places of religious and historical interest such as Bodh Gaya, Sarnath, Sanchi and Agra.¹³⁹ No political mission was involved in her trip, although she was welcomed in New Delhi as a state guest and had informal conversations with the Indian Prime Minister.

India's attitude to Ceylon has itself been influenced by a quite considerable revival of Indian interest in Buddhism in recent years. It is now generally acknowledged in India that the Buddha was the greatest Indian in history; the 2,500th anniversary of his *Mahaparinirvana* was as widely and enthusiastically celebrated in India as it was in Ceylon, and according to a recent computation, two million Indians had embraced Buddhism in the three years preceding 1958.¹⁴⁰ Indian interest in Buddhism was of course not wholly a response to *Buddha Jayanti*. Dr. Ambedkar's efforts on behalf of Buddhist proselytisation, for example, were primarily aimed at the pernicious system of untouchability in India, and intended to bring relief and a sense of human dignity to millions of depressed castes subjected permanently to inferior status within a caste-bound

138. *The Hindu*, 4 November 1960.

139. *ibid.*, 18 and 31 December 1960.

140. *Ceylon Daily News*, 4 February 1958.

Hindu society. Further, Indian Buddhism had received a tremendous filip by the British Museum's return to India of the relics of Sariputta and Mogallana, two of Buddha's disciples, in 1953.¹⁴¹ The exhibition of these relics in different Indian cities before their re-enshrinement was attended with great enthusiasm, delegates from neighbouring Buddhist countries like Ceylon, Burma, Thailand and Cambodia came to pay their respects; and at the re-enshrinement at Sanchi, there was much pomp and ceremony, the Indian Prime Minister himself reportedly being greatly moved by the event.¹⁴² In 1955, a part of these relics were presented by India to Ceylon.¹⁴³

Quite apart from its religious connotations, there were other reasons for India's renewed interest in Buddhism. For Prime Minister Nehru personally, the Buddha always had a great appeal, though this was not in any way a religious appeal. On one of his earlier visits to Ceylon, before independence, Nehru had been greatly struck by a statue of a seated Buddha at Anuradhapura; he always kept a replica of this statue with him, and has remarked that when he was, later, in jail, "the strong calm features of [this] statue soothed and gave me strength and helped me to overcome many a period of depression".¹⁴⁴ Though he had no religious inclinations, and rejected dogma whether it was associated with Hinduism or Buddhism, the Indian Prime Minister found a topical relevance in the message of Buddhism in the context of present-day international relations. Referring, on one occasion, to the message of Buddha as "the strongest bond" between India and Ceylon, Nehru added that this message of peace and non-violence was "perhaps something that was most needed in the present-day world of violence".¹⁴⁵ Buddhist doctrine, with its emphasis on *ahimsa* and the middle-path was comparable with the Indian tradition in foreign policy and, indeed, Panchsheela itself was reminiscent of the Buddha's Five Precepts. It is not surprising, therefore, that Indian dignitaries who have visited Ceylon in the recent past should have associated themselves with activities designed to promote Buddhist culture. On the occasion of Nehru's visit to Ceylon to participate in the Buddha

141. *Manchester Guardian*, 16 March 1955.

142. *loc. cit.*

143. *loc. cit.*

144. Jawaharlal Nehru, *An Autobiography* (London, 1936), 1955 reprint, p. 271.

145. *The Hindu*, 4 November 1960.

Jayanti celebrations held in May 1957, he laid the foundation stone of the International Buddhist Centre in Colombo;¹⁴⁶ two years later, when the Indian President Rajendra Prasad visited Ceylon on a goodwill mission, he presented to the Centre a replica of the statue of Buddha at Sarnath.¹⁴⁷ The Indian President was also invited to inaugurate the Buddhist Vidyalankara University in June 1959.¹⁴⁸ On this occasion, the Indian President spent six days in Ceylon as a state guest, declaring, on the occasion of a civic address presented to him by the Kandy Municipal Council, that he had come to “establish better relations between your country and mine”.¹⁴⁹ During the course of his visit, the President emphasised the ancient traditions of cultural co-operation between India and Ceylon, the present “deep feelings of friendship and good neighbourliness” of India towards Ceylon, and their “common experience, common problems and common aims in this era of national freedom”.¹⁵⁰ These sentiments were fully reciprocated in Ceylon by Premier Solomon Bandaranaike and by others.

As Prime Minister of India, Pandit Nehru himself visited Ceylon four times since independence, and on each occasion he was widely acclaimed by the Ceylonese public, and treated by the government with the respect and esteem which was due to the great Indian leader. Nehru’s first visit to Ceylon after independence was in 1950 in connection with the Commonwealth Foreign Ministers’ Conference held in Colombo that year; in 1954, again, he came to Colombo to attend the South-east Asian Prime Ministers’ Conference convened by the Ceylonese Prime Minister, Sir John Kotelawala. Nehru’s third visit to the island was at the invitation of Solomon Bandaranaike in May 1957 to participate in Ceylon’s Buddha Jayanti celebrations; this occasion, however, was of more than purely cultural significance, for the two Prime Ministers took the opportunity of this visit to sign a Joint Statement relating to the international situation and their outlook on international affairs. Finally, in October 1962, Pandit Nehru undertook a visit to Ceylon at the invitation of the Sirimavo Bandaranaike Government to declare open the Bandara-

146. *ibid.*, 17 June 1959.

147. *ibid.*

148. *Ceylon Daily News*, 25 June 1959.

149. *The Hindu* 22 June 1959.

150. *ibid.*, 17 June 1959.

naike Memorial Ayurvedic Research Institute at Nawinna. Nehru's address at the opening of this Institute on 14 October 1962 reflects the goodwill and cordiality which characterised Indo-Ceylon relations during this period. The Indian Prime Minister declared:

Any ceremony in commemoration of the late Mr. Bandaranaike was something that appealed to me, and I wanted to take advantage of it to pay my tribute to him whom I respected and admired so much and who was an old friend of mine. Also, any request from you, Madam, was difficult to refuse, because even from the distance of Delhi, I could see how you were carrying a great burden worthily and admirably, and I wanted to show my appreciation of it by coming here personally.¹⁵¹

The eruption of the Sino-Indian conflict into open war, shortly after this visit, emphasised the value of the friendship, for India, of her neighbouring countries like Ceylon. This consideration was probably not without its impact on the success of the negotiation of the recent Indo-Ceylon Agreement dealing with persons of Indian origin resident in Ceylon.¹⁵² The agreement was, on the whole, a fair and equitable one for both countries, and the development of friendly relations has no doubt received a great filip with its negotiation. It is not improbable, however, that the task of its implementation may create difficulties and lead to fresh sources of disagreement and divergence between the two governments. But, as Nehru declared on the occasion of Mrs. Sirimavo Bandaranaike's visit to India in December 1960, the cultural and other relations between the two countries were so close and had "foundations so deep that even when we argue, even when we have problems, nothing happens which takes away those associations".¹⁵³ The cultural factor in Indo-Ceylon relations can scarcely be exaggerated, and present divergences and disagreements are often greatly mellowed by virtue of past bonds and associations.

151. Government of Ceylon, Department of Broadcasting and Information, *Nehru in Ceylon: Texts of Addresses given by Prime Minister of India, Shri Jawaharlal Nehru, during his visit to Ceylon from October 13 to 16, 1962.* (Colombo, n.d.), p. 19.

152. See pp. 140-43 *infra*.

153. *The Hindu*, 31 December 1960.

CHAPTER III

THE ORIGINS OF THE INDO-CEYLON QUESTION

In view of the ethnic and cultural affinity of the Indian and Ceylonese peoples, and the ancient history behind immigration from India to Ceylon, it seems ironical that recent Indo-Ceylon relations should be so dominantly concerned with controversies relating to the status of recent Indian immigrants to the island. The crux of these controversies has turned on the question whether the Indian estate worker can be regarded as a permanent settler in the island, or whether he has retained a South Indian domicile despite long-standing connections with Ceylon. Views in regard to this question have, naturally, diverged Indian opinion contending that the recent Indian immigrant to the island is domiciled there, and the Ceylon Government and its supporters holding otherwise.¹ Whatever the degree of their permanent settlement, recent Indian immigrants have not been assimilated into the island's permanent population, unlike earlier immigrants from India.

The reasons for this non-assimilation are mainly three-fold. In the first place, the Indian estate worker for the most part lived an isolated life in a separate estate community, cut off from all contact with the Sinhalese village, and not participating in its political and social life. Secondly, from the outset, labour-immigration from South India to Ceylon was contrived by the planting interest to equate conditions of supply and demand of labour on the estates, so that every encouragement was given to estate workers to return to their villages in India when work was scarce, and generally to maintain contact with these villages. The periodic visit to family and dependants in India, and the regular remittance of allowances to these dependants thus became a characteristic feature of the estate worker's life in the island. Available statistics amply testify

1. For a typical Ceylonese view of this question, see Sir John Kotelawala, *An Asian Prime Minister's Story* (London, 1956), pp. 101-02.

to the migratory habits of these estate workers.² A third reason for non-assimilation lay in the peculiar characteristics of the Hindu joint family system. Wherever he may have migrated, the Indian was bound by social custom to contribute towards the maintenance of the joint family, and "however dispersed the members may have been, they gravitated towards the central family by the principle of common property".³ For many overseas Indians, sojourn abroad was only a temporary phenomenon, determined largely by the duration of their employment.⁴

The Indo-Ceylon question was largely a product of this non-assimilation, for there already existed a Tamil minority who were indigenous to the island (the Ceylon Tamils), and whose domicile was a matter of no doubt. The main difference between these Tamils and the Indian Tamils was that the latter maintained their connections with India while the former had been domiciled in Ceylon for centuries and long forgotten their Indian ancestry.

As a controversial political issue, the origins of the Indo-Ceylon question go back to the late 1920s and the 1930s, and resulted from two factors: first, the problems arising from the decision of His Majesty's Government to introduce a new constitution in 1931; second, the problem arising from the depression of the early 1930s and the impact these had on Ceylonese attitudes to Indian immigration.

Political Aspects of the Question

The Indian question first acquired prominence in Ceylonese politics in connection with the 1931 reform of the constitution. This reform was based on the recommendations of the Donoughmore Commission who had proposed that a semi-responsible form of government founded on adult franchise should be introduced to Ceylon, and that all existing

2. See Chapter I, p. 14 ff. For a discussion of the question of assimilation of the estate workers in the island, see W.H. Wriggins, *Ceylon: Dilemmas of a New Nation* (Princeton, 1960), pp. 218-20.

3. U. Mahajani, *The Role of Indian Minorities in Burma and Malaya* (Bombay, 1960), p. 26.

4. No doubt the factor of geographical proximity to the homeland was an added reason for non-assimilation of the Indian community in countries such as Ceylon and Burma, but even in Malaya, which was some distance away from India, this community remained an 'alien' minority with extraneous loyalties. See *Ibid.*, pp. XX, ff.

forms of separate communal representation should be abolished. Although these proposals constituted a considerable advance on the existing constitution, Sinhalese leaders could not accept them without reservation. In fact, the Sinhalese unofficial members of the Legislative Council rejected the main proposals of the Commission by varying majorities, and resolved in particular that the franchise should be made subject to a literacy test.⁵

The main difficulty was the franchise question, and the inference that the introduction of universal adult franchise would lead to the unrestricted enfranchisement of Indian residents in the island. The Donoughmore Commission, aware of Sinhalese susceptibilities on this issue, had recommended that "the privilege of voting should be confined to those who have an abiding interest in the country, or who may be regarded as permanently settled in the island", this being described as "of particular importance in its application to the Indian immigrant population".⁶ Sinhalese leaders were not willing to acquiesce in any scheme of constitutional reform which would result in the enfranchisement of undomiciled Indians in the island. The Donoughmore principle that "abiding interest" and "permanent settlement" should determine the grant of the franchise was therefore welcome to them, but they could not accept the Donoughmore view that five years residence was a sufficient test for this purpose, and argued that such residence should be supported in addition, by some reasonable indication of an applicant's intention to remain in the island.

The Sinhalese were adamant on this point, and there appeared little chance of their acceptance of the Donoughmore proposals unless some modification was made on the franchise question. The Governor of Ceylon (Sir Herbert Stanley) wrote to the Colonial Secretary that "the residential test, as defined in the [Donoughmore] Report, does not seem to me capable of giving general satisfaction if it is to be virtually the sole criterion

5. *Legis. Council Deb.*, 1928, Vol. III, pp. 1894-95. For the debate on the Donoughmore Commission's franchise proposals, *Ibid.*, pp. 1623-54; 1659-1706; 1711-50; 1775-1808; 1812-48; 1867-1902. A good exposition of the Sinhalese point of view is to be found in the speeches of the Hon. C.W.W. Kannangara, pp. 1801-08 and 1813-22, and the Hon. A.F. Molamure, pp. 1626-29, and 1871-85.

6. *Donoughmore Report*, Cmd. 3131, p. 82.

of electoral qualification".⁷ He therefore proposed that the Donoughmore scheme should be modified by making domicile the standard test of the franchise, subject to special provisions for the undomiciled. All adult British subjects who were domiciled in Ceylon would, under the Governor's Scheme, have the vote without reservation; for the undomiciled, in addition to British nationality, the vote was to be further dependent on either (a) a literacy and property or income qualification, or (b) on possession of Certificates of Permanent Settlement, which would be granted on proof of five years residence and a declaration of permanent settlement. Continuous absence for more than twelve months from Ceylon was to make these Certificates invalid. The Governor's recommendations were meant as a device "to afford to Indian labourers and others . . . an easy and inexpensive method of satisfying the test of an *animus manendi* as a qualification for enfranchisement in the territorial electorate".⁸

These modifications of the Donoughmore scheme were obviously meant as a sop to the Sinhalese, and were accepted as a workable compromise by the Colonial Secretary (Lord Passfield). The latter, however, was not unaware of the difficulty and complexity involved in definitions of domicile; in his view domicile by itself was hardly a suitable qualification, but he thought that any difficulty would be overcome by the Governor's proposal that applicants with five years residence should be qualified for the vote on production of a certificate of permanent settlement granted by some duly appointed officer.⁹ Accordingly, undeterred by allegations of racial discrimination from the Government of India, the Colonial Secretary substantially incorporated the Governor's proposals in the Ceylon State Council (Elections) Order in Council, 1931, by which the vote was given to all British subjects over 21 who had the following qualifications:

(a) Ceylon domicile of origin or choice (domicile of choice to be dependent on five years residence) *Article 7.*

or (b) Literacy and property or income qualification. *Article 8.*

7. *Correspondence Regarding the Constitution of Ceylon*, Cmd. 3419, 1929, Despatch of 2.6.1929 from the Governor of Ceylon to the Secretary of State for the Colonies.

8. *Ibid.*

9. *Ibid.*, Despatch of 10.10.1929, from the Secretary of State to the Governor of Ceylon.

or (c) Possession of a Certificate of Permanent Settlement granted by a duly appointed officer on the condition of five years continuous residence in Ceylon (exclusive of temporary absence not exceeding 8 months during the five-year period), and subject to a declaration that the applicant "is permanently settled in Ceylon or residing in the island with intent to settle therein; provided that during such time as any holder of a certificate of permanent settlement may be registered as a voter by reason of the possession of such certificate, he shall not be entitled to claim any rights, privileges, or exemptions which under the law of Ceylon are not common to all British subjects resident in the island". These certificates were liable to cancellation if proved to have been fraudulently obtained, or if "at any time since the granting of the certificate the person to whom it relates has been absent from Ceylon for a continuous period exceeding twelve months".
Article 9.

Though avowedly intended as a compromise between the demands of the Sinhalese to restrict the franchise and the need to enfranchise the Indian resident in the island, the State Council Elections Order of 1931 resulted in much confusion and mutual dissatisfaction. Article 9 of the Elections Order had been intended to provide for the enfranchisement of Indians who were presumed to have difficulty in proving domicile of choice under Article 7. Proof of domicile of choice under the latter article merely required 5 years residence, but applicants for Certificates of Permanent Settlement under Article 9 had, in addition, to make a declaration of permanent settlement, renounce claims to rights, privileges, which under Ceylon law were not common to all British subjects in the island, etc. Sinhalese leaders expected that the stricter tests embodied in Article 9 would meet their fears about indiscriminate enfranchisement of the island's Indian community, and they had accepted the Donoughmore recommendations as modified by the Governor on this understanding. When the new election law was put into operation, however, it was found that hardly any Indians applied for registration under Article 9 and, in practice, this Article became a dead letter. The large majority of Indians applied for registration, and were admitted to the electoral register (in the view of Sinhalese leaders without sufficient proof of

domicile) under Article 7, principally under the Ceylon domicile of choice qualification.¹⁰ The Indian electorate, which had stood at 100,000 in 1931, rose to 145,000 in 1936, and the figure had exceeded 225,000 in 1939.¹¹

The origins of the Indo-Ceylon controversy regarding the franchise question lie in the circumstances of the implementation of the Elections Order of 1931. Sinhalese leaders maintained that this Elections Order had not been drafted in accordance with the Colonial Secretary's decision to modify the recommendations of the Donoughmore Commission, which was the basis on which they had agreed to accept the reform scheme; they also complained about the administration of the election law, in particular regarding the non-implementation of various regulations relating to the Indian franchise. That there was some justice in these complaints was acknowledged by the Governor (Sir Andrew Caldecott);¹² indeed, as a result of them, stricter procedures for registration under the domicile of choice qualification were adopted after 1940, so much so that the Indian electorate had dropped to 168,000 in 1943, showing a decline of 57,000 voters since 1939.¹³ Yet even after the tightening up procedures, the large majority of Indians acquired the franchise by virtue of domicile of choice under Article 7, only about 2% of Indian registrations being obtained by means of the certificate of Permanent Settlement.¹⁴ Sinhalese grievances as regards the administration of the election law therefore remained while adoption of stricter procedures tended to alienate Indian opinion.

10. *Soulbury Report*, Cmd. 6677, p. 58.

11. *Ibid.*

12. *See Correspondence Relating to the Constitution of Ceylon*. Cmd. 5910, p. 3. The Soulbury Commissioners wrote in 1945; "... we cannot resist the conclusion that, until (1940), a considerable number of these Indian workers were admitted to the franchise under an Article which, if correctly and strictly interpreted, would have made their admission difficult. That it was not interpreted in accordance with the intentions of those who framed the Article is probable, for otherwise it is not easy to appreciate the need felt for the device of the Certificate of Permanent Settlement, which was introduced to overcome the legal difficulties anticipated in proving domicile" *Soulbury Report*, p. 59.

13. *Ibid.*, p. 58; *Revision of Electoral Registers, 1940 (Final Report)*. *Sessional Paper 7 of 1941*.

14. *Soulbury Report*, p. 59.

Even more controversial than the State Council franchise, and certainly more productive of tension on all sides, were the provisions relating to the Village Committee franchise. The Village Committee (or Community) is the lowest unit of local government in Ceylon, and since its resuscitation under the colonial regime (by Ordinance No. 13 of 1889), certain classes of persons ("excepted persons"), viz., Europeans, Burghers and Indian labourers within the meaning of the Ordinance¹⁵ had been excluded from its operation. Such exclusion was justified on two grounds; first, "excepted persons" did not pay village taxes, and second, they had never formed an integral part of village life and could not possibly benefit from the social objects for which the Village Committee had been instituted. When the 1889 Ordinance was amended in 1924, the Attorney-General (Sir Henry Gollan) made a strong case for retention of the excluding provisions of the original law.¹⁶ And even in the early 1930s, suggestions that the Indian estate labourers should be brought within the ambit of the Village Committee Ordinance were firmly resisted by representatives of Indians, including the Indian Agent himself.¹⁷

In 1937, the Minister of Local Administration sought to amend further the provisions of the Village Committee Ordinance. But unlike the 1924 Ordinance, the new amendment sought to include estates in the village area, and in addition to the existing commutation tax, sought to provide for an alternative method of village taxation, i.e., a land tax on an acreage basis. A further change was that Europeans and Burghers were removed from the class of "excepted persons", only Indian labourers being retained in this class. The draft Bill came up for discussion at a time when the political atmosphere in the island was already embittered due to divergences over the State Council franchise. Moreover, the removal of Europeans and Burghers from the class of "excepted persons" left the Indian estate labourers as the only group outside the jurisdiction

15. Under Section 3 of the 1889 Ordinance, 'labourer' was defined as "every labourer and kankani (commonly known as 'Indian coolies') employed on an estate in other than estate labour".

16. See *Legis. Council Deb.*, 1923, pp. 215-16.

17. On 25th April, 1933, the Indian Agent in Ceylon (K.P.S. Menon) wrote to the Chief Secretary: "I venture to state my reasons for thinking that the proposal to levy a Village Committee tax on Indian labourers is unsound. They make little use of Village amenities, and consequently have little interest in Village Committee elections". Quoted in *State Council Deb.*, 1937, Vol. 3, p. 4125; *Ibid.*, 1938, Vol. 2, p. 3345.

of the proposed amending Ordinance and therefore as the only class of person deprived of the village franchise. To Indian representatives, this seemed a clear case of racial discrimination, and they objected strongly to the draft Bill. The Government of India also took exception to any differentiation in treatment between Europeans, Burghers and Indians, as contemplated in the Bill, on the ground of racial discrimination.¹⁸

In view of these protests, the Bill as passed by the State Council was reserved by the Governor for the signification of His Majesty's pleasure and, on the suggestion of the Colonial Secretary, the amending Bill was itself amended by the proviso that exclusion from the Village Committee franchise would apply to all estate labourers irrespective of race, and not only to Indian labourers.¹⁹ In this sense the Second Village Communities (Amendment) Ordinance was passed in 1938.

The Colonial Secretary justified the principle of the restriction of the village franchise on the basis that "estate labourers receive their roads and their social services, sanitary services, and so on, under a different authority altogether from the village committees".²⁰ This was of course a valid defence of the Ordinance. Since the estate community had never been an integral part of the village, and since their social welfare needs were looked after by other Ordinances, no material discrimination against Indians would have resulted even from the original amending Bill. That Bill had not sought to discriminate against Indians *per se*; it had only excluded Indians who lived on estates, while those who were resident in the village and paid the required taxes were eligible to vote on equal terms with the villagers.²¹ Indian opinion held, however, that while the original amending Bill had been discriminatory to the Indian community in the island, the second amending Ordinance (incorporating the Colonial Secretary's suggestion) was no less so.²² The Government of India wrote:

18. Government of India, *Review of Important Events Relating to or Affecting Indians in Different Parts of the British Empire during the Year 1937-38*.

19. *State Council Deb.*, 1938, Vol. 2, pp. 3301-02.

20. 342 *H.C. Deb.*, 5s. col. 2879.

21. In other local areas, e.g., municipalities, urban councils, Indian ratepayers were equally eligible for the franchise with the other inhabitants.

22. See *State Council Deb.*, 1938, Vol. 2, pp. 3317-45.

Indian opinion in Ceylon feels that though *de jure* discrimination against Indians has been removed, *de facto* discrimination remains as a very large body of Indian estate labour will in practice be excluded from village franchise while the effect upon Ceylonese will be negligible.²³

The controversy over the Indian franchise forms an important aspect of the genesis of the Indo-Ceylon question. The conditions and operation of the State Council franchise left Sinhalese leaders with a rankling sense of grievance that the decision to limit universal franchise to persons domiciled in the island was not being adhered to, inasmuch as the domicile of Indians had not been ascertained with reference to various prescribed tests. On the other hand, the adoption of stricter methods of enfranchisement after 1940, and the denial of the village franchise to Indian estate workers were regarded by Indian opinion as clear cases of discrimination against the Indian community in the island. The problem, in the main, was a product of the unassimability of the overseas Indian in Ceylon. Much difficulty would have been obviated had there been no doubt about his domicile, and had his political outlook not been influenced by extraneous loyalties. But since this was in fact the case, divergence and disagreement was inevitable. The Indo-Ceylon question was conditioned by the political context in which it arose. Definition of political rights became a matter of such importance in the 1930s because the Donoughmore constitution had set Ceylon on the path towards self-government. Every advance towards self-government, every development of self-governing institutions, brought to the fore the question of nationality, and Sinhalese leaders had already formed a concept of Ceylonese nationality, which regarded Indians as a predominantly alien community.

This was not surprising, for the political attitudes of the Indian community were also not without ambivalence during this period. As seen earlier, the village franchise at first elicited little enthusiasm from the Indian; it became a political issue for him (and for the Government of India) only when exclusion from this franchise was seen as an act of discrimination directed solely against the Indian estate worker. The reform of the Village Tribunal provides another instance of the Indian political outlook. The Village Tribunal had been invested with a minor

23. *Review of Important Events, etc., for 1938-39.*

civil and criminal jurisdiction under the original Village Committee Ordinance of 1889, such jurisdiction being confined to "natives" of Ceylon, "natives" being defined as persons other than Europeans and Burghers. Under the 1924 amendment of the Ordinance, however, all residents alike were included in a limited civil jurisdiction of the Tribunal, but exemption from its criminal jurisdiction was still maintained in favour of Europeans and Burghers, to these classes being added the Indian estate labourers. Such exclusion was justified as long as the Village Tribunal remained, as originally constituted, an integral part of the administrative life of the village, since these classes of persons were exempt from the jurisdiction of the Village Committee itself. In 1941, however, a draft Village Tribunals Ordinance sought to make the Village Tribunal entirely a judicial tribunal, performing minor magisterial functions like any other court. Hence, the reasons for exemption of certain classes of persons was thought no longer to exist, and Indian labourers, who lived in the vicinity of villages, were sought to be included in the jurisdiction of the tribunal. For this purpose, Section 11 of the draft Ordinance defined the jurisdiction of the Ordinance as extending to persons domiciled in Ceylon *or India*. In effect, this section would have exempted the European community from the jurisdiction of the tribunal, for the majority of Europeans could not be said to be domiciled either in Ceylon or in India. This seemed to Indian opinion another instance of discriminatory treatment against the Indian. The Government of India protested against the draft Bill and, at the instance of that government, further consideration of the Bill was postponed by the Ceylon State Council.²⁴ The Indian Government argued that since Indians did not normally have a say in the affairs of the village, they should not be subject to the jurisdiction of a village court; and that the Bill was discriminatory since it subjected one class of foreigner to the criminal jurisdiction of the court, but not another.²⁵

As with the village franchise, the main concern of the Indian Government was not that Indians should have equality of rights (and duties) with the indigenous population in Ceylon but that their status should be no different from other non-indigenous races. To meet the criticisms of India, the Ceylon Government rescinded the offending Section 11 of the draft Bill, and gave the Village Tribunal an all-embracing

24. *Review of Important Events, etc., for 1942-43.*

25. *State Council Deb.*, 1943, Vol. 2, p. 2579.

personal jurisdiction within its territorial limits, i.e., all persons domiciled in Ceylon were brought within the purview of the Ordinance, while all non-domiciled foreigners without discrimination were exempt.²⁶ This was acceptable to the Government of India.²⁷

Representation

The political representation of Indian Tamils in Ceylon during the period of the Donoughmore constitution (1931-46) is indicated in the Table below.²⁸

TABLE VII
State Council Election Results by Race, 1931 and 1936

			1931	1936	Population (1931 Census)
Sinhalese	..	..	38	39	3,473,000
Ceylon Tamils	..	..	3	8	598,900
Indian Tamils	..	..	2	2	818,500
Muslims	..	..	1	0	289,600
Europeans	..	..	2	1	9,200
Total	..	..	<u>46</u>	<u>50</u>	

Source:—Soulbury Report: 1931 Census.

The Donoughmore constitution was based on the territorial principle of electoral representation, communal representation having been abolished in 1931. Besides the 50 elected members and the 3 officials (responsible for subjects reserved by H.M. Government under the constitution), the State Council also included 8 nominated members, and one of these was always an Indian during the Donoughmore period.

The principle of territorial election was retained when a further reform of the constitution took place in 1946. Indeed, this constitution (the Soulbury constitution) sought to give the minorities “weightage”

26. *Ibid.*

27. *Ibid.*, p. 2637. The Village Tribunals Ordinance No. 12 of 1945, as amended by Village Tribunals (Amendment) Ordinance No. 13 of 1945 came into operation in October, 1946.

28. In 1931, the Ceylon Tamils boycotted the elections in protest against the abolition of communal representation; hence, 4 seats in the Jaffna Peninsula were left unfilled.

in the electoral system by providing that constituencies be demarcated on the basis of area as well as population. This was intended to give the minorities, who generally inhabited sparsely populated areas, an advantage in relation to the majority community, the Sinhalese. There were obvious difficulties, however, in applying this principle as regards the Indian Tamils. The first Delimitation Commission estimated that Indians should get 10 seats (out of 95 territorially elected) on a proportionate basis, but it was found impossible to make a delimitation giving this result. The majority of Indians inhabited the up-country hillsides, where the estates were located, while Sinhalese villagers lived in valleys in between; besides, the voting strength of Indians was proportionately lower than among other racial groups, since many Indians were not considered to be domiciled in Ceylon and did not possess the required Certificates of Permanent Settlement.²⁹ The Delimitation Commission forecast the probable return of 7 or 8 Indians at the elections, and this proved to be right. At the 1947 elections, 68 Sinhalese were returned from territorial seats, to 13 Ceylon Tamils, 7 Indians, 6 Muslims and 1 Burgher.³⁰

The constitution of 1946 extended to Ceylon full responsible government in all matters of internal civil administration, but it contained special provisions to safeguard minority interests. Thus, under Section 29(2), Parliament could not pass laws which discriminated against, or in favour of, any racial or religious group, it being provided in Section 29(3) that any Act which infringed Section 29(2) could be challenged in a court of law. Further limitations on Parliament's legislative power was imposed by Section 37(1) under which the Governor was required to reserve for the signification of His Majesty's pleasure any Bill which in his opinion contained "any provision which has evoked serious opposition by any racial or religious community and which is likely to involve oppression or serious injustice to any such community". This section, however, was not to apply to "any Bill relating solely to the prohibition or restriction of immigration into the island", provided that the right of re-entry of persons normally resident in the island at the time of the passing of the Bill was not affected.

29. See Sir Ivor Jennings, *The Constitution of Ceylon* (Bombay, 1949), 3rd ed., p. 202.

30. *Ibid.*, p. 62.

Nor did the Ceylon (Constitution) Order in Council of 1946 deal with the franchise. The Soulbury Commissioners had regarded the immigration and franchise questions to be matters of internal civil administration, and had recommended that the existing franchise should be retained for some time until these questions were dealt with by the new government. Hence, the Ceylon (Electoral Registers) (Special Provisions) Order in Council, 1946, and the Ceylon (Parliamentary Elections) Order in Council, 1946, merely legalised the old franchise and provided for the making of new registers so as to bring the new constitution into operation.

For the Indian Tamils, however, immigration and franchise were the two questions which most affected their political interest. They found that Parliament's power to legislate on these questions had not been subjected to statutory limitations, as they had expected. They were therefore opposed to the 1946 constitution. When the White Paper³¹ containing the proposed constitutional reforms was debated in the State Council in November, 1945, the Indian Tamil members voted against it.³² In February 1947, the Ceylon Indian Congress declared a *hartal* to express their dissatisfaction with the new constitution.³³

Economic Aspects of the Question

As seen in the preceding pages, the emergence of communal political divergences, in particular those concerning the "alien" Indian Tamil minority, were an inevitable concomitant of political and constitutional change in the island. For Ceylon as, indeed, for other British colonies, the *Pax Britannica* had led to an element of harmony among different racial groups, who were held together on the basis of the equality of rights of all British subjects. With the island's advance towards self-government, however, and with the development of national consciousness among the indigenous elements of her population, it was natural that her attitudes to India and the immigrant Indian minority should be more insular and less accommodating than when she was a dependent colony transacting business with another part of the British Empire. From the 1930s onwards, Sinhalese nationalist leaders found the principle of the

31. *Ceylon: Statement of Policy on Constitutional Reform*. Cmd, 6690.

32. *State Council Deb.*, 1945, Vol. 2, coll. 6960 ff. and 7102.

33. C. Kondapi, *Indians Overseas, 1838-1949* (New Delhi, 1951), p. 403.

equality of rights of British subjects one which they could not accept with equanimity and policies adopted by them tended, in effect, to limit the practical working of this principle insofar as it related to immigrant Indians.

Economic considerations provided a further stimulus to such policies. As elsewhere, the depression of 1929-30 led to severe unemployment on the island,³⁴ and attempts to find solutions to the problem of unemployment inevitably touched upon the immigration question.

The Immigration Question

Sinhalese leaders firmly believed that unemployment in Ceylon was due to free immigration from India, and throughout the thirties began to exert sustained pressure in the State Council for restriction of labour immigration.³⁵ Ceylon's planting interest and British official opinion, however, did not subscribe to the view that immigration restriction was either desirable or possible. The British official view was that "a wholesale substitution of Indian labour on estates by Sinhalese is impracticable", that the "free movement of workmen from South India to Ceylon is established by the custom of, at least 100 years, and has become an essential condition of the economic life of the island", and that any immigration restriction might lead to antagonism with India and economic loss to Ceylon.³⁶

These views appeared to be reinforced by the findings of a one-man Commission on Immigration, appointed in 1936 with the specific object of ascertaining whether unemployment or other economic injury had been caused to the permanent population of Ceylon by unrestricted immigration.³⁷ The Commissioner (Sir Edward Jackson) reported that no economic injury had been caused to the island's permanent population

34. Between 1930 and 1933, over 100,000 Indian estate labourers were repatriated due to lack of work; within the same period, nearly 9,000 employees were retrenched from Ceylonese government departments; in 1931, about 2,500 mercantile employees were discharged. Report of a Committee on Unemployment. *Sessional Paper 7 of 1937*.

35. See *State Council Deb.*, 1934, Vol. 3, pp. 3141-51; pp. 3233-35; 1936, Vol. 1, p. 26, 393-96, 588; 1937, Vol. 2, pp. 2364 ff.

36. From report of Chief Secretary on a State Council motion for immigration restriction, *Ibid.*, 1934, Vol. 3, p. 3143.

37. Report of a Commission on Immigration into Ceylon (Jackson Report). *Sessional Paper 3 of 1938*.

by Indian immigration, and that no restrictions beyond those existing need be imposed. "All were agreed", he wrote, "that for an indefinite time in the future a large number of Indian labourers will be necessary for work on estates".³⁸ Regarding non-estate labour, the Commissioner's conclusion was that this type of worker "comes to Ceylon to work and when he cannot get work he goes back to his home . . . He does not remain in the island to swell the number of unemployed".³⁹ The Commissioner laid much emphasis on the aversion of the Sinhalese worker to socially degrading occupations, to his sense of individualism and the greater demands on his time due to family and social obligations, etc. In his view, the Indian predominated only in those occupations for which the Sinhalese had a distaste in the past; the latter had still not overcome this distaste, and it seemed to him "too much to expect that even under economic pressure, obstacles such as these [social obstacles] would be surmounted, in a short time, by large numbers of highly conservative, unorganised and, unfortunately, ignorant people entirely by themselves".⁴⁰

It is not necessary for the purposes of this chapter to discuss the merits and demerits of the Jackson Report. Its view regarding the repugnance of the Sinhalese to work on estates was still probably true at that time, and many Sinhalese leaders shared the official and commercial conviction that the Indian estate worker was indispensable for the economic life of the country.⁴¹ Sinhalese opinion, however, was vehemently opposed to the idea that the same could be said of non-estate Indian labour, and that the island's unemployment problems had not been caused or aggravated by free immigration from India. Indeed, Sinhalese pressure for

38. *Ibid.*, p. 24.

39. *Ibid.*, p. 7.

40. *Ibid.*, p. 32.

41. See, in this connection, the interesting debate and the revealing division on a State Council motion introduced by the Trotskyite leader, Dr. N.M. Perera in 1937, asking that no further recruiting licenses be granted by the Minister of Labour Industry and Commerce for estate labour-immigration. The motion was rejected by 29 votes to 5 with 1 abstention, all the Sinhalese Ministers voting against it. *State Council Deb.*, 1937, Vol. 2, pp. 2364-2422.

immigration restriction was so strong,⁴² that notwithstanding the Jackson Report the Board of Ministers⁴³ proceeded to prepare a draft Immigration Bill which was introduced in the State Council in 1941.

The Immigration Bill of 1941

The draft Immigration Bill of 1941 sought to control the immigration of non-Ceylonese to Ceylon, a “non-Ceylonese” being defined as “a person who does not possess a Ceylon domicile of origin”. The burden of proving that a person was not a non-Ceylonese was cast upon that person, and questions of domicile were to be determined according to the laws of England. All non-Ceylonese desiring entry to Ceylon were required to have passports with valid endorsements or visas, together with residence permits. Provisions were included to guarantee re-entry to permanent residents of Ceylon. Penal provisions were also included for infraction of the Ordinance, while a right of appeal to the Supreme Court lay against any order of removal.⁴⁴ Together with the Immigration Bill was introduced a Registration of non-Ceylonese Bill providing machinery for the registration of all non-Ceylonese in Ceylon, the definition of non-Ceylonese being the same as in the Immigration Bill. Both Bills received their first and second readings in March 1941, and were thereafter committed to a Standing Committee of the House; but both Bills lapsed in Standing Committee, and the attempt to restrict immigration proved abortive.

The main reason for this was the aggravation of the war situation at the end of 1941, but even without the intervention of the war, the Bills would probably have lapsed due to withholding of the royal assent. Though introduced in the State Council by the Chief Secretary in deference to the wishes of his Sinhalese colleagues, the official view was plainly opposed to any form of immigration restriction from India. In fact, the Governor had stated as early as August, 1939, that any legislation to restrict immigration would be reserved for the signification of His Majesty's pleasure, and he had drawn attention to an undertaking given to the

42. See *ibid.*, 1938, Vol. 1, p. 1176, Vol. 3, pp. 4274 ff; 1939, Vol. 3, p. 4291.

43. The Board of Ministers consisted of the three European Officers of State and seven Ministers elected by the Executive Committees of the State Council.

44. *Ibid.*, 1941, Vol. 1, pp. 277-79.

Government of India by the Government of Ceylon in June 1939, that any definite proposals which may be placed before him (the Governor) for restriction of immigration into Ceylon would be referred to the Government of India.⁴⁵

The Board of Ministers had in fact, in August 1940, sent to the Government of India for their comments certain specific proposals for restriction of immigration into Ceylon, in substance similar to the provisions subsequently embodied in the draft immigration Bill. It had been hoped that these proposals would be discussed at the Indo-Ceylon Exploratory Conference which was held at the end of that year, but that conference ended without result. When apprised of the draft immigration Bill, however, the Government of India objected "on grounds of principle, viz. that this would interfere with the freedom of movement of Indians between India and Ceylon in contravention of the previous understanding between the two Governments and the restrictions were unjustified by the statistics of travel".⁴⁶ Curiously enough in view of this attitude, the Government of India had themselves unilaterally imposed a ban on emigration of unskilled workers to Ceylon in 1939 in retaliation against the Government of Ceylon's dismissal of its daily paid Indian employees in that year.

The Origins of Ceylonisation

The Ceylon Government's dismissal of its daily paid Indian employees was the culmination of a process of Ceylonisation which had begun in the late 1920s. Even before the advent of the depression, political leaders like Mr. D.S. Senanayake and trade unionists like Mr. A.E. Goonesinha had been concerned about the effects of free immigration from India on standards of living and prospects of employment of indigenous labour.⁴⁷ In 1928, Mr. Goonesinha's Ceylon Labour Union entered into an agreement with labour contractors in the harbour whereby the latter admitted 25%

45. Correspondence between the Board of Ministers and the Governor on the subject of "Undertakings given to the Government of India". *Sessional Paper* 14 of 1941. See also Governor's Message of 11th February 1941 to the State Council in *State Council Deb.*, 1941, Vol. 1, pp. 225-26.

46. *Review of Important Events, etc., for 1940-41.*

47. See, for instance Mr. Senanayake's Dissent to the Report on Immigration of Indian Labour, *Sessional Paper* 12 of 1926.

Ceylonese labour in the handling of cargo on ships, a category of harbour work hitherto performed exclusively by Indians.⁴⁸ Representations by the same union led to the revision of railway regulations in 1929, whereby it was laid down that no non-Ceylonese would be employed in the Ceylon Government Railway if Ceylonese were available.⁴⁹

When Ceylon was hit by the depression, the demands for Ceylonisation increased, and a policy of preferential treatment for Ceylonese appears to have influenced the selection of the nearly 9,000 government employees retrenched during 1930-33.⁵⁰ Further, in consequence of a State Council Resolution moved by Mr. Goonesinha in 1933, the Chief Secretary circularised all government departments stating that no non-Ceylonese should be employed in the public services where Ceylonese were available.⁵¹ This rule was aimed principally at the Indian worker, and in consequence of it, the number of such workers in Ceylon Government employ steadily declined. In 1936, Indians constituted about 26% of the labour force in all government departments combined;⁵² in 1939, it had dropped to 19%⁵³ while two years later there was a further decline to 12%. The Ceylon Government's dismissal of its daily paid Indian employees in 1939 was in pursuance of this policy of Ceylonisation, but whereas earlier this policy had been applied mainly to new entrants,⁵⁴ in 1939 (at the instance of the Minister of Communications and Works, Mr. J.L. Kotelawala) a Retirement Scheme for non-Ceylonese daily paid Government employees was evolved, which envisaged the compulsory retirement of non-Ceylonese workers, principally those with less than five years service before 1939.⁵⁵ Under this scheme, 2,500 Indians in Ceylon Government employment (out of a total of 6,000) were retired, though only one half of these retirements were compulsory, the rest being voluntary.

48. *Jackson Report*, p. 9.

49. *State Council Deb.*, 1936, Vol. 1, p. 596.

50. *Jackson Report*, p. 9.

51. *State Council Deb.*, 1938, Vol. 3, p. 4281.

52. *Jackson Report*, p. 15.

53. Report of the Retirement Officer on the Scheme for the Retirement of Non-Ceylonese Daily-paid Workers in Government Employment, *Sessional Paper* 18 of 1940.

54. *Labour Conditions in Ceylon, Mauritius and Malaya*. Report by Major G. St. J. Orde-Browne. Cmd. 6423, p. 47.

55. *Sessional Paper* 18 of 1940. For the purpose of the scheme, a "Ceylonese" was defined as a person born in Ceylon, a "non-Ceylonese" as a person born out of Ceylon.

The position of the Indian unskilled worker in non-government urban employment was not so adversely affected at this time; nor did the Ceylon Government actively encourage the Ceylonisation of estate labour. Indeed, even after independence when the principle of Ceylonisation had been accepted by the government for the public and mercantile services, its extension to estate employment does not appear to have been contemplated at first; and as late as 1951, the Kandyan Peasantry Commission were urging the government to introduce legislation compelling the "employment of a certain percentage of village labour on estates situated in selected areas" on the ground that Ceylonisation of agricultural employment was "of vital importance to the rural populations".⁵⁶ Even without government encouragement, however, the number of Ceylonese employed on estates had steadily increased before independence.⁵⁷

As regards trade and commerce, too, no formal measures of Ceylonisation were applied during this period, though the domination of the Indian in this sphere of activity had always been an object of nationalist concern. Indian trade and commerce, however, were affected by wartime control measures and the government's decision to channel all scarce commodities through co-operative societies.⁵⁸

Ceylonisation of estate and mercantile employment, and of the island's trade and commerce became important issues only after independence; but already in the Donoughmore period Indians' rights in other spheres of economic activity were being limited by legislative enactments bestowing preference on "Ceylonese". There were three significant instances of such legislation: the *Land Development Ordinance No. 19 of 1935*, the *Fisheries Ordinance No. 24 of 1940*, and the *Omnibus Service Licensing Ordinance No. 47 of 1942*. The Land Development Ordinance of 1935 provided for the alienation of Crown land to landless peasants and "middle-class" Ceylonese;⁵⁹ the Fisheries Ordinance required that non-Ceylonese who desired to fish in Ceylonese waters should obtain licenses; while the Omnibus Service Licensing Ordinance bestowed

56. *Sessional Paper* 18 of 1951.

57. See Appendix III.

58. *Review of Important Events, etc., for 1944-45*.

59. "Other classes or races" were, legally, not excluded from the provisions of this Ordinance, but it was frankly not intended for the Indian community, nor was it administered as such.

preference on Ceylonese in the grant of omnibus franchise. Each of these Ordinances entailed a legal definition of the term "Ceylonese", uniformly defined in these Ordinances as "a person domiciled in Ceylon and possessing a Ceylon domicile of origin".

This definition excluded the larger part of the island's Indian community from the benefits of these Ordinances; they were therefore protested against by Indian opinion in Ceylon and by the Government of India. Indian leaders in the island were disturbed at the "narrow" definition of the term "Ceylonese", and the legal complexity arising from the necessity to prove domicile.⁶⁰ The Government of India took exception not merely to these Ordinances, but to the whole trend of discriminatory treatment against the Indian which was implicit in policies of Ceylonisation. When the Government of Ceylon dismissed its daily-paid Indian employees in 1939, the Government of India took retaliatory action by (a) withdrawing an earlier Indian offer to enter into trade negotiations with Ceylon, and (b) prohibiting further emigration of unskilled labour to Ceylon (under the Indian Emigration Act, 1922). The same year the Government of India protested to the Secretary of State for India that the proposed Fisheries Ordinance was discriminatory, and asking that Indians be exempted from its provisions.⁶¹ The Secretary of State suggested that the question be taken up at the proposed trade conference which had been mooted by Ceylon. But for both countries, trade matters had, by 1940, been overshadowed by the Indo-Ceylon question, and by the necessity to arrive at some working compromise on the status and rights of the Indian community in the island. When the Indo-Ceylon conference actually took place in Delhi in November 1940, therefore, trade matters were relegated to the background, and both delegations devoted their efforts towards reaching agreement on the Indo-Ceylon question.

The Indo-Ceylon Relations Exploratory Conference, November 1940

The 1940 conference was entirely informal and exploratory in character, and intended to secure "a satisfactory basis for formal negotiations at a later date on all problems of common interest which require

60. For the Indian attitude, see, for instance, *State Council Deb.*, 1939, Vol. 2, pp. 2409, 2414.

61. *Review of Important Events, etc.*, for 1939-40.

adjustment".⁶² At the outset, the Indian delegation proposed for discussion a comprehensive list of subjects; control of immigration to Ceylon, dismissal of Indian daily-paid workers, questions of domicile and franchise and certain restrictions of rights and opportunities imposed or said to be contemplated against Indians in Ceylon, and possibly trade negotiations. The Indian delegation regarded the status of Indians in Ceylon to be the most important subject, and stated, that if certain principles could be agreed upon regarding their political and economic rights, the other subjects could easily be adjusted in the light of the agreed principles. This was acceptable to the Ceylon delegation; therefore, the conference was largely devoted to attempts to reach agreement on principles.

The Ceylon delegation laid much emphasis on the necessity to solve the Indian question in the context of existing economic conditions in Ceylon, particularly in the light of her increasing population, growing unemployment, declining standards of living etc. In view of these conditions, which might even be aggravated by an anticipated post-war slump, the Government of Ceylon could not contemplate the extension of full political rights and economic opportunities to all Indians resident in Ceylon.⁶³ Such rights and opportunities would be reserved for that part of the Indian population as Ceylon's economy could absorb. The "absorbable quantum" was not specified, but the Ceylon delegation expressed their readiness, despite the island's economic difficulties, to "recognise claims to full rights and privileges of citizenship of those Indians who have no connection with India and have a genuine and abiding interest in Ceylon".⁶⁴ Proposals put forward by the Ceylon delegation contemplated the division of Indians in Ceylon into three categories;

- (1) Persons of Indian origin who possess a Ceylon domicile of origin (i.e., those born in Ceylon of a father having a Ceylon domicile of origin or of choice, or if illegitimate, of a mother having a Ceylon domicile of origin or of choice) to be considered Ceylonese and entitled to all the rights and privileges of Ceylonese.

62. Indo-Ceylon Relations Exploratory Conference; Report of the Ceylon Delegation. *Sessional Paper 8 of 1941*.

63. See Indo-Ceylon Relations Exploratory Conference; Proceedings of Meetings. *Sessional Paper 9 of 1941*.

64. *Sessional Paper 8 of 1941*.

- (2) Persons of Indian origin who possess a Ceylon domicile of choice (which must include 5 years residence) would continue to enjoy the State Council franchise, but would not be entitled to privileges reserved to Ceylonese under various enactments and regulations in force, such as the grant of Crown land under the Land Development Ordinance, rights under the Fisheries Ordinance, or the right to apply for posts under the Ceylon Government, or under similar enactments or regulations which may be passed in the future.
- (3) Undomiciled Indian residents (those with less than 5 years residence) would be entitled to earn their living, but would have no citizenship rights.⁶⁵

The Ceylon delegation envisaged that adverse economic conditions in the future might necessitate further restrictions on employment on Indians in categories (2) and (3). An assurance was given, however, that while the extent of such restriction in the future could not be predicted, India would be consulted before they were imposed. "The real problem", said Mr. S.W.R.D. Bandaranaike, one of the Ceylonese delegates, "is the problem of employment. The real difficulty is that".⁶⁶

These proposals were unacceptable to the Indian delegation. Their view was that

Indians who have been resident for an agreed period of years in a particular territory under the British Government acquire equality with the indigenous inhabitants of the territory—acquire equality of rights over the whole field of rights.⁶⁷

To give effect to this principle, the Indian delegation suggested that full citizenship should be conferred on all Indians in Ceylon who could prove (a) 5 years residence, (b) a permanent interest in Ceylon, "both tests to be satisfied by a set of easily ascertainable facts".⁶⁸ Other Indians, i.e., those who did not qualify for citizenship as defined above, were to be allowed to continue in their lawful vocations without discrimination.

65. *Ibid.*

66. Proceedings of Meetings. *Sessional Paper 9 of 1941.*

67. *loc cit.*

68. Indo-Ceylon Relations Exploratory Conference; Statement Received from the Government of India. *Sessional Paper 10 of 1941.*

The Indian counter-proposals were unacceptable to the Ceylon delegation. Not only did these differ in principle from the Ceylonese proposals. But they would have involved the amendment of Ordinances in force in Ceylon as well as the reversal of the government policy of Ceylonisation of employment. It was obvious that "the angles from which the two delegations approached the vital question of the status of the resident Indian population in Ceylon were so divergent as to offer no basis for continuing the exploratory talks".⁶⁹ They were, therefore, discontinued.

The Indo-Ceylon Relations Conference, Colombo, September 1941

The Indian delegation had left the way open for further talks "should a prospect of resumption of negotiations with greater possibilities of success appear in the future".⁷⁰ Following upon the 1940 conference, the Government of Ceylon had introduced in the State Council an Immigration Bill with a view to controlling immigration between the two countries. When the draft of this Bill was sent to the Indian Government for their comments, it had been objected to in principle, as explained earlier. One of the grounds for India's objection was that "the definition of 'non-Ceylonese' [in the Bill] prejudged the whole issue between the two governments as to what classes of Indians now in Ceylon should be treated as Ceylonese".⁷¹ In order to work out such a definition acceptable to both sides, the Ceylon Government in August 1941 invited India to resume the informal conversations which had ended inconclusively the previous November. The Government of India accepted the invitation.

Surprisingly in view of their previous divergence, the delegations were able to reach agreement on a number of issues at the conference. On 21 September 1941, a Joint Report of the Delegations, covering a wide area of the questions in dispute, was issued. The agreed conclusions were as follows:

Immigration:—The basis of discussion had been Ceylon's draft Immigration Bill. The Indian delegation suggested certain modifications of this draft intended largely to guarantee entry and re-entry to persons possessing domicile of origin or of choice, or certificates of permanent

69. *Ibid.*

70. *Ibid.*

71. *Review of Important Events, etc., for 1940-41.*

settlement, or dependents of such persons, and to guarantee re-entry to undomiciled persons (except assisted unskilled labourers) if they were returning to work under their former employers or to the same means of livelihood. These modifications were generally accepted by the Ceylon delegation: so was an Indian suggestion that permits should take the form of an endorsement on a passport, and that the Minister should be advised by an Immigration Board on which Indians were represented.

Quotas:—The Ceylon delegation agreed to exempt certain specified classes of Indians from the operation of certain types of quota legislation.

Registration:—It was agreed that registration of immigrants should either be voluntary or, if compulsory, applicable to all residents in Ceylon.

Franchise:—It was agreed that those Indians who could not claim domicile of origin or of choice, or a literacy and property qualification, could vote only if they possessed Certificates of Permanent Settlement which would be granted on the following conditions:⁷²

- (a) declaration that applicant has the intention of remaining in Ceylon indefinitely,
- (b) proof of means of livelihood,
- (c) if married, proof that wife and minor children, if any, ordinarily reside with applicant, and
- (d) possession of a qualification of past residence in Ceylon, of 7 years for married, and 10 years for unmarried persons, the period of residence to be completed within 4 years from the date of the agreement, provided that continuous absence of more than 1 year prior to application constitutes a break in the qualifying period of residence.

Status:—It was agreed that Indians who had satisfied tests for proving a permanent interest in Ceylon should have equal rights with the permanent population; the Indian delegation conceded that no existing Ceylon law

72. 'Domicile of choice' was understood by the Ceylon delegation to mean a domicile of choice established, after 5 years residence, to the satisfaction of a Court according to the rules of English law regarding the acquisition of domicile of choice.

which may be regarded as discriminatory need be revised, and that Indians other than those with a domicile of origin could not claim the right to government service nor benefit from the Land Development Ordinance.⁷³

It will be seen that the main principle underlying the Joint Report was the categorisation of rights of different classes of Indians resident in Ceylon: those with domicile of origin were to be treated equally with the permanent population; those with domicile of choice (or a literacy and property qualification) would have the right to vote, but their right to work would be prescribed by existing laws; undomiciled Indians (barring assisted unskilled workers who were already covered by India's ban on emigration) were guaranteed rights of re-entry and employment under their former employers or in the same field of employment. The Immigration Bill would give Ceylon effective powers to restrict fresh immigration from India but would limit her discretion in regard to re-entry of Indians already resident in Ceylon, as well as the entry and re-entry of their dependents.

The Report would have entailed certain modifications of Ceylon's Immigration Bill and the abandonment of the Registration of non-Ceylonese Bill, both of which were then under consideration in the State Council, and also the revision of Ceylon's election law, for the agreed conclusions in respect of franchise had stipulated stiffer tests for the grant of Certificates of Permanent Settlement than had been provided in the State Council (Elections) Order in Council, 1931. The Joint Report was generally an endorsement of the Ceylonese view of the Indo-Ceylon question, for it had always been the Ceylonese official view that there was need to limit the rights of those classes of the Indian population who were not considered to be domiciled in the island. The Ceylon Delegation strongly urged the Board of Ministers to adopt the Report.

The Indian response was not so favourable. Indian opinion in Ceylon was plainly opposed to the Report; nor was it acceptable to the Government of India. In November 1941, India's Central Legislative Assembly unanimously resolved that:

Indians in Ceylon on the prescribed date of the Agreement and those who had been residents within a specified period prior to the date of the Agreement should have freedom of entry into Ceylon

73. Joint Report by the Delegations from India and Ceylon. *Sessional Paper* 28 of 1941.

and no regional or occupational restrictions should be imposed on them; they should be entitled to full rights of citizenship on the completion of the prescribed period, and that for the future provision should be made to protect Indian trade interests.⁷⁴

This principle was directly opposed to that which underlay the Joint Report. India therefore never ratified the Report, and in January 1943 repudiated it altogether.

The opportunity for agreement was thus allowed to pass, but even otherwise the intervention of the war would have entailed at least the partial suspension of any Indo-Ceylon agreement which might have been arrived at. Early in 1942, India suggested that further consideration of the Joint Report be suspended on account of the war situation, that it should be re-examined in the light of post-war conditions, until which time the *status quo* before the introduction of the Immigration Bill in Ceylon should be maintained. Ceylon was agreeable to this, but protested strongly when, in September 1942, India lifted her own ban on the emigration of unskilled labour to Ceylon. The ban was relaxed only in respect of Indians in Ceylon and their dependants who might wish to return to the island after a visit to India; but the Ceylon Government argued that maintenance of the *status quo* included the Indian ban on emigration of unskilled labour to Ceylon. From Ceylon's point of view, the ban had operated to some extent as an Immigration Ordinance preventing the influx of fresh unskilled labour from India;⁷⁵ but it also precluded any large-scale exodus of Indian tea and rubber workers then in Ceylon who were vital to the war-effort, and who might otherwise have panicked into fleeing to India with the deterioration of the war situation^{75(a)}. In effect, Ceylon wanted both to keep the Indian estate labour, whom she needed, and to prevent any further influx of such labour, except on her own terms.

74. *Review of Important Events, etc., for 1941-42.*

75. For the effectiveness of the ban, see Government of Madras: *Annual Report on the Working of the Indian Emigration Act (1922) for the year 1940*. The ban did not prevent the influx of skilled and unskilled workers who were brought to Ceylon illicitly by fishing boats and country craft.

75(a) Indo-Ceylon Relations: Correspondence with the Government of India Relating to the Suspension of Negotiations on the Subject of Indo-Ceylon Relations. *Sessional Paper 3 of 1943*. In fact, the imminence of a Japanese invasion had little effect on the Indian estate workers, who remained generally on the estates, but the Japanese bombing of Colombo and Trincomalee in April 1942 led to the almost wholesale exodus of the island's non-estate Indian population. In Burma, which was a theatre of war, the situation was even worse. Fully half a million Indians are estimated to have fled Burma for India in 1941. See Hugh Tinker, *The Union of Burma*, (London, 1957), p. 188 and n. 2.

The war emergency emphasised the need for such additional labour. With the Japanese occupation of Malaya, Ceylon remained the only source of natural rubber for the Allies, and it was decided to maximise the island's rubber production on behalf of the allied war effort. This entailed additional Indian labour, however, and in December 1942 the Government of Ceylon felt constrained to request India to release the needed labour on the conditions (a) that pay and conditions of employment would be the same as for other Indian labour, and (b) that this labour would be repatriated to India at the end of the war, or other period stipulated by agreement.⁷⁶ But India was unwilling to accede to this request before determination of "the main principles in accordance with which a settlement of immigration and status problems should be negotiated".⁷⁷ Since the 1941 Joint Report had still not been formally repudiated by India, this statement implied that the Indian Government no longer regarded the agreed conclusions of that Report as the basis of a future agreement. Indeed, in January 1943, India submitted for Ceylon's consideration a Draft Statement embodying new principles which should govern a settlement.

These recognised Ceylon's right to determine the future composition of her population by imposition of immigration restrictions, but reserved full rights of citizenship to all Indians who entered Ceylon before an agreed date, any qualifications requisite for such citizenship to be determined by simple administrative process and not by recourse to courts of law. Further, it was proposed that Indians so admitted to Ceylon citizenship be denied any claim to protection from the Government of India, except in the case of unskilled workers in respect of whom existing Indo-Ceylon agreements were to be maintained. Ceylon's right to restrict future immigration of Indian unskilled labour was recognised subject to the proviso that such restrictions do not debar wives and dependants of Indians already in Ceylon, or interfere with established Indian business interests, or discriminate between Indian immigrants and immigrants of other nationalities.⁷⁸

76. Correspondence with Government of India Relating to Additional Labour Required in Connection with Increased Rubber Production. *Sessional Paper 3 of 1943*.

77. *Ibid.*

78. P.R. Ramachandra Rao, *India and Ceylon*, (Bombay, 1954), pp. 64-65.

These proposals involved the rejection or modification of several parts of the 1941 Joint Report and were held by Ceylon to be "tantamount to rejection of principles underlying the whole Joint Report".⁷⁹ The Ceylonese Board of Ministers were quite unprepared to accept them, and "noted with surprise that the Joint Report of 1941 is no longer envisaged by the Government of India as the basis for any future negotiations regarding immigration and status of Indians in Ceylon . . ."⁸⁰ The Government of India were informed that Ceylon would find the required additional labour from domestic sources.

The pre-independence negotiations thus ended without agreement and, as observed earlier, the draft Bills dealing with immigration and registration also lapsed due to the war. However, considerable interest attaches to these negotiations, for when in 1947 a further Indo-Ceylon conference took place with a view to discussing principles which should govern a settlement of the Indian question, Ceylon's proposals were substantially based on the principles of the 1941 Joint Report. The 1947 conference, like earlier conferences, was not conclusive, but the independent Government of Ceylon proceeded, in 1948-49, to enact 3 Bills defining citizenship and controlling immigration. These Bills, and the problems they raised for Indo-Ceylon relations, are discussed in the two following chapters.

79. *Sessional Paper 3 of 1943.*

80. *Ibid.*

CHAPTER IV

THE CITIZENSHIP QUESTION IN INDO-CEYLON RELATIONS

After independence, as before, citizenship has remained the most contentious and complicated issue in Indo-Ceylon relations. As seen in the last chapter, the question of citizenship had already assumed political importance for Ceylon in the colonial period, in consequence of the introduction of the 1931 constitution based on adult franchise. Theoretically, of course, there could be no separate Ceylonese citizenship under the colonial regime, for the inhabitants of Ceylon, equally with those of British India and other British colonies, were 'British subjects', with equal political status throughout the British Empire. In practice, however, the colonial government of Ceylon since 1931 (under pressure from its Sinhalese elements) had been led to adopt, for various political and administrative purposes, a less inclusive definition of Ceylonese than was warranted by the term 'British subject'. But these definitions had been adopted mostly on an *ad hoc* basis, and were therefore neither uniform nor satisfactory. Moreover, an acceptable definition of Ceylonese would have required a measure of concurrence from the Government of India, for the status of the Indian community in Ceylon was precisely the question at issue. Attempts to define the status of this community by Indo-Ceylon conferences in 1940 and 1941 had, as described in the previous chapter, resulted in failure, and further consideration of matters in dispute had been postponed until after the war. When in 1945 the Soulbury Commissioners made their recommendations for further reform of the constitution, they deliberately omitted the subjects of citizenship and immigration from their proposals, suggesting that these were questions which should be settled by the Ceylonese government in consultation with India after the new Ceylon constitution had been introduced. In 1946, a new constitution granting Ceylon full responsible government in all matters of internal civil administration was introduced, and independence itself was imminent. It was now more necessary than ever to reach agreement with India on all outstanding issues. In December 1947, therefore,

the new Prime Minister of Ceylon, Mr. D.S. Senanayake, met Nehru of India in New Delhi with a view to discussing the broad principles which should govern the citizenship status of Indians resident in Ceylon.

The Nehru-Senanayake Talks, 1947, and subsequent Correspondence

The Nehru-Senanayake talks were concerned with two questions: (a) who among the 800,000 Indian residents in Ceylon should be considered eligible for Ceylonese citizenship, and (b) how they should be admitted to such citizenship. The discussion proceeded on the basis of certain qualifications suggested by Mr. Senanayake for the grant of Ceylon citizenship to Indian residents in Ceylon.¹ These were slightly modified at the instance of the Indian Prime Minister, and the following agreement was reached on general principles.

- (1) Indian applicants for Ceylon citizenship should have resided in Ceylon continuously for a prescribed number of years, absence from the island for a period exceeding one year to be deemed to constitute a break of continuous residence;
- (2) Vagrants and destitutes should not be eligible for citizenship;
- (3) If the applicant was married, his wife and minor unmarried children should have ordinarily resided with him in Ceylon;
- (4) Applicants must comply with the laws of the country on becoming citizens of Ceylon;
- (5) No Indian who was admitted to Ceylon citizenship should be allowed to retain Indian citizenship;
- (6) Finally, the Prime Minister of Ceylon agreed to consider the feasibility of an Indian suggestion that applications for citizenship should be dealt with administratively, by commissioners, rather than by courts of law, as proposed by him.²

These principles represented the maximum measure of common agreement among the Prime Ministers. For his part, Mr. Senanayake was highly optimistic of the outcome of the talks, and declared publicly that "there will be no more Indo-Ceylon problem".³ This was later proved

1. Correspondence Relating to the Citizenship Status of Indians Resident in Ceylon. *Sessional Paper 22 of 1948*.

2. *Ibid.*, Documents 1-5.

3. *The Hindu*, 3 January 1948.

a rash surmise. In fact, on some of the points discussed, agreement was subject to further review by both governments, and the agreed principles themselves left much room for divergence of interpretation. Not surprisingly, therefore, the interpretation of these principles and the manner of their transposition into legal enactments became the subject of a tedious and extended correspondence between the Prime Ministers during 1948 and after.

It is not necessary to go into all the details of this correspondence, but some salient points may be noted. Generally, the Indian Prime Minister's aim was to canvass the most liberal interpretation of the agreed principles, while his Ceylonese counterpart tended to give them a stricter meaning. Mr. Senanayake did indeed agree that applications for citizenship should be dealt with administratively, by commissioners, rather than by courts of law;⁴ the Prime Ministers were also mutually agreed that dual citizenship should be discouraged. There was much divergence, however, on the other agreed principles (residence test, means test, compliance with the laws of Ceylon). Regarding the residence test, the divergence turned on the length of the residential qualifications, as well as on the date from which it should be reckoned. Mr. Senanayake had suggested at the Delhi talks a residential qualification of seven years for married persons, ten years for others preceding 31 December 1945, and to this formula he adhered inflexibly; Mr. Nehru was willing to concede an eight-year residence test provided it was reckoned from 1 January 1948, and provided the same residential qualification applied to married and unmarried alike.⁵

Further, Mr. Nehru was inclined to put a negative construction on the means test, while Mr. Senanayake wanted it positively defined. The latter insisted on applicants for citizenship possessing "adequate means of livelihood", or "an assured income of a reasonable amount"; the former wanted the means test to disqualify only vagrants, destitutes and those without means of subsistence through physical disability.⁶ Regarding compliance with the laws of Ceylon, the Indian Prime Minister was afraid that prospective Indian applicants for Ceylon citizenship might be penalised on the ground that their marriages were invalid under

4. *Sessional Paper 22 of 1948*. Senanayake to Nehru of 16.3.1948.

5. *Ibid.*, Aide Memoire of the Government of India of 24.4.48.

6. *Ibid.*, Nehru to Senanayake of 9.6.48; Senanayake to Nehru of 22.6.48.

Ceylon law, and desired exemption on this count for these applicants: Mr. Senanayake, however, was adamant in refusing to accept as Ceylon citizens those whose marriages might be considered "invalid as being bigamous or within the prohibited degrees of kinship if (they) had been contracted in Ceylon".⁷ Besides, the latter had originally desired compliance with the *customs* as well as the laws of Ceylon from applicants for Ceylon citizenship; the insistence on compliance with customs had been dropped to meet the Indian Prime Minister's criticism, and the Ceylonese Prime Minister was prepared to go no further.

Thus, little agreement had emerged from the Prime Ministers' correspondence on the nature of the proposed tests to be applied before the grant of Ceylon citizenship to Indian residents in Ceylon. Further disagreement and divergences resulted when Mr. Senanayake produced a draft citizenship law embodying his own views, modified as described above, of the tests which should govern the grant of Ceylon citizenship to Indians.⁸ This draft law envisaged two types of Ceylon citizenship: citizenship by descent, and citizenship by registration. The law relating to citizenship by descent was so framed that only those who could establish a connection with Ceylon covering at least two generations would be regarded as citizens by descent. Citizenship by registration was open either under restricted naturalisation provisions in the general citizenship law, or under a special draft law intended for Indian residents in Ceylon.

This latter required that an applicant for registration as a citizen of Ceylon should prove: first, that he was of Indian origin; second, that he possessed the special residential qualifications, viz., continuous residence in Ceylon before 1.1.1946, of seven years for married persons, ten years for others, and continuous residence from this date to the date of the application (occasional absence from Ceylon for less than a year on any one occasion not being deemed a break in the continuity of residence, if such absence was on each occasion intended to be temporary); third, that he possessed an "assured income of a reasonable

7. *Ibid.*, Senanayake to Nehru of 16.3.48 and 26.5.48; Aide Memoire of the Government of India of 24.4.48.

8. This law was embodied in two separate draft Bills, the Ceylon Citizenship Bill and the Indian Residents' Citizenship Bill, both of which were sent to the Indian Prime Minister, at his request. These Bills were substantially enacted as the Ceylon Citizenship Act No. 18 of 1948 and the Indian and Pakistani Residents' (Citizenship) Act No. 3 of 1949. See pp. 107-10 *infra*.

amount"; fourth, that if married, his wife and "each minor son and unmarried daughter were ordinarily resident with him in Ceylon and that they continued so to reside until the date of the application"; fifth, that he was "free from any disability or incapacity which may render it difficult or impossible for him to live in Ceylon according to the laws of Ceylon"; sixth, that he clearly understood that on being registered as a citizen of Ceylon, he would be deemed to have renounced his Indian nationality, and that thenceforth he would, in all matters relating to his status, personal rights and duties, etc., be subject to the laws of Ceylon. All applications were to be addressed to a Commissioner to be appointed for the purpose, with the necessary supporting evidence, and procedure for investigation of applications was outlined. The Commissioner's orders were to be subject to review by the Supreme Court.

The Indian Prime Minister found many of these provisions, particularly those relating to the admission of Indians to Ceylon citizenship, wholly unacceptable. In a series of letters to Mr. Senanayake, he reiterated his earlier objections to the proposed tests for citizenship, e.g., the residence test, the means test, compliance with the laws of Ceylon etc.⁹ Specific provisions of administrative procedure, as embodied in the draft law, were also criticised as being too cumbersome and complicated, while even the proviso requiring the residence of a married applicant's wife and children with him in Ceylon, on which there had earlier been substantial agreement, became the subject of a new divergence, the Indian Prime Minister objecting to the wording of this provision in the draft law.¹⁰ As before, the general purpose of the Indian Prime Minister's criticism was to simplify the proposed tests for citizenship, and to reduce to a minimum the proposed administrative procedures for verification of applicants' claims. For his part, the Ceylonese Prime Minister was unwilling to make any substantial amendment of the draft law in the sense desired by Mr. Nehru. He did indeed agree to make minor modifications to the procedural provisions; he accepted an Indian re-draft of the provision relating to the residence of an applicant's wife and children in Ceylon; he also agreed with the Indian Prime Minister that absences from Ceylon not exceeding one year (for purposes of assessing continuity

9. *Ibid.*, Nehru to Senanayake of 9.6.48 and 17.7.48; Aide Memoire of the Government of India of 11.6.48.

10. *Ibid.*, Nehru to Senanayake of 17.7.48.

of residence of applicants in Ceylon) need not, on each occasion, have been *intended to be temporary*, as was required in the draft law.¹¹ Generally, however, Mr. Senanayake remained adamant on the question of tests, though prepared to adopt a simplified procedure. Any further modification of the draft law Mr. Senanayake declared to be out of the question, and inconsistent with the interests of the indigenous population:

The qualifications I have proposed are the minimum I consider necessary to ensure that the Indians applying for registration have a genuine desire to settle down in Ceylon. In fact, I have laid myself open to the charge of having consulted the interests of the indigenous population insufficiently or not at all. Far from being merged in the permanent population of the Island and identifying themselves with its interests and development, they have grown into a bloc quite distinct from other communities. I admire the affection they still have for their mother country but note with regret the absence of even the beginning of a similar affection for the country of "adoption". I am not surprised therefore to observe that opposition from Ceylonese even to the present proposals of the Ceylon Government is gathering force . . . You have my assurance that we do not wish to deny the right of citizenship to any Indian who can justly claim it.¹²

The Indian Prime Minister was not impressed by this assurance. Quite apart from his general objections to the citizenship law as drafted, he was also concerned that no political or economic distinctions should be made as between citizens by descent and citizens by registration. With this in view, he urged that an Indian admitted to Ceylon citizenship should be granted "the same rights over the whole field of citizenship as a citizen of Ceylon" (i.e., a citizen of Ceylon by descent), suggesting that a specific provision analogous to Section 3 of the British Nationality and Status of Aliens Act, 1914, be incorporated into the Ceylon citizenship law.¹³ But this Mr. Senanayake held to be outside the scope of the proposed

11. *Ibid.*, Senanayake to Nehru of 22.6.48 and 17.8.48.

12. *Ibid.*, Senanayake to Nehru of 17.8.48.

13. *Ibid.*, Under Section 3 of the British Nationality and Status of Aliens Act, 1914: "A person to whom a certificate of naturalisation is granted by a Secretary of State shall, subject to the provisions of this Act, be entitled to all political and other rights, powers, and privileges and be subject to all obligations, duties and liabilities to which a natural-born British subject is entitled or subject, and, as from the date of his naturalisation, have to all intents and purposes the status of a natural-born British subject".

Ceylon law, which merely defined a new status of citizen of Ceylon, and “nowhere creates, or refers to rights and obligations in law as citizens, whether by descent or by registration”.¹⁴ However, replying further to an assurance sought by Pandit Nehru that “there will be no discrimination, either legislative or administrative, between citizens by descent and citizens by registration”, Mr. Senanayake was constrained to admit that though no such discrimination was contemplated by the Government of Ceylon *in the future*, existing disabilities of Indians in regard to claims to Crown land, fishing rights, and rights to omnibus licenses, would remain.¹⁵ In an earlier letter, Mr. Senanayake had assured the Indian Prime Minister that Indians not qualified for Ceylon citizenship would be allowed to continue to pursue their lawful avocations in Ceylon without hindrance.¹⁶ Mr. Senanayake sought to justify disabilities arising from registered citizenship on economic grounds and on the plea that these were “temporary and limited in operation, since citizenship by registration is not, in our law, a status in perpetuity extending to future generations as well”.¹⁷ But these arguments failed to convince the Indian Prime Minister, for whom the statement regarding the condition of less-eligibility of registered citizens appears to have come as an unpleasant surprise. The correspondence therefore terminated on an embittered note, and Mr. Senanayake introduced the draft citizenship law for enactment by the Ceylon Parliament.

The Citizenship Acts, 1948-49

This citizenship law was embodied in two Acts of Parliament, the Ceylon Citizenship Act of 1948 and the Indian and Pakistani Residents’ (Citizenship) Act of 1949.¹⁸ The Ceylon Citizenship Act contained the general citizenship law of the island. It provided for two types of citizenship: citizenship by descent and citizenship by registration. The provisions relating to citizenship by descent were as follows:

14. *Ibid.*; Senanayake to Nehru of 26.7.48.

15. *Ibid.*, Nehru to Senanayake of 6.8.48 and Senanayake’s reply of 19.8.48.

16. *Ibid.*, Senanayake to Nehru of 22.6.48.

17. *Ibid.*, Senanayake to Nehru of 21.8.48.

18. Subsequent amendments of these Acts are considered later in this chapter, in the sections dealing with the working of the Acts. See pp. 112 *et seqq.*

Persons born *before* an appointed day could claim Ceylon citizenship if they had two out of three immediate ancestors in the paternal line in Ceylon, but if an applicant was born *in Ceylon* before the appointed day, it was sufficient if he proved the birth of his father in Ceylon. A person born *after* the appointed day could claim citizenship only if his father was a Ceylon citizen (by descent or by registration) at the time of his birth, but if an applicant was born *outside Ceylon* after the appointed day, he had, in addition, to have his birth registered with the appropriate authorities.

Citizenship by registration could be claimed by an applicant

- (a) whose mother is or was a citizen of Ceylon by descent, and who had resided in Ceylon, if married for seven years, if unmarried for ten years, immediately preceding the date of application; or
 - (b) who is the spouse, widow or widower of a citizen of Ceylon by descent or registration, and had one year's residence in Ceylon immediately preceding the date of application; or
 - (c) who had ceased to be a citizen of Ceylon by descent upon acquiring citizenship of another country, and thereafter renounced that citizenship;
- provided, in all cases, that the applicant "is, and intends to continue to be, ordinarily resident in Ceylon".

The Act also gave the Minister the discretionary power of registering twenty-five persons a year for distinguished public service, or for eminence in professional, commercial, industrial or agricultural life, or on the grant in Ceylon of Certificates of Naturalisation under the British Nationality and Status of Aliens Act of 1914. Finally, the Act provided various ways in which loss of citizenship could occur: by a declaration of renunciation of citizenship; or by adoption of citizenship of another country; or by the failure of a citizen by descent, whose father was or had been a citizen by registration, to transmit to the Minister a declaration of retention of citizenship upon attainment of majority; or, if a citizen by registration, by continued residence abroad, except on valid grounds, prescribed in the Act; or, if a citizen by registration, by being guilty of any offence under the Citizenship Act itself, or "of any of the offences against the State specified in Chapter VI of the Penal Code, for which a sentence of rigorous imprisonment may be imposed".

Citizenship by descent under the provisions of the Ceylon Citizenship Act could have been claimed by few Indian residents in Ceylon. These provisions were, undoubtedly, rigid and restrictive,¹⁹ but apart from the limited naturalisation provisions (e.g., the clauses relating to distinguished citizenship, registration of the spouse, widow, or widower of a citizen of Ceylon, etc.,) this Act was not intended to provide for citizenship for the vast majority of Indians in Ceylon.

Such provision was sought to be made under the Indian and Pakistani Residents' (Citizenship) Act of 1949, which laid down somewhat less restrictive conditions for the grant of Ceylon citizenship to Indians than the earlier Act. These conditions were substantially as provided for in the draft law. An applicant for registration under this Act had to prove that he was an Indian or Pakistani resident in Ceylon within the meaning of the Act, and that he possessed the special residential qualification (continuous residence in Ceylon before 1.1.1946, of seven years for married persons, ten years for others, occasional absence from the island for less than one year not being deemed a break in the continuity of residence). In addition he was required to possess an "assured income of a reasonable amount", prove that no disability or incapacity rendered it difficult or impossible for him to comply with the laws of Ceylon, and that if married his wife and such minor children as were dependent upon him were ordinarily resident with him in Ceylon during the qualifying period of residence required by the Act. Dual citizenship was incompatible with the provisions of the Act. Regarding procedure, the Act prescribed a two year period reckoned from an appointed date for the filing of applications. All applications were to be addressed to a Commissioner to be appointed for the purpose, and were required to be supported by the applicant's affidavit. Investigating officers to whom applications were to be referred in the first instance were required to visit, if necessary, the places where the applicant claimed to have resided, to examine the authenticity of documents attached to applications, and to make other inquiries. On the basis of these investigations, the Commissioner was required to make his order either allowing or rejecting applications, it being open to members of the public to object to such orders, in which

19. Cf. Clive Parry, *Nationality and Citizenship Laws of the Commonwealth and of the Republic of Ireland*, (London, 1957), Vol. I, pp. 801-04; 808-10.

case further inquiry was obligatory. An appeal to the Supreme Court against the Commissioner's order allowing or refusing an application was laid down, provided appeal was filed within three months of the date of the order.

Reactions to the Citizenship Acts in India and Ceylon

The political and economic implications of the Citizenship Acts, and their reception in India and Ceylon are more conveniently discussed in two later chapters. However since Indo-Ceylon diplomacy on the citizenship question was not un-influenced by the pressures of local politics, it is necessary briefly to review the reactions of Indian and Ceylonese opinion to the Citizenship Acts as passed in 1948-49.

In India, official and unofficial opinion were unanimous in their denunciation of these Acts. As seen earlier in this chapter, Ceylon's citizenship law as passed in 1948-49 was not the result of agreement between India and Ceylon. For the reasons adduced by Pandit Nehru in his correspondence with Mr. Senanayake during 1948, the Indian Government found the Citizenship Acts unacceptable. Indian Press criticisms of these Acts were also adverse. *The Hindu*, which of all Indian newspapers took the most sustained interest in the Indian community in Ceylon, took strong objection to the citizenship law, particularly to that part of it which provided for registration of Indians as citizens of Ceylon. The draft Indian Residents' Citizenship Bill was characterised as an "Indian Ejectment Bill", its provisions were criticised as being too restrictive, complicated and discriminatory.²⁰

The Statesman, more restrained, was no less adverse in comment.²¹ Generally, Indian newspapers supported the Ceylon Indian Congress (C.I.C.) in their stand on the Citizenship Acts, and pressed for liberalisation of these Acts. Perhaps the most significant reactions were those that emanated from the Madras Provincial Government and Assembly. Madras state had a vested interest in the well-being of Ceylon's Indian community, since this community were largely derived from, and to a large extent maintained its connections with, that state. In October 1948, after the Ceylon Citizenship Act had been passed (but before the enactment

20. *The Hindu*, 29.11.48.

21. *The Statesman*, 28.11.48.

of the Indian and Pakistani Residents' Citizenship Act, though its draft provisions were then known), the Madras Legislative Assembly passed an officially sponsored Resolution calling upon the Indian Prime Minister to ensure that the "proposed Indo-Ceylon agreement" was based on certain fundamental principles, such as the grant of citizenship to Indians with five years residence in Ceylon, abolition of all distinctions between citizens by descent and citizens by registration, simplification of administrative procedure, provision for "continuance of essential human ties between the Indians settled in Ceylon and their relations and dependents in India", etc.²² Attitudes in Madras, too, were clearly influenced by the C.I.C.'s views on the Citizenship Acts and, indeed, the Resolution mentioned above, as well as the debate sparked off by it, appeared to have been inspired by a pamphlet on "Indians in Ceylon" issued by the C.I.C. and circulated to members of the Assembly.²³

As the political organisation representing the community most concerned with the Citizenship Acts, the C.I.C. were the most vociferous critics of these Acts. The C.I.C.'s objections to the citizenship law were recapitulated in a Resolution passed at the ninth annual sessions of the party in April 1949:

(1) The provisions of the Ceylon Citizenship Act were "humiliating, discriminatory and anti-social";

(2) The Indian and Pakistani Residents' (Citizenship) Act denied Indians, particularly estate labourers, essential facilities for settling down in Ceylon, and proof of some qualifications involved prying into domestic and family life of applicants.

(3) The qualifications required were complex and involved, and beyond the capacity of workers with little or no education. The Resolution demanded full citizenship without distinction between citizenship by registration and citizenship by descent, and for conferment of citizenship rights on all Indians in Ceylon on compliance of a simple and easily ascertainable factual test of residence, and of a declaration of their intention to settle permanently in Ceylon.²⁴

22. *M.L.A. Debates*, Vol. 16, (25.10.48), p. 719.

23. For the debate, *ibid.*, p. 720 ff.

24. *Ceylon Daily News*, 25 April 1949.

In Ceylon, the Press generally supported the government on the citizenship issue, but the Acts were subjected to severe attacks by Opposition spokesmen in Parliament. The Parliamentary Opposition, consisting of members of left-wing parties, the Ceylon Indian Congress, the Tamil Congress and independents, took exception to the Ceylon Citizenship Act and the Indian and Pakistani Residents' Citizenship Act on much the same grounds: first, that they were discriminatory, and would result in "decitizenising" a large number of Indians who already had citizenship status in Ceylon; second, that their provisions were too restrictive, and particularly that inadequate provision had been made for naturalisation; third, that they made an invidious distinction between citizens by descent and citizens by registration; and finally, that the requirements under the Indian Residents' Citizenship Act were too complex and involved too much expense for the poor Indian estate labourers in Ceylon.²⁵ On the other hand, Kandyan Sinhalese interests, in whose traditional homelands the vast majority of Indians in Ceylon resided, were opposed to the Citizenship Acts on the ground that they were too liberal. Kandyan leaders in Parliament and elsewhere were alarmed that unrestricted grant of citizenship rights to Indian estate labourers would reduce them to a minority in Kandyan Provinces. And although Kandyan members of Parliament voted for the Citizenship Acts, being largely members of the government parliamentary party, they scarcely concealed their dislike, particularly of the Indian and Pakistani Residents' Citizenship Act as being too much of a concession to the Indian point of view. Thus, in their diplomacy on the citizenship question, both governments had of necessity to take account of sectional interests and groups in their respective countries.

Administration of the Citizenship Law

The provisions of the Ceylon Citizenship Act were such that they conferred automatically and without formality the status of citizenship by descent on the indigenous elements of Ceylon's population, i.e., on Sinhalese, Ceylon Tamils, Ceylon Moors and Burghers. Indians could claim citizenship by registration under the Act if qualified under its naturalisation provisions, or even citizenship by descent if possessing

25. For the debate on the Ceylon Citizenship Bill, see *H. of R. Deb.*, Vol. 4, 1948, coll. 1679-1778; 1781-1821.

the required second or third generation ancestry in Ceylon. But the number of Indians who could claim citizenship under this Act whether by descent or by registration, was infinitesimal in proportion to the Indian population in the island. Therefore, the vast majority of Indians in Ceylon elected to seek registration under the provisions of the Indian and Pakistani Residents' Citizenship Act (after an initial boycott by the C.I.C. as a protest against this Act).

The Act came into operation on 5 August 1949 (the appointed day), and before the two-year deadline had expired on 5 August 1951, 237,034 applications had been filed by 825,000 Indians claiming Ceylon citizenship. Investigations of these applications by the new Department for the Registration of Indian and Pakistani Residents proved to be a tedious and slow process, much more so than the authorities had anticipated. This was hardly surprising, since the essential pre-condition of admission to citizenship by registration was the ascertainment of "permanent settlement" and of a "permanent interest" of applicants in Ceylon. However, production of evidence by applicants in support of their claims of permanent settlement was not always an easy matter, and administrative procedures for investigating such evidence were cumbersome and slow-moving. As far as the registration authorities were concerned, careful scrutiny had to be made of documentary and other evidence purporting to establish proof of past residence of applicants; if the applicant had visited India during the qualifying period of residence, it was necessary to ascertain whether such visit exceeded one year in duration; if the applicant was married, it was necessary to ascertain whether his wife and minor unmarried children had "ordinarily resided" with him during the qualifying period of residence. The case of estate workers, who formed the vast majority of applicants, proved to be particularly difficult. These workers had not infrequently moved from estate to estate, sometimes from district to district in their employment in the island, and investigation had to be made of estate records, wherever available, in respect of each estate in which the applicant claimed to have resided during the qualifying period of residence. Besides, many estate workers, being ignorant and illiterate, had had their application forms filled in by others, with the result that many applications were marred by technical and factual discrepancies, a defect which the C.I.C. boycott of the Citizenship Act did nothing to ameliorate, for this boycott was operative for the greater part of the two-year period allowed for filing applications, and when

it was lifted, there was a spate of hastily completed forms received by the department during the last few weeks before the deadline.²⁶ Discovery of forged documents and spurious evidence only served to tighten administrative procedures.²⁷ Moreover, an appeal to the Supreme Court lay against the order of the Commissioner either granting or refusing an application for citizenship, and legal processes entailed further delay. Hence, despite periodical additions to the staff of the registration department, disposal of applications took much longer than was originally anticipated. By the end of 1953, i.e., over four years since the coming into operation of the Indian and Pakistani Residents' (Citizenship) Act, only 65,714 applications of the total of 237,034 had been fully investigated, and of this number, 7,687 applications involving 26,360 persons had been allowed.²⁸ By the end of 1954, a total of 9,672 applications involving 33,012 persons had been allowed, and by the end of 1955, a total of 37,948 persons covered by 10,875 applications had been registered as Ceylon citizens.²⁹ It was not till 1962 that investigation into all applications received had been finalised, and the total number of Indians admitted to Ceylon citizenship under the Act is 134,188.³⁰

As far as Indian opinion was concerned, tardiness in disposal of applications was the least of the problems concerned with Ceylon citizenship. Spokesmen from the C.I.C., leader-writers of the Indian Press, Opposition politicians were all categorical in their denunciation of the rigidity of the citizenship laws, and the strictness of the authorities in applying them. A particular object of criticism was the necessity imposed on an applicant to prove, at the outset, that he was an Indian or Pakistani

26. Of the 237,034 applications, as many as 160,000 were received by the department after the end of May 1951, during the course of the last ten weeks available for filing applications. *Administration Report of the Commissioner for the Registration of Indian and Pakistani Residents for 1951*. It would appear that in some instances estate labourers who were not anxious to apply for Ceylon citizenship were pressurised into doing so, by officials of the C.I.C. who misrepresented the purpose of the application. In August 1951, Mr. D.S. Senanayake wrote to the Indian High Commissioner in Ceylon protesting against the manner in which some workers of Tientsin Estate Bogawantalawa had been misled into completing applications for Ceylon citizenship.

27. *Ibid.*

28. *Ibid.*, for 1953.

29. *Ibid.*, for 1955.

30. *Ceylon Daily News*, 12 November 1964.

resident within the meaning of the Act, and that he was permanently settled in Ceylon.³¹ Technically this provision was necessary because, as Mr. D.S. Senanayake argued, "the Indian and Pakistani Residents' (Citizenship) Act conferred special rights on Indians and Pakistanis, excluding Europeans, Africans and all other people in the world" and "we must at least take the precaution of finding out that these particular people and they alone are benefited under the provisions of the Act".³² But while this provision was justifiable in the circumstances, it did not seem consistent with the general principle of the Indian Citizenship Act which, as stated above, was intended to ascertain the permanent settlement of Indians and Pakistanis on the basis of the various tests prescribed. To ask for permanent settlement in Ceylon as a prior condition of eligibility for application was therefore illogical.³³ The necessity to prove that applicants were persons who had emigrated from India or Pakistan also had some unexpected results, for it placed those applicants who could adduce such proof, being recent emigrants, in a more favourable position to apply than those who could not, due to a more long-standing connection with Ceylon. Moreover, it was manifestly unfair in its incidence on Indians and Pakistanis who might have been born in Ceylon, and whose emigrant ancestors might be deceased. The Government of India addressed the Ceylonese Prime Minister on this particular anomaly in the Act, and Mr. Senanayake agreed to have it removed.³⁴ Thus, by Indian and Pakistani Residents' (Citizenship) Amendment Act No. 37 of 1950, it was made sufficient if a Ceylon-born Indian or Pakistani proved that he himself was permanently settled in Ceylon. The provision remained operative, however, in respect of Indians and Pakistanis not born in Ceylon, and the necessity to prove permanent settlement as a prior condition also remained. Under the next Prime Minister (Mr. Dudley

31. An Indian or Pakistani resident within the meaning of the Act was a person (a) whose origin was in any territory which, immediately prior to the passing of the Indian Independence Act, 1947 of the Parliament of the U.K., formed part of British India or any Indian State, and (b) who has emigrated therefrom and permanently settled in Ceylon, and includes a descendant of such a person.

32. *H. of R. Deb.*, (23.11.1950) Vol. 9, col. 648.

33. For the C.I.C. view in this connection, see *The Hindu*, 22 April, 1951.

34. *Report of the Ministry of External Affairs (India) for 1950-51.*

Senanayake), a further liberalisation of this provision was instituted by means of an administrative directive issued to the Commissioner to accept affidavits as proof that a person had emigrated from India or Pakistan, or was descended from such a person.³⁵

Mr. Dudley Senanayake's administration was marked by other measures intended to ameliorate procedural difficulties. Hitherto, applications for citizenship were liable to rejection on the most trivial technical grounds, such as a submission of the inappropriate application form,³⁶ failure to affix applicants' signatures or thumb impressions or properly to attest them, etc. By an amendment of the Regulations,³⁷ Mr. Senanayake conceded, to those who had been guilty of these omissions, the right to rectify them on notification by the Commissioner. By a further administrative order, the Commissioner was directed to accept applications for citizenship of children who, being minors when their names were included in their parents' applications, had become majors at the time of investigation of these applications. The Regulations permitted applicants to enter the claims of their wives and children for citizenship on their own application forms, but every adult, not being a dependent wife, was required to submit a separate application. Since it was impossible after 6 August 1951 to submit fresh applications under the Indian and Pakistani Residents' Citizenship Act, this provision would have excluded the claims for citizenship of minors attaining majority before investigations had concluded. This provision was accordingly amended to stated above.³⁸ Along with these measures it was decided to increase the staff of the Department for the Registration of Indian and Pakistani Residents, in order to expedite disposal of applications.

While these measures of administrative relaxation were generally welcomed by Indian opinion,³⁹ it was also realised that these concessions did not go far enough, that they "touch[ed] only the fringe of the problem" as the C.I.C. put it.⁴⁰ In the C.I.C. view, the main difficulty in obtaining

35. *The Hindu*, 27 June 1952.

36. For Regulations framed under the Indian and Pakistani Residents' (Citizenship) Act, see *Ceylon Government Gazette*, No. 10,004 of 5.8.49, where also are found the various application forms prescribed for different classes of applicants.

37. *Ibid.*, No. 10.462 of 10.10.52.

38. *The Hindu*, 27 June 1952.

39. See e.g. the editorial comment in *The Hindu*, 23 July 1952.

40. Memorandum of C.I.C. to Prime Minister of Ceylon. *Ibid.*, 21 July 1952.

registration under the Act lay in satisfying the Commissioner regarding uninterrupted residence during the prescribed period. It was alleged that absence of proper records on many estates made it difficult or impossible for estate workers to establish this important qualification for citizenship. The Commissioner was charged with insisting on documentary evidence from applicants to establish their claims of past residence, although nowhere had the Act prescribed that only documentary evidence was admissible for this purpose. A further difficulty was encountered by those applicants (and a large number fell into this category) who regularly remitted money for the maintenance of their dependents in India. Ceylon's exchange control authorities extended this facility, not unjustifiably, only to persons who declared themselves as "temporary residents",⁴¹ permanent residents being presumed to have their family connections in Ceylon. But many applicants for citizenship, who had previously declared themselves as "temporary residents" for exchange control purposes found themselves at a disadvantage in attempting to prove "permanent settlement" for the purposes of citizenship registration, and many of their applications were rejected by the Commissioner. Technical defects of the law added to the difficulties. An applicant who died during the pendency of his application automatically cancelled the names of his family entered in his application, and there was no provision in the law for revalidating their claims for citizenship. A more important lacuna in the law was the ambiguity of the clause relating to the "ordinary residence" of a married applicant's wife and minor children with him in Ceylon. The Act had provided in Section 6, "that where during the qualifying period of residence required by this Act, the applicant was a married person, his wife and such minor children as were dependent upon him were ordinarily resident in Ceylon". The wording of this clause, as enacted, had been suggested by the Indian Prime Minister as a substitute for the original draft clause relating to "ordinary residence" proposed by Mr. D.S. Senanayake in 1948, and had been accepted by the latter.⁴² In the implementation of this principle, however, it was not clear whether the "ordinary

41. See Chapter VI.

42. *Sessional Paper* 22 of 1948. Nehru to Senanayake of 17.7.48 and Senanayake to Nehru of 17.8.48. The original draft of this clause as suggested by the Ceylonese Prime Minister was as follows: "That if married, the applicant's wife and each minor son and unmarried daughter were ordinarily resident with him in Ceylon, and that they continued so to reside until the date of the application".

residence" required of wives and minor unmarried children applied (a) to the whole of the qualifying period (i.e., from 1.1.1939 to 1.1.1946, and from this date to the date of application), or (b) to any point of time during such qualifying period, or (c) merely to the time of the application. The Commissioner interpreted the clause as referring to the whole of the qualifying period, and required that applicants' wives should have been resident in Ceylon from 1.1.1939 or their date of marriage, whichever was later, and that each minor dependent child should also have been resident in Ceylon from 1.1.1939 or date of birth, whichever was later.

Whether or not this interpretation was in conformity with Mr. D.S. Senanayake's intentions, it imposed a rather severe qualification on married applicants who had to prove residence in Ceylon, not merely in their own cases but also in respect of each member of their families. The Commissioner's interpretation was, therefore, contested in the Ceylon Supreme Court. The decision of the Supreme Court, which was later upheld by the Judicial Committee of the Privy Council, was against the Commissioner's interpretation, the Privy Council holding that "there is no express provision in the Act that the husband's permanent settlement in Ceylon must have been achieved in company with his wife and children, or that the minimum period of uninterrupted residence required for the husband has any application to his wife and children".⁴³

The reactions of the Ceylonese Government to this decision suggest that while they were prepared to liberalise administrative procedures for citizenship registration, they would not, under any circumstances, countenance any variation of the various tests imposed as a pre-requisite of such registration, in the manner these tests were interpreted by the Government of Ceylon. The Privy Council decision had its sequel in the Indian and Pakistani Residents' (Citizenship) Amendment Act No. 43 of 1952.

The Indian and Pakistani Residents' (Citizenship) Amendment Act No. 45 of 1952

The most important change instituted by the above amendment was to define "ordinary residence" of an applicant's wife and dependents more precisely than had been done in Section 6 of the original Act. The

43. The Commissioner for Registration v. Badurdeen. 1952 AC. 623. For a discussion of judicial review of the Commissioner's administration of the citizenship law, see K.P. Krishna Shetty. "The Law of Citizenship for Indian and Pakistani Residents in Ceylon", *Indian Year Book of International Affairs*, 1958, Vol. II, pp. 165-85.

amendment provided that the wife and each minor child of an applicant for Ceylon citizenship should have resided uninterruptedly in Ceylon from 1.1.1939 or one year from the date of marriage or birth, as the case may be, until the date of application. The severity of this qualification was somewhat alleviated by the further proviso that (a) occasional absence, not exceeding one year on any one occasion, did not constitute a break of continuous residence, and (b) continuity of residence was not required for the period 1.12.1941 to 31.12.1945 if it could be shown that non-residence in Ceylon during this period was due to the Second World War.⁴⁴ The amending Act also rectified some of the anomalies revealed in the working of the original Act. Thus, Section 8 of the original Act was amended so that a minor whose application was pending did not, on attaining majority, have to re-apply for citizenship; a new Section 8A was introduced whereby the death of an applicant for citizenship did not invalidate the claims of any other persons for whom registration had been sought by the deceased; and Section 6 of the 1949 Act further amended in paragraph (2) whereby the Minister was empowered to give consideration to particular cases of students over 21 years who were not financially independent, and who had hitherto been precluded from registration on the grounds of lack of independent means. Retrospective effect was given to these amendments, but they were not to affect the rights of applicants, their wives and children in certain specified Privy Council appeal cases, or of those who had preferred appeals against the Commissioner's orders to the Ceylon Supreme Court prior to 6 October 1952.

Indian Reactions to the Amendment

When it became known that the Ceylon Government intended to amend Section 6 of the 1949 Act in respect of the "ordinary residence" provision, India entered a strong note of protest. This amendment was sought to be made by Ceylon in order to give effect to the intentions of Mr. D.S. Senanayake, as expressed in his correspondence with Pandit Nerhu in 1948. In a letter to the Joint Secretaries of the C.I.C., Mr. Dudley Senanayake explained:

44. The latter part of this proviso was included at the instance of Pandit Nehru, who pointed out that during the war years many Indian families had left Ceylon for India, and, indeed, that they had been encouraged to do so by the then Government of Ceylon. See *H. of R. Deb.*, (11.11.1952), Vol. 13, col. 607.

... the Act No. 3 of 1949, as it stands, has not given effect to the particular intention of the late Prime Minister clearly expressed in the correspondence, in which the Prime Minister of India himself had acquiesced at the time and that, therefore, it is the intention of my Government to cure this defect in the drafting of the Act.⁴⁵

Quite apart from the intrinsic merits or demerits of this particular amendment, the real divergence between the Governments of India and Ceylon turned on the intentions of Mr. D.S. Senanayake when he framed the 1949 Act. The Indian Prime Minister not only repudiated the suggestion that he had ever agreed to the interpretation now being given to the phrase "ordinary residence of wife and minor unmarried children,"⁴⁶ but claimed to have understood what "the late Prime Minister had said and meant about this matter":

This proposed amendment is not, in my opinion, in conformity with the views of the late Prime Minister of Ceylon as they were expressed to me in the course of long discussions.⁴⁷

In the Indian view, "ordinary residence" of a family was not to be judged with reference to their residence with the applicant during any particular period. "Ordinary residence" meant their making a permanent home along with the applicant in Ceylon, as distinct from paying a short visit or visits to him.⁴⁸

Notwithstanding the fairness or unfairness, severity or otherwise of the amending Act, it is clear that it was, in fact, in conformity with the intentions of Mr. D.S. Senanayake,⁴⁹ in respect of the interpretation to be given to the provision regarding "ordinary residence"; for it was Mr. D.S. Senanayake himself who, before his demise, had directed that an appeal against the Ceylon Supreme Court's decision on this

45. Quoted in *H. of R. Deb.*, (11.11.1952), Vol. 13, col. 610.

46. *The Hindu*, 4 November 1952.

47. *House of the People*, (12.11.1952), Part I, Vol. 3, coll. 293-96.

48. Aide Memoire of the Government of India to the Government of Ceylon, reported in *The Hindu*, 7 November 1952. The views of the Parliamentary Opposition in Ceylon on the amending Act accorded closely with the Indian stand. See *H. of R. Deb.*, Vol. 13, coll. 615-31, 634-48, 648-49, 848 ff., 912-25.

49. For an able and convincing exposition of this point of view, see the speeches of Mr. J.R. Jayawardena and Mr. Dudley Senanayake in *H. of R. Deb.*, (13.11.1952), Vol. 13, coll. 868-76 and 925-44 respectively.

issue be filed with the Privy Council.⁵⁰ This fact, as well as the Regulations framed under the Act in 1949, especially the format of the application from prescribed for married applicants, leave no doubt that the Ceylon Supreme Court and Privy Council decision did, indeed, contradict the particular purposes for which the "ordinary residence" provision had been intended.

Amendments of the Ceylon Citizenship Act of 1948

Two other legislative amendments of the citizenship law were found to be necessary as a result of omissions or loopholes in the Ceylon Citizenship Act No. 18 of 1948; the Citizenship Amendment Act No. 40 of 1950, and the Citizenship Amendment Act No. 13 of 1955. The amending Act of 1950 involved no new principles and was non-controversial. It liberalised the provisions governing admission to Ceylon citizenship of children born to citizens of Ceylon after the appointed day abroad; the registration of whom within one year of birth was obligatory in the original Act. Other amendments related to resumption of Ceylon citizenship by descent by persons who had earlier renounced such citizenship, and to the law governing dual nationality. Dual nationality had been declared incompatible with the original Act of 1948, and under the provisions of that Act no person who was a citizen of another country could become a citizen of Ceylon; but a difficulty arose because of a provision in the British Nationality and Aliens Act, 1948, which laid down that British Nationality was not lost until *after* a new nationality had been obtained. This provision affected not only British subjects of European descent, but also Ceylonese in countries like Malaya, who might wish to become Ceylon citizens. The relevant sections of the 1948 Act were, therefore, amended to rectify this anomaly⁵¹.

Act No. 13 of 1955 was more controversial. Its main purpose was to increase the discretionary power of the Minister to grant, refuse or revoke citizenship as provided for in Sections 11 and 22 of the original Act. Section 11 of the original Act had provided that a spouse, widow or widower of a citizen by registration or descent was entitled, as of right, after one year's residence in Ceylon, to claim Ceylon citizenship,

50. Revealed by Mr. Dudley Senanayake in *ibid.*, coll. 932-33. *The Hindu*, 20 November 1952.

51. See *H. of R. Deb.*, (23.11.1950), Vol. 9, coll. 662-63.

and no discretion had been given to the Minister. The amendment gave the Minister the discretion either to refuse, on grounds of public policy, or grant citizenship in such cases. Section 22 of the original Act had provided for the loss of citizenship if a citizen by registration was guilty of any offence under the Act, or of any offences against the state punishable with rigorous imprisonment. Here, too, the Minister had had no discretion. The Amending Act gave him the power to revoke citizenship even without the offences specified; such revocation could now be effected if the Minister considered that a person's "continuance as a citizen of Ceylon is detrimental to the interests of Ceylon". This particular amendment was probably meant for registered citizens who were communists,⁵² but the amendment of section 11 was avowedly intended to cure what was termed a loophole in the 1948 Act, in that Indians in Ceylon with expired Temporary Residence Permits, or even those refused citizenship registration under the Indian and Pakistani Residents' Citizenship Act, could have easily circumvented the provisions of the citizenship law by marrying citizens of Ceylon, under Section 11 of the original Act.⁵³ The amendment of this section therefore withdrew automatic conferment of citizenship on spouses, widows, widowers of citizens of Ceylon, and gave the Minister power to refuse citizenship in such cases.

Indo-Ceylon Negotiations on the Citizenship Question

The working of the citizenship law, as amended, raised a question of considerable importance for both India and Ceylon; what citizenship status would belong to those Indians who had applied for, but were not admitted to, Ceylon citizenship? From the outset, it had been an assumption implicit in Ceylonese policy that those who failed to qualify for Ceylon citizenship were unquestionably Indian nationals, and that the Government of India would regard them as such. The Government of India, however, were unwilling to concede this. Although India did not, until 1955, pass a specific citizenship law, the Indian Constitution defined Indian citizenship, and made provision for acquisition of Indian nationality

52. See the Communist leader P. Keuneman's indictment of the amending Bill in *ibid.*, (17.3.1955), Vol. 20, col. 2873.

53. The amendment was justified by government spokesmen as correcting this loophole in the Citizenship Act. See *H. of R. Deb.*, (18.3.1955), Vol. 20. coll. 2932-33, 2970-72.

by overseas Indians. Art. V of the Indian Constitution stated that only a person born in India, or one of whose parents was born in India, or a person who had been ordinarily resident in India for over five years prior to the inauguration of the Indian constitution would be regarded as an Indian citizen. Under Art. 8, persons of Indian origin ordinarily resident outside India would be regarded as Indian citizens only if they were registered as such after application to the diplomatic representative of India in the country where such persons resided. Thus, conferment of Indian citizenship status on overseas Indians was not automatic, but subject to the discretion of the Indian Government acting through their diplomatic representatives abroad. In fact, as far as overseas Indians were concerned, India's policy was to discourage members of this community from applying for Indian citizenship. By July 1953, the Indian High Commissioner in Ceylon had tightened the procedure governing the issue of Indian passports to Indians in Ceylon, requiring applicants to prove, in the first instance, that they were Indian nationals as defined in the Indian Constitution,⁵⁴ and in some cases making inquiries to ascertain whether applicants' claims for Indian citizenship were justified.

The Nehru-Senanayake Talks, London, June 1953

However, quite early during the operation of the Ceylon citizenship law, the Indian Government were concerned about the status of the residue of Indians in Ceylon who either had not applied, or had been unsuccessful in establishing their claims, for Ceylon citizenship. In April 1953, the new Indian High Commissioner in Ceylon, Mr. C.C. Desai held discussions on this subject with Prime Minister Mr. Dudley Senanayake,⁵⁵ and the talks were continued when Mr. Dudley Senanayake and Pandit Nehru met in London to attend the Queen's Coronation in June 1953. Considerable interest attaches to these talks, since a formula for a solution of the citizenship question was very nearly agreed upon by the Prime Ministers on this occasion. The discussions proceeded on the basis of the following proposals suggested by the Ceylonese Prime Minister:

54. *The Hindu*, 11 July 1953.

55. *H. of R. Deb.*, (1.3.1954), Vol. 16, col. 2645.

- (1) 400,000⁵⁶ Indians resident in Ceylon were *expected* to be registered as Ceylon citizens in the normal course of the operation of the Indian and Pakistani Residents' (Citizenship) Act.
- (2) A further 250,000 persons would be granted Permanent Residence Permits, and their future status would be reviewed after 10 years, and if during that period any of them desired to go back to India and adopt Indian citizenship, the Government of India would not raise any objection.
- (3) The number of citizens registered under the Act plus the number of persons granted Permanent Residence Permits should be 650,000, this being regarded as a maximum, and not as a minimum figure.
- (4) The balance of Indian residents in Ceylon, approximately 300,000, were to be accepted as Indian citizens by the Government of India and to be compulsorily repatriated over a period of years.
- (5) All these steps were to be part of an integral scheme of settlement of the Indo-Ceylon problem.⁵⁷

It later transpired that the figure of 400,000 Indians who were expected to get Ceylon citizenship had been mentioned by the Ceylonese Prime Minister as a *estimate*, and not as a guaranteed figure, as understood by the members of the Indian delegation to the talks.⁵⁸ Mr. Senanayake had put forward this figure on the basis of the ratio of Indians already registered under the Act to those rejected by the middle of 1953, and since it was crucial to the whole scheme proposed, it is doubtful whether the talks would, in any event, have been fruitful. The actual cause of the breakdown of the talks, however, was the inability of the Indian

56. Of the total Indian population of 950,000 estimated to be resident in Ceylon at that time.

57. *H. of R. Deb.*, (1.3.1954), Vol. 16, coll. 2645-46.

58. *Ibid.*, (16.7.1953), Vol. 14, 581-84. Indeed, this was the only logical construction which could have been put on that figure so long as the Indian and Pakistani Residents' (Citizenship) Act was in operation, for the actual number of Indians registered under that Act would have depended on the impartial administration of the law, and could not have been forecast even by the Ceylonese Commissioner.

Prime Minister to accept the principle of repatriation implied in item (4) above.⁵⁹ Mr. Nehru reportedly explained to a later Ceylonese Prime Minister (Mr. Bandaranaike) that there were 12 million (*sic*) Indians overseas in countries like Malaya, Burma, South Africa, etc., and if India accepted the principle of repatriation in Ceylon's case, she would have to extend the same concession to these other countries.⁶⁰ In any case, there was disagreement about the number of Indians in Ceylon who could properly be regarded as Indian nationals. According to Nehru the real difficulty centred round the 300,000 persons mentioned in category (4) above, only one-half of whom, at most, he regarded as Indian nationals.⁶¹ From Ceylon's point of view, the whole scheme depended on India agreeing to repatriate these persons, and therefore the talks prove inconclusive, the Prime Ministers agreeing for the time being to let matters stand as they were.

However, after the change of government in Ceylon in October 1953, Mr. Nehru again extended an invitation to the new Prime Ministers Sir John Kotelawala for discussions on outstanding matters relating to the Indian question. The invitation was accepted, and in January 1954 an Indo-Ceylon agreement was concluded in New Delhi.

Indo-Ceylon Agreement Relating to Persons of Indian Origin in Ceylon, New Delhi, January, 1954⁶²

An interesting feature of the 1954 January agreement was that illicit immigration was, for the first time, taken up by the Prime Ministers as part of the Indian question. Both governments expressed their determination to suppress illicit immigration traffic between the two countries, and to take all possible steps, in close co-operation with each other, towards this end. More significant was the article under which India agreed to an amendment of Ceylon's immigration law casting the burden

59. *The Hindu*, 23 June 1953.

60. *Ibid.*, 4 March 1958.

61. *House of the People Deb.*, (4.8.1953), Part I, Vol. 3, col. 46 Cf. also the statement by Mr. Dudley Senanayake in *H. of R. Deb.*, (5.3.1954), Vol. 16, c. 3205.

62. *Proposals Relating to Persons of Indian Origin in Ceylon Framed by the Prime Ministers of Ceylon and India in New Delhi on 18 January 1954. Ceylon Treaty Series No. 1 of 1954.*

of proof on the accused that he was not an illegal immigrant.⁶³ Such an amendment had, in fact, already passed Ceylon's House of Representatives, but had been held up owing to protests from India.⁶⁴ India now withdrew her objection to this amendment, but the agreement laid down that the Indian High Commissioner in Ceylon was to be consulted before prosecutions were launched against alleged illegal immigrants. Detection of illegal immigrants was to be further facilitated by the preparation by Ceylon of an Alien's Register which would be a register of aliens in Ceylon at the time of its preparation. It was agreed that any persons not registered on the Alien's Register would be deemed to be an illegal immigrant from India if his mother tongue was an Indian language.

Regarding citizenship, the agreement laid down that Indian persons registered as Ceylon citizens were to be placed on a separate electoral register for an initial ten-year period; these persons were to be entitled to elect a certain number of Members of Parliament, the number being determined in consultation with the Prime Minister of India. Indians not registered as Indian citizens were to be allowed, if they wished, to register as Indian citizens under Art. 8 of the Indian Constitution, Ceylon agreeing to offer special inducements to encourage such registration, and India agreeing to offer administrative and other facilities for the same purpose.

The Agreement was evidently a genuine attempt at compromise on the part of the Governments of India and Ceylon. In view of subsequent developments, several features of it are worthy of comment. In the first place, the agreement took cognisance of the problem of illicit immigration as a factor of cardinal importance in Ceylon's approach to the Indian question. India's acquiescence in the amendment to Ceylon's immigration law imposing the onus of proof on the accused may be explained by this. It was also surprising that Pandit Nehru agreed to the proposal by which Indians registered as Ceylon citizens were to be placed on a separate electoral register for an initial ten-year period. The Indian Prime Minister explained later that he agreed to this provision at the insistence of the Ceylonese delegation, and because otherwise "the political fortunes of

63. Under the existing law, it was difficult to convict an illegal immigrant unless he was caught in the very act of arriving in Ceylon.

64. *H. of R. Deb.*, (1.3.1954), Vol. 16, col. 2647. See also Chapter IV, pp. 136-37. *infra*.

certain parties [in Ceylon] were likely to be affected".⁶⁵ From Ceylon's point of view, separate representation of Ceylon Indians safeguarded the interests of the Kandyan Sinhalese, but it entailed a return to the odious principle of communal representation, which had been abandoned in 1931. Another surprising feature of the Agreement was that the Prime Minister of Ceylon agreed that the number of registered Indians to be returned to the Ceylonese Parliament from the separate electoral register was to be determined in consultation with the Government of India.

The Agreement was at first regarded by both governments as an important step forward in the solution of the Indo-Ceylon problem. Pandit Nehru thought that the agreement would "help to create conditions and an atmosphere to take other steps forward between the two Governments", but "it must not be judged as the final thing. Obviously the problems remain. We have to go step by step".⁶⁶ Ceylonese official reactions were similar. The Press in both countries were also generally favourable in their comment, with the exception of the Ceylon Tamil daily *Virakesari*, which was critical of the agreement on various grounds, such as the "new and retrograde" separate electorates, failure to liberalise procedures for acquisition of citizenship, the ambiguity of some of the provisions etc. The Parliamentary Opposition in Ceylon (Mr. C. Suntharalingam excepted) voted against ratification of the agreement.⁶⁷ The Ceylon Indian Congress was not enthusiastic about the agreement; they were particularly concerned that the Government of Ceylon might give unilateral interpretations to it; nevertheless, their Working Committee passed a resolution which in effect accepted the agreement as it stood.⁶⁸

In fact, it soon became clear that the success or otherwise of the Agreement would depend, to a large extent, on a bilaterally agreed interpretation of the various clauses of it, and on the spirit in which these were implemented. However, even before it had been ratified, the agreement had lent itself to divergent interpretations. The Ceylonese

65. Quoted in *Ceylon Daily News*, 20 February 1954. This reference was evidently to the U.N.P., which among Ceylonese political parties, had the largest following in the Kandyan provinces.

66. *The Hindu*, 9 February 1954.

67. For the debate on the agreement, *H. of R. Deb.*, Vol. 16, coll. 2885-2963; 2976-3083; 3189-3288.

68. *The Hindu*, 14 February 1954.

Government envisaged that only two categories of Indian residents in Ceylon would emerge as a result of the Agreement, nationals of Ceylon and nationals of India. The Indian Government, on the other hand envisaged a third category of "stateless persons" in addition to these two, whose status would have to be further reviewed by the two governments. Ceylonese interpretations of the agreement refused to acknowledge statelessness, holding that all Indian residents in Ceylon who failed to qualify for Ceylon citizenship were, *ipso facto*, Indian nationals, and that they should be accepted by the Indian Government as such. As Mr. Dudley Senanayake explained:

. . . the (Indian and Pakistani Residents') Citizenship Act was concluded on the basis that there were to be only two categories; Ceylon citizens, absorbed under the Act on the one hand, and the others—Indians. At a certain point of time India quite unjustifiably trotted out this stateless class . . . When our Citizenship Act was passed there was not to be a class called a stateless class.⁶⁹

But this view failed to take cognisance of the fact that registration as Indian nationals of overseas Indians had also been subjected to formal procedures under Art. 8 of the Indian constitution, and that there would be a class of Indian residents in Ceylon applying for Indian citizenship whose applications must inevitably be rejected by the Indian authorities on various grounds. A leading article in *The Hindu* referred to statelessness as "one of the unspoken assumptions of the Delhi Agreement".⁷⁰ "The obvious understanding during the Delhi talks", said Mr. C.C. Desai, who had taken part in the talks, "was that there would be a stateless class, whose case should be re-examined after ten years and till then the status quo should remain".⁷¹

This divergence proved to be the main stumbling block in the implementation of the Delhi Agreement. Prime Minister Kotelawala had anticipated that under the inducements envisaged by Ceylon under the

69. *H. of R. Deb.*, (5 March 1954), Vol. 16, col. 3207-08

70. *The Hindu*, 29 June 1954.

71. *Ibid.*, 28 June 1954. This view finds support in J.S. Bains, *India's International Disputes* (Bombay, 1962), p. 109 where the author argues that the Ceylonese view that those who failed to qualify as Ceylon citizens were automatically Indian nationals ignores Art. 7 of the agreement which provided for formal registration of such persons as Indian nationals under Act 8 of the Indian constitution. See Appendix I for text of agreement.

agreement,⁷² the number of Indian residents in Ceylon who would register themselves as Indian nationals would increase from their then estimated figure of 150,000 to 500,000.⁷³ But the "inducements" offered by Ceylon for this purpose were not such as to meet with the approval of the Government of India; for not only did these "inducements" include compensation, freedom to withdraw assets, and in some cases the offer of passages back to India for Indians opting for Indian nationality, but they were also interpreted by a Ceylon Cabinet Sub-Committee (appointed for the purpose of implementing the Delhi Agreement) to include withdrawal of remittance facilities, denial of documents for travel abroad, and even withdrawal of ration cards for government subsidised rice, from all those Indians in Ceylon who had not registered themselves either as Ceylon or as Indian citizens. Not unjustifiably the Indian Government regarded some of the "inducements" offered by Ceylon as quite contrary to the spirit of the agreement, and offending against ordinary human considerations.⁷⁴ Therefore, the Indian Government took the view that applications for Indian nationality were being made by Indians resident in Ceylon under duress, and that such applications should not be entertained by the Indian High Commission in Colombo. During the calendar year 1954, 8,163 persons of Indian origin applied to the Indian High Commissioner in Ceylon for registration under Art. 8 of the Indian constitution; of these, 5,618 applications were reported to have been accepted, and 2,545 applications were pending scrutiny.⁷⁵ These figures might suggest that the Indian authorities in Colombo were in fact registering as Indian nationals the majority of those Indians in Ceylon who applied for such status. But there are strong presumptions against such a conclusion; the indications are that the Indian High Commission in Colombo, and other spokesmen for Indian interests in Ceylon actually discouraged

72. Art. 7.

73. *The Hindu* 23 January 1954. The Ceylonese official view was that Art. 5 of the Indian constitution had laid down that all those who could claim an Indian domicile were, *ipso facto*, Indian nationals without the need to resort to formal procedures of registrations, and that those Indians in Ceylon who failed to qualify for Ceylon citizenship were covered by this Article, and need not have formally registered themselves under Act 8 as required by the Government of India. This interpretation of Article 5 was, of course, not acceptable to India. For the text of Articles 5 and 8 of the Indian Constitution, see, p. 140, note 104.

74. *Ibid.*, 5 June 1954; Bains, *op. cit.*, 103-05.

75. *The Hindu*, 17 April 1955.

applications for Indian nationality from Indians resident in Ceylon.⁷⁶ Even up to the end of June 1963, only 48,430 persons had been registered as Indian citizens by the Indian High Commission in Colombo—a comparatively small number in relation to those who had failed to get Ceylon citizenship under the Indian and Pakistani Residents' Citizenship Act, and a far cry indeed from the figure of 350,000 Indian nationals envisaged by Prime Minister Kotelawala.⁷⁷

Indeed, the complaint in Ceylon was that far from adding to the number of Indian nationals in the island, the Indian High Commission was actually adding to the number of stateless persons by destroying the Indian passports of Indian Nationals in Ceylon. This allegation was made at a meeting of the Government Parliamentary Group of the United National Party by a former Prime Minister, Mr. Dudley Senanayake, according to whom "Mr. Desai (the Indian High Commissioner) has defrauded this Government, and is committing a hoax on this country".⁷⁸ The charge against the Indian High Commissioner was not substantiated, but it remained true that he refused to accede to a request of the Ceylon Government to supply a list of Indian passport-holders in Ceylon, a fact of some significance considering that Indian nationals in Ceylon with expired temporary residence permits, whose compulsory repatriation India could not have objected to, need only have destroyed their passports to prolong their stay in the island as stateless persons. However, while the Indian Government's hesitation in admitting Indian residents in Ceylon to Indian nationality was unquestionably a violation of the spirit of the Delhi Agreement, this attitude can perhaps be explained by their justifiable anxiety that adoption of such nationality by these residents might only prove the first step in their repatriation to India. Had the January agreement contained a specific guarantee that those opting for Indian nationality would be permitted to continue in their

76. A patently grotesque provision of the Indian High Commission in this respect was that all those who had applied for Ceylon citizenship were debarred from applying for Indian citizenship.

77. The figures of Indian registrations under Art. 8 up to the end of June 1963 are as follows:—

Total number of applications	..	..	66,651
Total number of persons accepted as Indian			
Nationals	..	..	48,430
Number of persons rejected	..	..	10,405
Number of applications pending	..	..	7,816

78. *The Hindu*, 23 September 1954.

employment in Ceylon until retirement, this difficulty might have been obviated. But Ceylonese interpretations of the "inducements" to be offered under the agreement seemed to India to suggest that far from such a guarantee being made, the Ceylonese Government was attempting to hinder Indians in Ceylon in their employment with a view to "inducing" them to adopt Indian nationality and return to India. With effect from 1 June 1954, the Government of India introduced a visa system for travel between India and Ceylon, tightening the regulations so that Indian residents in Ceylon would be precluded from returning to Ceylon after a visit to India unless they possessed Ceylonese travel documents.⁷⁹ On the whole, it might be fairly said that Indian policies under the January agreement were not calculated to afford the most favourable opportunity for Indians denied Ceylon citizenship to acquire Indian citizenship. It must be conceded, however, that these policies were, in part, evolved as a response to the Ceylon Government's own interpretations of the agreement.

In the same way, the policies of the Ceylon Government under the agreement were also in part dictated by Indian attitudes. From Ceylon's point of view, the *raison d'être* of the whole agreement rested on the pre-supposition that the number of Indians in Ceylon would be reduced. This assumption, however, was proved to be wrong as a result of India's refusal to admit these Indians indiscriminately to Indian citizenship, and the agreement became meaningless for Ceylon. In September 1954, Mr. Dudley Senanayake, the former Prime Minister, was advocating the abrogation of the Indo-Ceylon agreement because the Indian High Commissioner was not carrying out his government's part of the agreement.⁸⁰ Earlier, in July, the Indian High Commissioner himself had accused the Ceylon Government of "dishonourable" action in violating the letter and spirit of the agreement, stating that "India will treat the Pact as null and void" in these circumstances.⁸¹ *The Hindu* of 24 June 1954 carried a leader stating that "the Agreement has been used as a smokescreen

79. *ibid.*, 6 May and 27 July 1954. For further details on questions relating to immigration and emigration generally, see Chapter V.

80. *The Hindu*, 16 September 1954.

81. *H. of R. Deb.*, (7.7.1954), Vol. 17, coll. 1593-95. This indiscreet statement, made by Mr. Desai in a Press interview, caused a furore in Ceylon and led to demands in various official and unofficial circles for the recall of the High Commissioner. See *Dawn* 10 July 1954 and 6 October 1954.

by Ceylon to carry out a policy of squeezing Indian residents from the island. Ceylon has broken the Agreement in the spirit as well as in the letter . . .”⁸² The main charges against Ceylon were threefold. First, as indicated above, the inducements held out for persons opting for Indian nationality in Ceylon were considered an infraction of the letter and spirit of the agreement. Second, the Ceylon Government were charged with varying their definition of “Ceylonese” for purposes of government employment. Prior to ratification of the January agreement, the term “Ceylonese” for purposes of government employment had meant either (1) a citizen of Ceylon by descent or registration, or (2) a person who had applied or intended to apply for Ceylon citizenship by registration, and who was deemed by the Ministry of External Affairs to have a *prima facie* entitlement to such registration. On the eve of ratification of the agreement, however, the Ceylon Government decided that category (2) above were no longer eligible for government employment.⁸³ In effect this excluded from government employment all those who had applied for Ceylon citizenship under the Indian and Pakistani Residents’ Citizenship Act, or those whose applications had been rejected under it. A third charge, and the main cause of complaint against Ceylon, was that the rate of rejection of citizenship applications under the Act had increased rather than decreased since the signing of the agreement, and that many applications were being rejected on the most trivial and technical grounds. This charge is borne out by a comparison of the figures of citizenship applications accepted and rejected before the agreement with those accepted and rejected after it.⁸⁴ It was also subsequently established that this increase in the rate of rejection of applications after the agreement was due to adoption by the Ceylonese Commissioner of stricter procedures of investigation.⁸⁵ Whether the adoption of these procedures itself was due to political directives was not proved, and was denied by Ceylon

82. *The Hindu*, 24 June 1954.

83. *Ibid.*, 23 February 1954: see Bains, *op. cit.*, p. 104 and note 74.

84. For statistics revealed by Mr. C. Suntharalingam in Parliament, see, *H. of R. Deb.*, (9.7.1954), Vol. 18, coll. 180-81.

85. *Ibid.* (2.11.1954), Vol. 20, coll. 715-17: 724-26. That the Commissioner had issued restrictive circulars was admitted by the Ceylon Government, but it was held that the Attorney-General of Ceylon supported the stricter interpretations contained therein.

Government spokesmen. What is clear is that each country wished to put the main burden of registration as envisaged in the agreement on the other, and both countries resorted to evasion and subterfuge in the process.

The Indo-Ceylon Agreement, New Delhi, October, 1954

The failure of the January Agreement, and Indo-Ceylon divergences in the interpretation of it, led to a further conference between the two countries. This was held in New Delhi, on Ceylon's initiative, in October 1954,⁸⁶ and was intended to iron out the differences and divergences which had arisen in the implementation of the January agreement. From Ceylon's point of view, the main purpose of the conference was to clarify the position regarding statelessness, and to convert India to her view that all persons of Indian origin in Ceylon continued to be citizens or nationals of India unless and until they were accepted as Ceylon citizens. In this she was not successful; India adhered to her view that only those persons of Indian origin in Ceylon who were always in possession of Indian passports or passes, or who had registered at the Indian High Commission under Art. 8 of the Indian constitution were Indian citizens, others who were not either Ceylon citizens or Indian citizens being regarded as stateless. On this point, therefore, the two countries agreed to disagree:

As there appeared to be a basic difference in the approach of the two countries to the problem of the status of persons of Indian origin resident in Ceylon, it was decided that the practical course was to recognise this difference and to proceed as rapidly as possible with the two processes of registration as Ceylon citizens or as Indian citizens and thus to reduce the number of those persons who, at present, were not accepted either as Ceylon citizens or as Indian citizens.⁸⁷

The two governments agreed to expedite these processes of registration, and to review at a later date the status of those who were still left without citizenship. Ceylon agreed to simplify "as far as possible,

86. The Ceylonese delegation to the October conference was a high-powered one, consisting of Sir John Kotelawala, the Prime Minister, Mr. Dudley Senanayake, Mr. S.W.R.D. Bandaranaike, Leader of the Opposition, among others.

87. For text of Joint Statement, see *H. for R. Deb.*, (5.11.54), Vol. 20 coll. 887-90.

within the terms of the law", the procedure for registration as citizens of Ceylon, and to "examine with a view to their withdrawal, any executive instructions of a restrictive nature, issued by the Ceylon authorities, which result in the rejection of such applications on purely technical grounds".

One of the difficulties of the earlier agreement had been the fear of Indians in Ceylon that economic sanctions might be used against them to "induce" them to opt for Indian nationality. On this matter Ceylon now expressed her intentions of introducing a scheme to enable persons of Indian origin in employment in Ceylon, who might opt for Indian nationality, "to continue in such employment till the age of 55 years, when they may be required to leave the country" under a scheme of gratuities to be evolved by the Ceylon Government. It was stated on behalf of the Ceylon Government, however, that they would have to consider taking any necessary steps to safeguard the interests of Ceylon's own citizens in regard to such matters as employment, while India expressed her desire that any efforts in this direction should not involve "any coercion or victimization of those persons of Indian origin who may still remain unregistered either as Ceylon citizens or as Indian citizens".

It was further mutually agreed to relax the restrictions on India-Ceylon travel which had been imposed by both countries. Ceylon agreed to resume the practice of issuing identity certificates for travel abroad to all persons of Indian origin in Ceylon whose applications for Ceylon citizenship were pending, while India likewise agreed to issue identity certificates for purposes of travel to all such persons whose applications for Indian citizenship were being considered by the Indian High Commission. Exchange facilities for such persons were to be made available by the Ceylon Government, as before.

The Implementation of the Delhi Agreements after October 1954

The above conclusions were embodied in a Joint Statement signed by the two countries, which was intended to clarify the ambiguities and resolve the difficulties which had resulted from the earlier agreement. It was hailed by opinion in both countries as a step forward in the solution of the Indo-Ceylon problem, but as *The Hindu* commented, the success of this, as of the earlier agreement, would depend to a large extent on

the spirit in which it was implemented.⁸⁸ However, a willingness to co-operate to implement the agreements fairly appeared to be lacking on both sides, and even after October, mutual recriminations, charges and counter-charges continued to be made by both governments.

The main complaint against Ceylon, as before, was the continued large-scale rejection of citizenship applications of persons of Indian origin in Ceylon on flimsy grounds, and the slow progress made by Ceylon in the disposal of these applications. In the January agreement, the Ceylon Government had envisaged that all citizenship applications would be disposed of within two years, but despite periodical additions to the staff of the Commissioner, the rate of progress in the disposal of these applications was very slow indeed. The Ceylon Government was also unwilling to put into operation the scheme of gratuities for retiring Indians opting for Indian nationality which had been envisaged in the October agreement. A Ceylonese Advisory Committee appointed to implement the agreements had, indeed, formulated detailed proposals for an "Inducement Scheme", as contemplated under the agreement, but the committee thought that no inducement scheme should be published "until adequate evidence was forthcoming from the Indian High Commission, of its willingness to provide the necessary facilities for registration, as was contemplated by the Indo-Ceylon Pact".⁸⁹ It remained a standing grievance of the Ceylon Government that India did not fairly carry out her part of the obligation to register all those persons of Indian origin in Ceylon who genuinely wanted to adopt Indian citizenship.

Another charge against Ceylon was in regard to the provisions concerning the special electorate for Indians. The Ceylon Government did, indeed, amend the constitution in order to make provision for the return of four Indian members from a special all-island electorate.⁹⁰ Technically, India had a right to be consulted, under the terms of the January agreement, about the number of members of Parliament to be returned from the special electorate. This consultation, however, never took place, although it was known that India favoured six rather than

88. *The Hindu*, 12 October, 1954.

89. Minutes of the Ceylon Advisory Committee tabled in Parliament. See *H. for R. Deb.*, (15.8.1958), Vol. 32, coll. 643-44.

90. Ceylon Constitution (Special Provisions) Act, No. 35 of 1954 and Indian and Pakistani (Parliamentary Representation) Act of 1954.

four members. This was of minor consequence, as India herself accepted that the manner of representation and the number of elected members in the Ceylonese Parliament was a matter of purely domestic concern for Ceylon. But despite the amendment of the constitution, the provisions relating to the special representation of registered Indians in Ceylon were never put into operation. The Indian community in Ceylon remained unrepresented in the Ceylonese Parliament, as before, though India had understood that interim elections would be held to provide for the representation of registered citizens of Indian origin in Ceylon.⁹¹

Another source of disagreement arose from Ceylon's promulgation of the Immigration and Emigration Amendment Act of 1954. This Act sought to implement the agreed decision of the two countries in January 1954 that the onus of proof would be on those accused of illicit immigration into Ceylon. According to Art. 2 of the January Agreement;

The Government of Ceylon propose to undertake the preparation of a register of all adult residents who are not already on the electoral register and will maintain such register up to date. When this registration is completed, any person not so registered, will, if his mother tongue is an Indian language, be presumed to be an illicit immigrant from India and liable to deportation and the Indian High Commissioner will extend all facilities for implementation of such deportation.

Art. 3 embodied the provision that in all such cases the onus of proof would rest with the accused. Ceylon's interpretation of these two articles was that she was entitled to put in operation the Immigrants and Emigrants Amendment Act *before* the completion of the Adult Register. India held, on the other hand, that action against illicit immigrants under the amending Act could be taken only after the compilation of the Register, i.e., that Art. 3 could not become effective until Art. 2 had been implemented.⁹² According to this interpretation, the Indian High Commissioner in Ceylon refused to consent to the deportation of persons charged with illicit immigration into Ceylon.⁹³ Divergence also arose on the question of the composition of the Adult Register, India holding that all residents of Indian origin who were physically present at the

91. *The Hindu*, 4 March 1955.

92. *H. of R. Deb.*, (22.6.1955), Vol. 21, coll. 255-63: *The Hindu*, 21 August 1955.

93. *ibid.*

time of the preparation of the register should be included in it, and Ceylon contending that only such persons who could prove legal residence in Ceylon prior to 1 November 1949 would be registered, so that illicit immigrants already present and undetected in Ceylon might be excluded from registration.

To all intents and purposes, therefore, the Indo-Ceylon Agreement remained a dead letter. Early in 1956, in an attempt to reach some compromise, India suggested that the disputed clauses of the Agreement be referred to an independent authority for arbitration. The Kotelawala Government to whom this suggestion was made, does not appear to have favoured the idea.⁹⁴ In any event, this Government was defeated at the polls in April, 1956, and it was left to the new Prime Minister Mr. Bandaranaike, to take up the citizenship question on a fresh basis with India.

The SLFP Administrations and the Citizenship Question

Mr. Bandaranaike was opposed to arbitration on the citizenship question.⁹⁵ Though he had been a participant in the October talks in Delhi, Mr. Bandaranaike had never been a champion of the Indo-Ceylon Agreement. His attitude to this agreement was expressed in a declaration of party policy in February 1955:

. . . the wisest course would be to abrogate (the 1954 agreement) by friendly discussion, to go on with the registering of Indians who have applied for our citizenship, and when that task is completed to take up the question of those who have failed to obtain our citizenship with India on a fresh basis.⁹⁶

This policy was put into practice by the new government, the most significant instance of its implementation being the abolition of the special electorate for registered citizens of Indian origin by Ceylon. The Prime Minister of India was informed of the abolition, and raised no objections, partly because he himself had never been enamoured of the

94. *Ibid.*, 5 May 1956.

95. *Ibid.*, 10 May 1956.

96. *Free Lanka*, 16 February 1955.

idea of special electorates, and had merely agreed to Ceylon's proposal in 1954, as an interim measure, and partly also because he regarded the question of Ceylon's political representation as a matter of domestic concern for Ceylon alone.⁹⁷

Indeed, the tendency of both governments after 1956 was to regard the citizenship question as primarily the domestic concern of Ceylon, and one in which India could only have an indirect interest. This had been Mr. Bandaranaike's contention all along, but he had also consistently been one of Ceylon's chief advocates of the principle of repatriation of Indians from Ceylon. This principle was based on the idea that the number of Indians who could be absorbed in Ceylon's economy was limited to a certain quantum, the balance being required to be repatriated to India. Mr. Bandaranaike now held that though a solution of the Indo-Ceylon question might have been made on those lines in 1940, or even in 1954, this approach was no longer acceptable to India, and should be abandoned. His attitude to the citizenship question was governed primarily by the idea that only after the twin processes of registration of "stateless" persons as Ceylon citizens or Indian citizens had been completed could there be a basis for the two governments to consult each other in order to review the status of such of these persons as were still left "stateless."⁹⁸ The need for such consultation did not arise during Mr. Bandaranaike's administration, for the Ceylonese registration had not been completed during his time. During the regime of Mrs. Bandaranaike (1960-65), however, this registration was completed and showed that of the more than 8 lakhs of applicants, 134,187 persons had been accepted as Ceylon citizens under the Indian and Pakistani Residents' Citizenship Act.⁹⁹

Indian policy continued unchanged after 1956 even though an atmosphere of goodwill and friendliness had come to pervade Indo-Ceylon relations with the advent of the new government. The context of Indian policy regarding the "stateless," however, remained essentially the same;

97. According to an Indian Government spokesman, "the manner in which a particular class of Ceylon citizen should be represented in their legislature is of domestic concern to the people and Government of Ceylon". *Lok Sabha Deb.*, (6.3.1959), 2nd. series, Vol. 29, coll. 4753-54.

98. *The Hindu*, 4 March 1958.

99. *Ceylon Daily News*, 3 July 1964.

In effect, the persons who have been refused Ceylon citizenship have been rendered "stateless". They cannot become Indians unless they be registered as such. They could only be registered if they apply for Indian citizenship of their own free will and if they are qualified for such registration under our laws.¹⁰⁰

India's contention that the vast majority of those who are "stateless" have, "by decades of their residence in Ceylon and their contribution to Ceylon's development, earned the right to continue their way of life in their country of adoption",¹⁰¹ was not acceptable to the Ceylon Government.

After the Government of Mrs. Bandaranaike took office, she reiterated the conviction, expressed by earlier Ceylon governments that only 2 categories of persons of Indian origin existed in Ceylon: those who had applied for and succeeded in obtaining Ceylon citizenship; and those who had either not applied for or who had sought but failed to obtain Ceylon citizenship, who remained Indian nationals. The latter category of persons of Indian origin, in the Ceylonese view, were Indian nationals either by virtue of Art. 5 of the Indian constitution, or they were eligible to apply for Indian nationality under Art. 8 of the Indian Constitution (now incorporated in Section 5 (i) (b) of the Indian Citizenship Act of 1955).¹⁰² The Indian suggestion that the operation of Ceylon's citizenship law had created three categories of persons of Indian origin in Ceylon (viz., (a) those registered as Ceylon nationals, (b) those registered as Indian nationals under Art. 8 of the Indian constitution and (c) a "stateless" class)¹⁰³ was, therefore, repudiated by the Ceylon Government. On the other hand India herself rejected the view that persons of Indian origin who failed to obtain Ceylon citizenship were, *ipso facto*, Indian

100. *Lok Sabha Deb.*, (25.11. 1958), 2nd series, Vol. 22, coll. 1447.

101. *Ibid.*

102. See letter of the Press Attache, Ceylon High Commission in New Delhi, published in *The Statesman* 30 September 1963, for a succinct expression of the Ceylonese point of view in this connection.

103. The total number of "stateless" persons in Ceylon was estimated at 975,000 (i.e., excluding illicit immigrants) at the Indo-Ceylon talks held in October 1964.

nationals under Art. 5, or that they were all eligible for Indian citizenship under Art. 8 of the Indian Constitution.¹⁰⁴ An attempt at reconciliation of these divergent points of view was made at the Indo-Ceylon conference held in Delhi in October 1964.

The Indo-Ceylon Agreement, October 1964

The negotiations which were carried on in New Delhi during 24 to 30 October 1964 between delegations headed by the Prime Minister of India, Mr. Lal Bahadur Shastri and the Ceylonese Prime Minister Mrs. Sirimavo Bandaranaike, were marked by a mutual desire to explore every possibility of reaching an equitable compromise on the question of persons of Indian origin in Ceylon. The October conference had been preceded by the visit to Ceylon in September of Sardar Swaran Singh, Indian External Affairs Minister. In discussions with Mrs. Bandaranaike and among official delegations of India and Ceylon during the course of Mr. Swaran Singh's visit, a tentative formula for the solution of the Indo-Ceylon question had been broached. In the October talks in Delhi, this formula was made the basis of discussion and the following agreement was arrived at:—

Of an estimated 975,000 persons of Indian origin in Ceylon who were without citizenship (i.e., excluding Indian illicit immigrants and Indian passport holders), it was agreed that,

- (a) 525,000 persons would be granted Indian citizenship and progressively repatriated to India over a period of 15 years (together with the natural increase in their number over this period);

104. The provisions of Articles 5 and 8 of the Indian constitution are as follows: Art. 5: At the commencement of this constitution, every person who has his domicile in the territory of India and—(a) who was born in the territory of India, or (b) either of whose parents was born in the territory of India, or (c) who has been ordinarily resident in the territory of India for not less than 5 years immediately preceding such commencement, shall be a citizen of India. Art. 8: Notwithstanding anything in Act. 5 any person who, or either of whose parents or any of whose grandparents was born in India as defined in the Government of India Act 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefor to such diplomatic or consular representative, whether before or after the commencement of this constitution in the form and manner, prescribed by the Government of the Dominion of India or the Government of India.

- (b) 300,000 of these persons (together with the natural increase in their number) will be granted Ceylon citizenship by the Government of Ceylon during the same 15 year period;
- (c) the grant of Ceylon citizenship to one category of persons of Indian origin in Ceylon and the repatriation to India of another category of such persons (with the conferment of Indian citizenship which this would entail) was to be phased over a 15 year period, such that they would, as far as possible, keep pace with each other in proportion to relative numbers to be granted citizenship and to be repatriated, respectively.
- (d) two registers were to be prepared as early as possible, one containing the names of those who will be granted Ceylon citizenship, the other containing the names of those to be repatriated to India. The commencement of the processes of repatriation and grant of Ceylon citizenship, however, was not conditional on the completion of these registers.
- (e) those persons to be repatriated to India were to have the right of continued employment in Ceylon until the date of their registration according to the phased programme, or until the age of 55 years, whichever is earlier. They were also to have the right to freely transfer to India at the time of their repatriation, their assets up to a maximum of Rs. 4,000 per family of repatriates.
- (f) the status and future of the balance of 150,000 persons of Indian origin in Ceylon were to be the subject of a separate agreement between the two governments.¹⁰⁵

The agreement was, in its essentials, a fair and honourable settlement of a long-standing dispute, and it was made possible by the mutual grant of concessions by both countries. India abandoned her insistence that persons of Indian origin in Ceylon who were not Ceylon citizens must be regarded as "stateless". This concession by itself would hardly have signified anything; for the persons concerned, whatever the nomenclature used to designate them, were resident in Ceylon and their *de facto* presence would have continued to be a burden for Ceylon. However, by the agreement India for the first time also abandoned her resistance to compulsory

105. *The Hindu*, 31 October 1964;

repatriation of such persons and agreed to a phased repatriation programme involving over half a million such persons. The success of this programme would naturally depend on the amount of compulsion it would be necessary to use to implement its requirements. This was one of the aspects of the agreement which was the subject of criticism both in India and Ceylon. But it is clear that, however odious compulsory repatriation may appear as a principle, in Ceylon's case it was adopted on the basis of a realistic appraisal of a widespread desire among persons of Indian origin in Ceylon (presumably those who belonged to the class of unemployed dependants) to return to India.¹⁰⁷ In this sense, the repatriation proposals of the agreement were not an insidious device intended to squeeze domiciled Indians from the island, but a sensible scheme to relax the Indo-Ceylon travel restrictions which had been in force since 1954 and which were causing hardship to a class of Indians who genuinely wanted to return to India.

If such a class existed, then the financial inducements envisaged under the 1954 agreements would have imposed an unnecessary and burdensome liability on the Government of Ceylon, at a time of grave foreign exchange scarcity in the country. Therefore, the 1964 agreement dropped all reference to inducements, and merely provided for the transfer of the assets of repatriates up to a maximum of Rs. 4,000 per family. However, by binding herself to allow "stateless" persons to continue in their avocations until the age of 55 years or the date of their repatriation (whichever was earlier), the Government of Ceylon has minimised the dislocation and hardship which mass repatriation would otherwise have entailed.

Ceylon herself made a notable concession in the agreement when she agreed to grant Ceylon citizenship to 300,000 persons of Indian origin in the island. Since this number is in addition to the 134,000 already registered as Ceylon citizens under the provisions of the Indian and Pakistani Residents' (Citizenship) Act, over half a million such persons (taking account of the natural increase as well) would have been absorbed as Ceylon citizens at the end of the 15 year period in 1980.

107. In defending the agreement against critics in the *Lok Sabha*, the Indian External Affairs Minister, Mr. Swaran Singh, stated that about 300,000 persons of Indian origin in Ceylon had indicated to the Indian High Commission in Ceylon that they wished to "come straightway" to India *The Hindu*, 26 November 1964.

The agreement, therefore, was a fair and honourable settlement from the point of view of both countries, and in negotiating it the Ceylonese Prime Minister, Mrs. Sirimavo Bandaranaike achieved a great triumph of diplomacy, an honour which had eluded all her predecessors since independence. However, the success or otherwise of the agreement would depend to a large extent on the manner and spirit of its implementation over the stipulated 15 year period, and it would be premature to pass judgement on it at this stage.

CHAPTER V

IMMIGRATION AND EMIGRATION

Like the citizenship question, the question of immigration had become a live political issue in Ceylon long before independence. The only form of immigration control which existed during the colonial period in Ceylon was that embodied in the Destitute Immigrants Ordinance of 1907, which sought to prevent the entry into the island of persons likely to become a charge on public funds, but this was admittedly ineffective for its purpose.¹ As far as immigration from India was concerned, there was in effect no restriction to the entry and re-entry of persons who desired to seek employment in the island. Pressure for some form of immigration control first made itself felt as a result of the depression of the early 1930s² in consequence of the general unemployment in the island. Ceylonese leaders believed that unrestricted immigration had the effect of limiting economic opportunities for the indigenous population in Ceylon, and although their efforts to carry through an Immigration Bill in the State Council in 1941-42 proved abortive, the principles were firmly established (a) that the restriction of immigration, particularly from India, was a matter of vital national importance, and (b) that political rights and economic rights in certain spheres of employment should be limited to such Indians in Ceylon as could claim a permanent interest in the island, and whose continued stay therein would not unduly prejudice the economic opportunities of members of the indigenous population. The questions of citizenship and immigration had therefore become connected parts of the same problem even before independence, and during the negotiations between India and Ceylon in 1940 and 1941, they had been treated as such.

1. Cf. Report of a Commission on Immigration into Ceylon. *Sessional Paper* 3 of 1938, p. 7.

2. See Chapter III, pp.86-89 *supra*.

When after independence the Ceylonese government addressed themselves to the Indian problem in Ceylon, they put much emphasis on devising some form of immigration control into Ceylon, particularly immigration from India and, besides the citizenship laws discussed in the previous chapter, an immigration law was enacted in 1948 as part of their attempt at solving this problem.

The Immigrants and Emigrants Act of 1948

The *Immigrants and Emigrants Act No. 20 of 1948* attempted, for the first time in the island's history, to regulate the flow of migration between Ceylon and the rest of the world. It made a clear distinction between citizens and non-citizens of Ceylon. No documents were required of citizens desiring entry, but all non-citizens entering Ceylon were required to possess (a) a valid passport bearing an endorsement granted by a duly authorised officer, and (b) if so required, a visa or a residence permit. Visas were to be denied to specified classes of persons, e.g., destitutes, medically undesirable or mentally unsound persons, etc. A visa was to be granted for a period up to six months; a residence permit for a period exceeding six months (temporary residence permit), or for an indefinite period (permanent residence permit). Visas or temporary residence permits (T.R.Ps) were renewable.

No temporary residence permit or permanent residence permit could be refused, under the provisions of the Act (a) to spouses and dependent children of citizens of Ceylon, or (b) to other dependents of citizens, if their maintenance was assured; and no T.R.P. could be refused to a person who, being a British subject, had been ordinarily resident in Ceylon for at least five years preceding an appointed date mentioned in the Act. Deportation orders, issued under the authority of the Minister, rendered visas and residence permits void. The Minister also had the power to impose restrictions in the public interest, on the movements or activities of non-citizens during their stay in the island.

For emigration from Ceylon, both citizens and non-citizens were required to have valid passports, although certain specified classes of persons could leave on certificates specially issued for this purpose. The burden of proving citizenship or otherwise, as the case may be, was imposed on the person or persons concerned.

Ceylonese government spokesman, in introducing the Bill in Parliament, stressed its economic justification. According to Prime Minister D.S. Senanayake:

There are several reasons which necessitate a planned control of immigration, the chief among them being the assimilation of the various elements, the competition with and the displacement of indigenous labour, and the different standards of living, customs, habits and practices. Although we had contemplated such legislation since 1941, the last world war did not give us the opportunity of putting them into force.³

The leader of the Senate (Dr. L.A. Rajapakse) had made even more explicit the economic purposes of the Bill:

It caters more for the economic needs than the political needs of the country. It is intended to benefit, particularly, citizens of Ceylon who belong to the working-classes . . . We do not want foreigners to steal the jobs and good things that ordinarily should be available to the citizens of this country.⁴

These statements scarcely concealed the fact that the Act had been directed largely against the immigrant Indian. They did not clarify, however, whether it would be used to repatriate non-citizens already resident in Ceylon as well as to debar those desiring entry for the first time, on grounds such as lack of means of livelihood, etc. The Act did, indeed, give the Minister power to sign deportation orders in cases of persons considered destitute, insane, diseased, etc.; and although his discretion was clearly limited in respect of certain specified classes of persons, such as spouses and dependent children of citizens, or British subjects with five years residence in Ceylon, still a good deal of administrative power was left to the Minister under its provisions. Thus, the question of who was a destitute person, or what was the public interest, was within the discretionary power of the Minister to decide.

Ceylonese criticisms of the Act were not based on objection to the principle of immigration control itself, which was generally accepted. But there was a consensus of opinion among opposition parties (consisting

3. *Ceylon Daily News*, 13 September 1948.

4. *Senate*, Vol. 2, (28.9.48), col. 1243.

of the left-wing parties, the Tamil Congress and the Ceylon Indian Congress), (a) that the Act was discriminatory in a racial sense in that it would affect adversely the Indian community in the island; (b) that it was discriminatory in a political sense in that it was aimed at the plantation workers; (c) that it was a restriction of individual liberty; and (d) that it gave the Minister too much power.⁵ The Bill was framed, said a spokesman from the Tamil Congress in Parliament, "in a discriminatory spirit and in a spirit of fear from the point of view of the exclusion from the body politic of a certain section of the people".⁶ Whether in fact this was the spirit in which the Bill was passed is open to question. The Ceylonese government certainly had legitimate grounds for fear of continued population pressure from India, the more so because population expansion was phenomenal on both sides of the Palk Strait. But the Act was probably intended to stem the tide of fresh immigration from India and not to empower the forcible repatriation of Indians already in Ceylon. In any event, such repatriation could hardly have been undertaken by Ceylon until the citizenship status of the large number of applicants for Ceylon citizenship among the Indians in Ceylon had been decided, without the consent of the Government of India. Later, after the Indian and Pakistani Residents' Citizenship Act had been in operation for a number of years, the Ceylonese Government made evident their desire to repatriate those Indians who had failed to qualify for Ceylon citizenship under that Act, but this could not be done because of India's refusal to acknowledge such persons as Indian nationals. In fact, the administration of the Immigration Act had necessarily to take into account the uncertainty in the citizenship status of many Indian residents in Ceylon, particularly the estate workers. Special provision had to be made for such persons, taking into account that anything in the nature of repatriation of Indians by the unilateral action of the Government of Ceylon was hardly possible in the circumstances of the case.

As far as India was concerned, she had no objection to the principle of immigration control by Ceylon. As early as the time of the 1940-41 negotiations, India had recognised the principle that the Government of Ceylon was entitled to determine the future composition of her popu-

5. *H. of R. Deb.*, 1948, VI. 4, cols. 1872-84, 1885 ff., 1897-98, 1908 ff., 1959 *Senate*, 1948, Vol. 2, cols. 1269-80, 1281, 1288, 1307, 1315, 1331, 1335-36.

6. *H. of R. Deb.*, (25.8.48), Vol. 4, col. 1961.

lation and, indeed, in 1939, she herself had imposed a ban on the emigration of unskilled workers from India to Ceylon. As far as the Governments of India and Ceylon were concerned, therefore, the Immigrants and Emigrants Act was the least controversial of the legislation devised by Ceylon in 1948-49 to solve the Indian question. But while being prepared to co-operate to prevent the further emigration of Indians to Ceylon, the Government of India were concerned that there should be no diminution of the status and rights of those Indians already resident in Ceylon. From India's point of view, this latter category fell into three groups: (a) Indians in Ceylon who were clearly Indian nationals under the provisions of the Indian constitution, and who possessed Indian passports, (b) Indians in Ceylon who had been accepted as Ceylon citizens under the provisions of Ceylon's citizenship law, and (c) those whose applications for Ceylon citizenship had been rejected. This last category turned out to be the most numerous, and much larger than India had anticipated. This probably explains why the Indian Government subsequently repudiated a clear assurance given to Ceylon in 1948 that, as far as India was concerned, every Indian in Ceylon who wished to retain his Indian nationality could do so.⁷ As explained in the last chapter, Ceylon's view was that every Indian who had not been accepted for Ceylon citizenship was *ipso facto* an Indian national. But from about the middle of 1953 onwards, India began to regard such Indians as stateless and, though repudiating statelessness in principle, Ceylon, too, had perforce to acquiesce in it as a *fait accompli*.

The Working of the Immigration Law

Obviously, the administration of the immigration and emigration laws on both sides of the Palk Strait was dependent upon the citizenship status of the Indian community in Ceylon. Ceylon's Immigration Act came into operation on 1 November 1949. With effect from the same date, India, too, withdrew exemption from the provisions of Indian Passport Rules (1921) from all persons visiting India from Ceylon.⁸ As from this date, all persons visiting India from Ceylon, or Ceylon from

7. Correspondence Relating to the Citizenship Status of Indians Resident in Ceylon. *Sess. Paper 22 of 1948*. Aide Memoire of Government of India dated 16th January 1948.

8. *The Statesman*, 24 September 1949.

India, were required to possess valid travel documents duly endorsed by the immigration authorities of the country concerned. At the same time as India's new immigration rules relating to Ceylon became effective, she introduced, for the benefit of those Indians who did not have passports a simple and cheap travel document known as the India-Ceylon Pass, which served the same purpose as a passport.

From Ceylon's point of view, the Indian community in Ceylon fell into two broad categories for purposes of India-Ceylon travel: (a) those who had applied for Ceylon citizenship and (b) those who possessed Indian passports. The predominant majority of the first group consisted of estate labourers, others being merchants, petty traders, non-estate labourers, etc. Applicants for Ceylon citizenship who were not estate labourers could undertake India-Ceylon travel only if they obtained an India-Ceylon Pass from the requisite authority in South India. Estate labourers, however, were at first treated both by India and Ceylon as a special category for purposes of India-Ceylon travel. Such labourers not infrequently visited their relations in South India, and since the process of investigation into their applications for Ceylon citizenship was long drawn out, the Governments of India and Ceylon agreed that they should be permitted to travel between India and Ceylon on Identification Certificates issued under Ceylon's Estate Labour (Indian) Ordinance.⁹ Under normal circumstances, estate labourers holding valid Identification Certificates (and their minor children accompanying them from Ceylon, if their names were duly endorsed on their parents' Identification Certificates) were permitted to return to Ceylon after a visit to India subject to the following requirements; (a) the labourer must be a genuine unskilled worker registered on a Ceylon estate, and holding a guarantee of re-employment in the same capacity on arrival in Ceylon; (b) the identification Certificate must indicate that the holder has been employed as an unskilled estate labourer in Ceylon for at least five years prior to 1 November 1949; and (c) the labourers must be returning to Ceylon within twelve months from the date of his arrival in India.¹⁰

The above concessions were intended both by India and Ceylon to be temporary, and to last until such time as the citizenship question had been satisfactorily settled. Difficulties and divergences between India and

9. *Cap. 112.*

10. *Administration Report of the Labour Commissioner for 1950.*

Ceylon on this question had, as seen in the last chapter, led to the negotiation by the two countries of the January Agreement in 1954. But the citizenship question was no nearer solution in 1954 than it had been in 1948. Indeed, the January Agreement itself became subject to divergent interpretations, the main cause of dispute being the status of those persons whose applications for Ceylon citizenship had been rejected, Ceylon maintaining that such persons were Indian nationals and India holding that they must be regarded as stateless.

This divergence had its effect on the immigration question. With effect from 1 June 1954, the Indian Government decided that all travel documents issued by or on behalf of the Ceylon Government would have, for entry into India, to bear visas granted by the Indian authorities. This decision had the effect of invalidating Identification Certificates for purposes of travel, and the Indian High Commissioner in Ceylon advised their holders to obtain, in lieu of these certificates, travel documents from the country to which they belonged, or, if "stateless", from their country of residence.¹¹ The effect of this new regulation was to place upon Ceylon the responsibility for the "stateless".

Not surprisingly, the Indian decision led Ceylon, too, to vary her immigration policy. With effect from 1 June 1954, the Ceylon Government too withdrew their concession to Identification Certificate holders in regard to India-Ceylon travel. Thus, as from June 1954, "stateless" persons in Ceylon could not officially undertake travel to India without forfeiting their right to return to Ceylon.¹² Further, in consequence of the Indian decision that Ceylon citizens visiting India should be in possession of visas, Ceylon withdrew, with effect from 1 July 1954, the exemption from the visa requirements which had earlier been allowed to *bona fide* Indian tourists.¹³

Temporary Residence Permits

Ceylon's Immigration Act provided that all Indian nationals whose stay in the island exceeded six months should have their passports endorsed either with a Permanent Residence Permit or with a Temporary Residence Permit. In such cases the question of nationality was not in doubt—all residence permit holders were undoubtedly Indian nationals, and India

11. *The Hindu*, 6 May 1954.

12. *See H. of R. Deb.*, (1.10.1958), Vol. 33, col. 873.

13. *Administration Report of the Controller of Immigration and Emigration* 1954.

accepted the position that the continuance in the island of temporary permit holders whose permits had expired should be at the discretion of the Government of Ceylon. But even in respect of these persons there was disagreement between the Governments of India and Ceylon.

Temporary Residence Permits were not granted by Ceylon to those who could not prove five years continuous residence in the island prior to 1 November 1949. The intention here was evidently not to debar Indians with past connections in Ceylon from residing and continuing to pursue their lawful avocations in the island. But the regulation that only those who had five years residence *prior* to 1 November 1949 were entitled to temporary permits was disliked by Indian opinion, which considered that all Indian residents to Ceylon should be issued with such permits after the expiration of a five-year residential period, whether before or after 1 November 1949.¹⁴

A further difficulty arose from the necessity to prove the five-year residential period with documentary evidence. Indian opinion held that in most cases it was difficult, if not impossible to furnish the required documentary evidence to the satisfaction of the Ceylon authorities. The latter, however, were not entirely unjustified in insisting on such evidence, because the *bona fides* of many applicants was open to doubt and, indeed, many instances of forged documents, even of forged residence permits, had been discovered by the department.¹⁵ A particular grievance of the Indian community in this respect was that the Act had not laid down specific provisions regarding the nature of the proof required to establish the residential period. On these issues much concern was expressed not only by Indian opinion in Ceylon, but also by the South Indian press and by the State Government of Madras, and pressure from these quarters led the Government of India to make representations to the Government of Ceylon. In August 1950, the Government of India reportedly handed over a communication to the Ceylon High Commissioner in New Delhi asking for a clarification of Ceylon's policy and procedure in regard to the issue of residence permits and a specific definition of the documentary evidence required to establish past residence.¹⁶

14. *The Hindu*, 2 June 1950.

15. *ibid.*, 25 January 1953; *Administration Report of the Controller of Immigration and Emigration for 1951*.

16. *The Hindu*, 23 August 1950.

There is nothing to indicate that any clear-out policy on these matters existed in Ceylon at this time but after the conclusion of the 1954 January Agreement with India Ceylon decided that renewals of T.R.P's for Indians should be granted at discretion and not automatically as had been the case hitherto. In July 1954, the Ceylonese Prime Minister Sir John Kotelawala conferred with the Indian High Commissioner in Ceylon Mr. C.C. Desai, and arrived at an agreement for the progressive repatriation of all Indian passport holders whose permits for residence in the island had expired. Out of an estimated 70,000 Indian T.R.P. holders in Ceylon, it was agreed that 25,000 (whose permits had expired) would be gradually repatriated to India in batches of 5,000. The Ceylonese authorities made no bones about the fact that such repatriation would be carried out in order to further the official policy of Ceylonisation of trade and employment. It was declared that the future policy was to permit the residence only of those persons whose investments or services were beneficial to Ceylon and to deny residence to those whose activities were prejudicial to Ceylonisation.¹⁷

The above Desai-Kotelawala Agreement was not popular with Indian opinion in Ceylon. The Ceylon Democratic Congress (erstwhile Ceylon Indian Congress) was strongly critical of it, especially on the following points; (a) that all Indian passport holders in Ceylon were, without question, Indian nationals without any reservation, which the CDC were inclined to doubt; (b) that India had agreed to issue Indian Passports to Indian estate workers who desired them; and (c) India's agreement to Ceylon's request that application forms for registration as Indian nationals would be distributed through the Ceylon Labour Department to estate workers.¹⁸

From 1954 till the end of September 1963, 95,238 Indians were repatriated to India under the above agreement.¹⁹ Repatriation, and Ceylon's policy regarding it, became the subject of periodical correspondence between the Government of Ceylon and the Indian High Commission in Colombo, the object on the Indian side being that such repatriation should be gradual and progressive, and planned in consultation

17. *ibid.*, 17 July 1954; *Administration Report of the Controller of Immigration and Emigration for 1954*.

18. *The Hindu*, 18 July 1954.

19. Of this number, only 39,196 persons left on Quit Notices issued by the Immigration Department; the rest (56,042 persons) were voluntary repatriates. *Administration Report of the Controller of Immigration and Emigration for 1962-63*.

with the Indian authorities, so that unnecessary hardship to repatriates could be avoided, on the one hand, and on the other, so that a difficult problem of rehabilitation would not be created for the Government of India. The question of rehabilitation was, in fact, the interest primarily of the State Government of Madras, and the Government of India had of necessity to take account of Madras opinion on repatriation and allied matters. India was justifiably concerned, therefore, with what she considered a lack of consistency and clarity in Ceylon's policy regarding repatriation. While recognising Ceylon's right to regulate the stay of non-nationals in the island, India wanted Ceylon's immigration policy clarified so that the insecurity and doubt in the minds particularly of the Indian business community in Ceylon, whose stay in the island was dependent upon permits, might be dispelled.²⁰

In her general policy towards overseas Indians, India has always made a distinction between Indian nationals as such, and persons of Indian descent who have acquired, or claimed to have acquired, a domicile in the country of their residence abroad. The Prime Minister Nehru, in particular, had been fully alive to the hypersensitivity of India's neighbours to demographic and economic threats posed by immigrant Indians. He was therefore generally averse to pressing for special rights of Indian *nationals* abroad, either in respect of rights of residence or in regard to protection of vested interests of such nationals.²¹ The difficulty arose in respect of the other category of persons of Indian descent with a claim to domicile in the country of their residence abroad. In countries with immigrant Indian communities, the "Indian problem" has generally been the result of attempts by the local government to define citizenship and restrict immigration, either before or after independence. India has been entirely at one with such countries on the question of restricting fresh immigration from India. Thus, in 1939 India imposed a ban on the emigration of unskilled labour to Ceylon, and in 1938 such a ban had been applied in respect of Malaya and Burma. Overseas Indians, however, have displayed a remarkable tendency to gravitate towards their ancestral villages in India from time to time, for social, domestic or political reasons. Where such visits are made temporarily by overseas Indians who had identified themselves with the country of their residence, India has felt

20. *The Hindu*, 3 April, 1958.

21. Ministry of Information and Broadcasting (India), *India's Foreign Policy: Selected Speeches of Jawaharlal Nehru, 1947-61*, (Bombay), 1961, pp. 127-28.

obliged to exempt such persons from the operation of the ban. But the difficulty lay precisely in distinguishing those Indians who had identified themselves with the country of their residence overseas, and those who had not. Divergences on this question was the whole point at issue between India and Ceylon. In Burma, where attitudes to the immigrant Indian were coloured, as in Ceylon, by the geographical proximity of India, and where also the restriction of Indian immigration had been seen as a vital object of nationalist policy before independence, the passing of the Burma Immigration (Emergency Provisions) Act of 1947 denied rights of free entry to all persons without immigration permits or passports duly endorsed by the Government of Burma. India protested against the Act on the ground that Indians who had wholly identified themselves with the interests of Burma should enjoy the same rights as members of the permanent population, which was a principle implicit in the abortive Indo-Burmese Immigration Agreement of 1941.²² However, although rigid restrictions have been imposed on the number of immigrants to Burma, and although there is "a fair amount" of illegal entry of Indians,²³ the problem of Indian immigration has not acquired such serious dimensions as in Ceylon, for three reasons; first, unlike in Ceylon where almost the whole Indian community applied for Ceylon citizenship, in Burma there was not among the Indian community such a universal desire to obtain Burmese citizenship, nor did the All-Burma Indian Congress recommend that all sections of the Indian community should apply for such citizenship; secondly, due to the unrest and civil strife which has prevailed in Burma, the number of Indians desiring entry or re-entry into Burma has been matched by a large number of Indians who desire to leave the country and who, in fact, have voluntarily asked the Government of India for repatriation and rehabilitation in India;²⁴ thirdly, the standard of living and wage rates are higher in Ceylon than in Burma.²⁵

22. W.S. Desai, *India and Burma*, (Calcutta, 1954), p. 99.

23. Hugh Tinker, *The Union of Burma*, (London, 1957), p. 188 and note 3.

24. U. Mahajani, *The Role of Indian Minorities in Burma and Malaya* (Bombay, 1960), pp. 189-90. In 1948, the Government of India assisted about 600,000 voluntary Indian repatriates from Burma, but as a general rule, the Indian Government does not support either repatriation or rehabilitation of Indians from Burma, *ibid.*

25. Ceylon's Gross National Product *per capita*, computed at \$125 (approximately Rs. 606) is more than twice India's which is \$59 (Rs. 286), or Burma's which is \$51 (Rs. 247). See W.H. Wriggins *Ceylon; Dilemmas of a New Nation* (Princeton, 1960), p. 68 and note 47.

Illicit Immigration

Whatever divergences exist between India and Ceylon in regard to travel between the two countries through official channels, there is no question that both governments are equally determined to suppress illicit immigration to Ceylon. In Ceylon, suppression of such immigration has been increasingly regarded as a question of vital national importance, not only because of the genuine fear in some quarters of swamping of the island by Indians, but because illicit immigration generally nullifies the policies framed by the Ceylon Government to deal with the Indian question and aggravates an already highly inflamed public issue.

The crux of the matter is the extent of illicit immigration to Ceylon. Official statistics published in Ceylon show that the number of illicit immigrants from India apprehended in Ceylon is not nearly so large as is sometimes suggested by panic articles in the Ceylon press. The Table below indicates the number of such immigrants actually apprehended and deported to India from Ceylon for each of the years 1951-62.

TABLE VIII

Illicit Immigration to Ceylon, 1951-62

<i>Year</i>				<i>Year</i>			
		<i>Apprehended</i> <i>Deported</i>				<i>Apprehended</i> <i>Deported</i>	
1951	..	3792	988	1957	..	1904	1722
1952	..	9837	6884	1958	..	842	570
1953	..	5090	4098	1959	..	3617	2911
1954	..	1642	986	1960	..	3848	3057
1955	..	2129	1672	1960-61*	..	3181	1825
1956	..	981	700	1961-62*	..	1923	1139

Total Apprehended:—38,786

Total Deported:—26,552

Source:—Administration Reports of the Controller of Immigration and Emigration.

*Relates to financial year.

The total apprehended for the twelve-year period is 38,786. Admittedly, this figure is no indication of the number of illicit immigrants who escaped detection during these years, and many of whom possibly remain at large in Ceylon. Official Ceylonese estimates of this number have varied in the past. In September 1959, the Ceylonese Parliamentary Secretary to the Minister of External Affairs and Defence gave it as his considered view that well over half a million illicit immigrants had entered Ceylon without detection over the past ten years.²⁶ In November 1961, however, Prime Minister Mrs. Bandaranaike estimated the number at 100,000 with approximately 3,000 being added to this figure every year.²⁷ The latter figure is probably closer to the actual number of undetected illicit immigrants in the island, but both estimates, it must be stressed, are pure guesswork, and not based on any definite evidence.

Causes of Illicit Immigration

Generally there have been three main causes for the prevalence of illicit immigration to Ceylon, and for the obvious difficulty of both governments in suppressing it. The first is undoubtedly the stringency of the island's immigration laws, especially as these relate to India and Pakistan. A second factor is the poverty and deterioration in economic conditions in the coastal villages of Madras State. Thirdly, the encouragement of and connivance at illicit immigration by unscrupulous employers of labour in Ceylon.

The Ceylon Immigrants and Emigrants Act of 1948, imposing as it did restrictions on India-Ceylon travel, for the first time closed what had in effect been for over a hundred years a profitable source of employment for thousands of indigent families in South India. True, India's own ban on the emigration of unskilled labour in 1939 had already anticipated this, but as pointed out in Chapter 3 above,²⁸ India herself granted exemptions from this ban for various categories of persons and, in any event, the machinery did not exist in India at that time to give proper effect to the ban. Until about the middle of 1954, the Act worked particularly

26. *Ceylon News*, 10 September 1959; also *ibid.*, 15 September 1960.

27. *The Hindu* 17, November 1961. See *Administration Report of the Controller of Immigration and Emigration for the Financial Year 1960-61* where, also, the estimate of illicit immigrants in the island is put at 100,000. More recently, government spokesmen have estimated the figure at 200,000.

28. See p.98 *supra*.

harshly against those Indians in Ceylon who were not estate labourers, and who had difficulty in proving five years residence before 1949, as required by the Act, before becoming eligible for temporary residence permits. Estate labourers themselves, whose citizenship status was unresolved, become ineligible to travel freely between India and Ceylon after June 1954. For these persons, and for Indian nationals in Ceylon, whose stay in the island had been terminated on the expiry of their residence permits, illicit entry into the island was an easy means of resuming trades or occupations which might have been interrupted, either by choice due to a visit to India, or by necessity due to repatriation.²⁹

Not all illicit immigrants, however, were past residents of Ceylon returning to resume their former occupations. Testimony of illicit immigrants apprehended in Ceylon shows that a considerable number of such immigrants are those who are new to Ceylon, and who are lured by the prospects, held out to them by touts and agents, of lucrative employment in Ceylon. Economic conditions in South India, and the higher standard of living and the higher rates of pay available across the Palk Strait, had always been an important factor determining immigration from India to Ceylon from the nineteenth century onwards and this factor is still perhaps the most important determinant of illicit immigration to Ceylon.³⁰ This is not unrecognised in India; indeed, leaders on both sides of the Palk Strait realise that whatever preventive machinery is established to check illicit immigration to Ceylon, the solution to the problem must be a long-term one and depend primarily upon the economic development of South India, particularly of Madras State.³¹

29. An Indian immigration official, in an interview with the author, expressed the view that only persons repatriated from Ceylon, such as toddy tappers, small vendors, and hawkers attempted to return to Ceylon illicitly and that illicit emigration of agricultural labourers during the off-season was practically non-existent.

30. "In the majority of cases, there is no doubt that illicit immigrants are far from the criminals they have been made out to be, but are ignorant villagers forced to migrate by economic pressure in the country in which they live, and have been duped by their ignorance into expecting that there was a place of settlement and employment for them in Ceylon". *Administration Report of the Controller of Immigration and Emigration for 1952*.

31. The Indian Planning Commission, for example, are laying down priorities for the development of the districts of Thanjavur, Ramanathapuram, and Tirunelveli, in consultation with the Madras Government, to provide employment for people who otherwise tended to go to Ceylon as illicit emigrants. *The Indian Express* (New Delhi) 11 May 1962.

As before too, demand for cheap labour in Ceylon continued to be another impediment against immigration control. "It is clear", stated the Government of India in a Press Note in 1951, "that illicit immigration is organized and assisted by certain employers of labour in Ceylon".³² The Government of India have not frequently made much of this fact. No doubt unscrupulous employers in Ceylon aid and abet in flouting Ceylon's immigration laws, and the seasonal fluctuations in illicit immigration, coinciding as they do with the availability of employment in such occupations as toddy-tapping between the months of April and October in the island, are sufficient indication that many illicit immigrants do come to Ceylon with the definite prospect of employment.³³ This point, however, can be over-emphasised. Labour immigration from South India to Ceylon has such a long tradition, and prospects of better employment in Ceylon are so well-known in South Indian villages, that potential illicit emigrants hardly need any convincing on this score. The illicit traffic itself is well organised no doubt, but in this respect the culprits lie on both sides of the Palk Strait, as the numerous prosecutions and convictions of touts, agents, boatowners, etc., in India amply demonstrate (see Appendix IV).

Illicit Immigration and Indo-Ceylon Relations

Illicit immigration is one of the few aspects of the Indian question on which there has been substantial agreement between the two governments. India recognised quite early that illicit immigration to Ceylon was a fact, not a fiction, and that it was a problem to which Ceylonese susceptibilities were peculiarly vulnerable. Nehru told the House of the People in 1952;

Illicit emigration does take place. There is no doubt about that. The question is about the quantum.³⁴

On the question of the quantum, however, India tended generally to minimise both the scale and importance of such emigration. On the occasion referred to above, the Indian Prime Minister characterised illicit emigration to Ceylon as a "kind of bogey raised from time to time".³⁵

32. *The Hindu*, 14 May 1951.

33. See e.g., *ibid.*, 25 May 1954.

34. *H.P. Debates*. (29.7.1952), Part I, Vol. 2, Col. 2229.

35. *ibid.*

This statement, not unnaturally, was much resented in Ceylon, and the Ceylonese Prime Minister was constrained to declare, that though the problem might be a bogey to India, it was not so to Ceylon, and that the Ceylon Army and Navy had been commissioned to deal with it.³⁶ Later, however, due probably to the sympathetic understanding of the Indian High Commissioner in Ceylon during 1953-54 (Mr. C.C. Desai), India came round to a greater appreciation of Ceylon's attitude to this question.³⁷ After 1956, there was a tendency in Ceylon, too, at least among official circles, to gloss over illicit immigration. Mr. S.W.R.D. Bandaranaike declared in Parliament that "these alarmist talks of illicit immigrants pouring into this country is just not true. There may be a certain number that come but that is a number that could be dealt with".³⁸ This was probably intended more to scotch alarmist reports than as a genuine statement of the Prime Minister's views on this question. In any case, Mr. Bandaranaike could have afforded to take a dispassionate view of the problem since the figures for illicit immigration into Ceylon had been declining since 1956, the total number of such immigrants who were deported for the three calendar years 1956-58 being 2,992. But the figures shot up again for the year 1959, when 3,617 illicit immigrants were arrested and 2,911 deported. Mr. Bandaranaike's successors can scarcely ignore these facts, and elements within the S.L.F.P. government of Mrs. Bandaranaike have been strongly insistent on the implementation of effective measures to combat the problem. As discussed later in this chapter recent amendments to the Immigration Act have tended increasingly to tighten the law dealing with illicit entry.

Ceylon's efforts in this direction, however, have not hitherto been attended with much success, as the statistics of illicit immigrants actually apprehended and deported over the past ten years have demonstrated. Illicit immigration to Ceylon is a highly organised business, and its

36. *The Hindu*, 31 July 1952.

37. In 1953, after a tour of inspection of detention and quarantine camps in Mannar in the company of the Ceylonese Prime Minister, Mr. Desai exclaimed: "When I looked across the sea at Talaimannar, I had the same feeling that I have experienced when I looked across the Khyber Pass through which from time immemorial came invaders to India. In the distant past, people came from India to Ceylon across the Palk Strait; but now and in future neither the Government of India nor the Government of Ceylon will tolerate illicit exit or illicit entry". *The Hindu*, (12.11.1953).

38. *H. of R. Deb.*, (5.8.59), Vol. 36, col. 358.

effective suppression involves the maintenance of a constant vigilance over the northern, north-western and north-eastern coasts of Ceylon. This has proved to be no easy task. Conditions are specially favourable for illicit immigrants along the north-western coast of Ceylon around Mannar district where there is a jungle hinterland along the coast with wide distances separating villages. In these parts, besides, there are many resident Indians, so that illicit immigrants have no difficulty in merging into the population. From the inception of immigration control, the effective detection of such immigrants proved to be beyond the capacity of the customs and police authorities alone. From 1952 onwards, the Ceylon Army, Navy and Air Force have been engaged in dealing with the problem, though with little apparent success. As the Table on p.155 shows, an average of about 3,000 illicit immigrants continue to be apprehended in Ceylon, whatever the preventive measures. One reason for lack of success in Ceylon's efforts to control illicit immigration has hitherto been the Royal Ceylon Navy's lack of effective patrol boats with which to pursue motor launches and mechanised boats carrying illicit immigrants, if necessary even in shallow waters. This defect is now being remedied by the Ceylon Governments' recent purchases of "Aquavion" hydrofoil craft and other high-powered motor boats.³⁹ In September 1960 the Parliamentary Secretary to the Minister of External Affairs and Defence (Mr. Felix Dias Bandaranaike) was saying that he would have to turn the northern coast of Ceylon into an "armed camp" with pill boxes and patrol stations at one-mile intervals in order to suppress illicit immigration.⁴⁰

In November 1961 the Ceylonese Prime Minister announced in the Senate that the Government would be issuing Identity Cards to every inhabitant in Ceylon, national or non-national or "stateless", with photographs and fingerprints affixed, so as easily to detect illicit immigrants, who escape the vigilance of the authorities on landing.⁴¹ But this measure, which would have entailed considerable expense, has so far not been implemented.

39. *Ceylon Daily News*, 24 August 1963 and 21 July 1964.

40. *Ceylon News*, 6 October 1960.

41. *The Hindu*, 17 November 1961.

A particular difficulty with which Ceylonese authorities had always been faced had been that the Immigration Act of 1948 provided for the deportation only of persons actually caught in the act of illicit landing in Ceylon. No legal proceedings could be taken against those who escaped detection at the actual time of landing into the island. In 1953, the government of Mr. Dudley Senanayake sought to amend the law by placing the onus of proof on persons alleged to be illicit immigrants; in fact, an Immigration Bill actually received its second reading in the Ceylonese House of Representative, but it was held up at the instance of the Government of India. India's contention was that such an amendment would cause unnecessary hardship to *bona fide* Indian residents in Ceylon, and that in any case the principle of casting the onus of proof on an accused person was an odious one.⁴² However, by the time of the Indo-Ceylon conference in Delhi in January 1954, India herself realised the gravity of the problem for Ceylon. At that conference the problem of illicit immigration to Ceylon was seriously discussed for the first time by the two countries. Article I of the 1954 January Agreement stated:

Both Governments are determined to suppress illicit immigration traffic between the two countries and will take all possible steps, in close co-operation with each other, towards that end. Periodical meetings between high Police authorities on either side of the Palk Straits may be held and information relating to illicit movements exchanged.⁴³

Under Article II, Ceylon was to undertake the preparation of an aliens register comprising all adult residents in the island who were not on the electoral register. Any person whose name did not appear on the aliens register, and whose mother tongue was an Indian language, was to be presumed to be an illicit immigrant from India and liable to deportation, it being agreed that the Indian High Commission in Ceylon would extend all facilities for the implementation of such deportation. India's most significant concession, however, was that embodied in Article III, whereby she agreed that Ceylon "may proceed with the Immigrants and Emigrants Amendment Bill which throws on the accused the onus of

42. *The Hindu*, 2 February 1955.

43. Proposals Relating to Persons of Indian Origin framed by the Prime Ministers of Ceylon and India in New Delhi on 18th January 1954. *Ceylon Treaty Series No. 1 of 1954*.

proof that he is not an illicit immigrant; but before any person is prosecuted in accordance with this provision, the Government of Ceylon will give an opportunity to the Indian High Commissioner to satisfy himself that a *prime facie* case exists for such prosecution, the final decision being that of the Government of Ceylon".⁴⁴

These concessions marked an important advance on India's earlier attitude to the problem of illicit immigration. The implementation of these provisions, however, were attended with the same divergence and differences as characterised the 1954 agreement generally. The Government of Ceylon passed their Immigrants and Emigrants Amendment Act in 1954, and proposed to give immediate effect to it. But, as pointed out in the previous chapter, India held that the immigration amendment could not be implemented until after the Aliens Register, provided for under Article II of the agreement, had been prepared. Since the preparation of the Aliens Register was itself dependent upon completion of the investigations into the citizenship applications of Indian residents in Ceylon, which was proving to be a slower process than had been anticipated by Ceylon, the Indian interpretation involved the indefinite postponement of the Immigrants and Emigrants Amendment Act. This Ceylon found to be most irksome, particularly since deportation of alleged illicit immigrants required the co-operation of the Indian High Commissioner in Colombo, and such co-operation was generally not forthcoming in cases of illicit immigrants prosecuted under the amending act.

The recent increase in the incidence of illicit immigration has led to further amendment of the island's immigration law, whereby the provisions relating to illicit entry have been further tightened. By the Immigrants and Emigrants Amendment Act of 1961, (which became law on 7 December 1961) (Ceylonese service personnel have been given the power of search and arrest on land and in the territorial waters of Ceylon in respect of suspected illicit immigrants, and they have been empowered to search and seize means of transport suspected of carrying such immigrants. Further, the amending Act has made provision for the apprehension of suspected illicit immigrants within the territorial waters of Ceylon—under the previous law, a person committed an offence only when actually landing illicitly on the island. Penalties for illicit immigration have

44. *ibid.*

generally been increased, while persons suspected of harbouring, concealing on transporting illicit immigrants have been included within the category of persons (hitherto confined to illicit immigrants only) on whom the onus of proof has been placed, if accused. Offences connected with illicit immigration have been made non-bailable.

India has shown herself to be no less determined than Ceylon to stamp out illicit emigration from her shores. Between 1952 and the end of November 1963, 5,962 illicit emigrants and 3,598 touts, agents and boatowners have been apprehended in India, and of these a total of 7,405 persons have been convicted in Indian Courts. Such emigration generally originates from the State of Madras, mainly from the districts of Tirunelveli, Thanjavur, Madurai and Ramanathapuram, and its effective suppression required the co-operation and co-ordination of efforts of the central and state governments. With this end in view, periodic conferences have taken place between central and state government officials, and recommendations emanating from these conferences, e.g., that preventive machinery should be tightened and that penalties for illicit emigrants, touts, etc. should be increased, have generally been implemented both by the Government of India as well as by the State Government of Madras. Among the steps taken by India in this connection are the following; prosecution of touts, abettors and potential illicit emigrants, patrolling off the coast of South India, particularly between Point Calimere and Tuticorin, by local Police and Police specially recruited for the purpose; raids by Emigration Officers and Police at places where touts, agents and potential illicit emigrants are known to congregate; grants of rewards to informers; publicity in the press, radio, and by means of handbills, pamphlets, etc., describing the hardships which illicit emigrants undergo and advising them against it, and the maintenance of close liaison between emigration, police, and customs authorities, and a strict vigilance in areas notorious for illicit emigration.⁴⁵ In 1953, the Indian Government appointed a special officer to co-ordinate action for the prevention of illicit emigration to Ceylon.⁴⁶ India herself has tightened the law relating to illicit emigration. The Indian Emigration Act

45. *Lok Sabha Deb.*, (14.12.1954) Part I, Vol. 7, col. 1423.

46. *The Hindu*, 27 June 1953

of 1963 (which became effective on 1st January 1964) provides for very heavy punishments (both fine and imprisonment) for illicit emigrants and touts and for the confiscation of country crafts and sailing vessels.

The responsibility for the implementation of anti-illicit emigration measures belongs to the Madras Government, but this Government's record in suppressing illicit traffic is no more impressive than Ceylon's. As the *Times of India* commented:

“It must be admitted that the Madras Government has done little to curb illegal emigration to Ceylon”.⁴⁷

The fact that many thousands of persons in South India are willing to risk the severe penalties of the law, and that illicit emigration continues to flourish between India and Ceylon, is probably on indication of economic pressure in South India more than anything else. Presumably, therefore, the economic rehabilitation of South India is the surest guarantee that such emigration will decline in future. This is recognised in Ceylon, but for a small island herself attempting to make economic development keep abreast of a rapidly increasing population, the threat of population pressure from India and lowering of living standards due to unauthorised immigration from India is so real and immediate that the problem of such immigration constitutes, if not the most controversial, at least the most significant aspect of Ceylon's relations with India.

47. *Times of India*, 9 August 1963.

CHAPTER VI

ECONOMIC RELATIONS

Even before independence a Ceylonese delegate, in discussing colonialism at the Asian Relations Conference in New Delhi in 1947, had drawn attention to the fear of small countries like Ceylon that domination in the future, not necessarily political but economic and demographic, could well emanate from the Asian Big Powers, India and China.¹ From the 1930s onwards, the penetration of Indians into the island's economy had become a profound object of nationalist concern. Not unlike other countries with an Indian minority, the immigrant Indian community in Ceylon consisted of an overwhelming majority of South Indian unskilled labourers, a class of South Indian bankers and financiers—the Nattukottai Chettiars—a class of Marwari, Sindhi, Gujerathi merchants and traders, and an assortment of salesmen, clerks, domestic workers, etc.

As seen in Chapter III above, it was the predominance of the Indian in the field of labour which had first aroused nationalist resentment in Ceylon, and led to demands for restriction of immigration from India. But Indian labour was by no means the only, or the most significant, of the Indian economic interests in the island. Though not quite so extensive as in Burma, the Chettiar investment in Ceylon was considerable. According to an estimate of 1945, there were 750 Chettiar firms in the island with an aggregate capital of £7½ (about Rs. 100 million) in banking and commerce.² Chettiar business was mainly composed of money-lending and pawn-broking but, due to foreclosure of mortgages, they had also become owners of extensive coconut properties in the island. Indeed,

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1. *Asian Relations; Report of Proceedings and Documentation of the First Asian Relations Conference*, (New Delhi, 1948), pp. 78-79.
 2. C. Kondapi, *Indian Overseas* (New Delhi, 1951), p. 344. No estimate is available of the present total Indian investment in Ceylon. The Chettiar investment, however, still probably remains about Rs. 100 million (see *Times of Ceylon*, 15 July 1964).

the gradual alienation of mortgaged coconut land to the Chettiar community was serious enough to be taken note of by the Ceylon Banking Commission in 1934; according to figures supplied to this Commission by the Ceylon Nattukottai Chettiars' Association themselves, 500,000 acres of coconut land (out of a total of 1,100,000) had been purchased by the Chettiars against their claims.³

Nor was money-lending and pawn-broking the only avenues of Chettiar enterprise. Together with Marwari, Sindhi and Gujerathi merchants from North India, Chettiars had established themselves as piece goods merchants, importers of rice, estate suppliers, estate owners, retail shopkeepers, grocers, millowners, etc. According to an Indian official estimate in 1944, about 90% of wholesalers, 60% of the medium dealers, and 40% of retailers in the island were Indian.⁴ A Ceylonese leader (Mr. S.W.R.D. Bandaranaike) could state with justifiable anxiety at an Indo-Ceylon conference in 1941:

All trade and business, from the smallest village "boutique"—the village store—to the biggest business in our towns is controlled to a very great extent by outsiders, chiefly Indians . . . Lands are also fast passing into the hands of the big Indian capitalists . . . Unemployment is rampant . . . It is really becoming now a question of stark survival.⁵

It was not surprising, in such a context, that nationalist economic policies in Ceylon should have been definitely geared to the objectives of repatriation of Indians and of Ceylonisation. In Burma, where a similar situation obtained, nationalist reactions were the same. Indeed in Burma, even more than in Ceylon, the economic hold of the immigrant Indian in the country's business, trade, agriculture, etc. had become so extensive before independence as to justify the opprobrium of "semi-colonialism" or "colonialism within colonialism". The ethnic and

3. Report of the Ceylon Banking Commission. *Sessional Paper 22 of 1934*, p. 170. The Commission estimated that 80% of Ceylon's tea industry, and 45% of her rubber industry were, at that time, British owned. *Ibid.*, pp. 156, 159.

4. *Review of Important Events Relating to or Affecting Indians in Different Parts of the British Empire During the Year 1944-45*. The present number of Indian trading establishments in Ceylon run by persons with residence visas is about 8,000. See *Times of Ceylon*, 15 July 1964.

5. Indo-Ceylon Relations Exploratory Conference, Proceedings of Meetings. *Sessional Paper 9 of 1941*, p. 6.

socio-economic composition of the Indian minority was also the same as in Ceylon. At the top of the pyramid were the South Indian Nattukottai Chettians, at its base the South Indian labourers and in between an assortment of Marwari, Gujarathi merchants, traders, a mixed lot of government servants and so on. As in Ceylon, the problem of Indian labour assumed in Burma, as one writer has put it, "a Frankensteinian form" during and after the depression of 1929-30, and even led to Indo-Burmese riots in 1930 and 1938;⁶ but the problem eased considerably after the war due to the mass voluntary repatriation of Indians in 1941, and their tendency to return to India even after independence due to political unrest, civil war, Nationalist Chinese invasion, etc. In 1953, Indian labourers represented only about 13% of total urban labour in Burma, whereas in 1933 they had constituted about 64% of all skilled and unskilled labour in the country.⁷ On the eve of Burmese independence, it was not so much the problem of Indian labour as the Chettian vested interest which demanded attention in Burma. Chettians owned about one-fourth (3 million acres) of the country's best rice-land; Chettian capital invested in agriculture alone was estimated in 1930 at Rs. 500 million, and in urban property and businesses a further Rs. 250 million.⁸ In the same year, 1,655 Chettian firms were doing business in Burma (mainly engaged in lending to agriculturists, financing retail and wholesale merchants and industrialists).⁹ Indeed, according to the 1931 Census, more than 50% of Rangoon's population consisted of Indians, and over 50% of Rangoon Municipal Corporation's taxes were paid by Indian residents.¹⁰ However, as with the labour question, the other aspects of the Indian problem in Burma also were diminished in magnitude after independence. The dwindling of the Indian population in Burma to 4% of the total population (from 7% before independence) considerably reduced the importance of the Indian minority both politically and economically. Moreover, the passing of the Land Nationalisation Act in 1948 at one stroke provided for the liquidation of the Chettian hold on the country's economy; and although the law was not immediately applied throughout the country,

6. U. Mahajani, *The Role of Indian Minorities in Burma and Malaya* (Bombay, 1960), p. 71 *et seqq.*

7. *Ibid.*, p. 8 Table 5, p. 174.

8. Virginia Thompson and Richard Aldoff, *Minority Problems in Southeast Asia* (Stanford, California, 1955), pp. 85 ff.

9. Mahajani, *op. cit.*, pp. 16-17.

10. *Ibid.*, p. 4.

and though the scale of compensation fixed by the Burmese Government has not been acceptable to the Chettiars, the problem did not become a controversial issue in Indo-Burmese relations. After independence, policies of Burmanisation have sought gradually to effect the transition to Burmese control of government employment, industry, agricultural employment, and trade.¹¹

Independence did not lead in Ceylon to any substantial diminution of the Indian problem. In Ceylon independence was not heralded by any liquidation of Indian vested interests, nor indeed of any foreign economic interest. But, as discussed in the next chapter, the momentum of Ceylonisation policies, already begun before independence, increased, and Ceylon's immigration policy was avowedly intended to promote Ceylonisation wherever possible. Thus, residence permits have been denied to Indian nationals whose trades, businesses, professions etc. could be undertaken by Ceylonese, and since 1954 large numbers of Indian nationals with expired residence permits, many of them with business connections in Ceylon, have been progressively repatriated to India.¹²

Ceylonese policy in respect of private foreign investment was also intended to provide incentives to such nationals who might wish to withdraw their assets and leave Ceylon. According to an official definition of policy in respect of private foreign investment in Ceylon in 1955, residents in Ceylon, nationals or otherwise, could not transfer out of the island profits, interest and dividends earned in Ceylon, while they were resident in Ceylon; but sterling area nationals were given the option of transferring freely to their country of origin all proved assets in Ceylon when leaving on retirement or at any time thereafter.¹³

11. *Ibid.*, pp. 174 ff. The recent Burmese laws providing for the nationalisation of trade have uprooted and virtually dispossessed a large class of Indian merchants, clerks, shop assistants, etc. who had not obtained, or were refused, Burmese nationality and this class is being progressively repatriated to India.

12. See pp. 150-53, *supra*.

13. Ministry of Finance, *Government Policy in Respect of Private Foreign Investment in Ceylon* (Colombo, 1955), p. 6. Until the middle of 1964, Indians leaving Ceylon for good were allowed to take with them Rs. 250,000 of their assets, with remittance of the balance at yearly instalments of Rs. 25,000. In July 1964, however, the permissible limit was reduced to Rs. 75,000, on the ground of Ceylon's foreign exchange difficulties. See text of 1964-65 budget speech of Dr. N.M. Perera in *The Ceylon Daily News*, 31 July 1964.

As Table IX on page 170 indicates, economic policies such as the above have led to the repatriation of significant amounts of Indian capital from Ceylon since 1954. Thus, while the average amount remitted to India and Pakistan as migrants' transfers for the years 1950-53 was Rs. 3.8 million approximately, the average for the years 1954-57 was Rs. 31.7 million and for the years 1958-60 Rs. 24.3 million approximately. The figures available are for both India and Pakistan, but the bulk of the transfers effected were by voluntary and compulsory Indian repatriates withdrawing their assets from Ceylon. The total amount of the exclusively Indian assets transferred between 1954 and 1963 is Rs. 228 million.

Remittances

An invariable source of nationalist concern and resentment, especially in newly independent countries with immigrant Indian populations, is the question of remittances. From the Indian point of view, emigrants' remittances are rooted in the social ethics of India; an income earner is obliged to support, besides his wife and children, his parents, widowed and unmarried sisters, younger brothers, etc. The Indian Government has generally regarded such remittances as a legitimate interest of overseas Indians, and has invariably used its influence to ensure their continuance.¹⁴ Outside India, on the other hand, the regular remittances of the Indian immigrant tended to be looked upon as the real test of his political loyalty to the country of his adoption. In the eyes of local nationalists, there was a fundamental contradiction in the practice whereby an immigrant Indian claiming rights of domicile in the country of his residence outside India was required to permanently support dependants in India. In such countries, moreover, foreign exchange difficulties and balance of payments problems determined exchange control policy, and there was a constant tendency to whittle down Indian remittances at times of foreign exchange scarcity and adverse payments balances.

In Ceylon, exchange control for sterling area transactions was instituted with effect from June 1948. Originally, any person could remit up to Rs. 50 per month to any country in the sterling area, on production of his Rice Ration Book at a post office. In practice, the vast majority of such remittances were to India, and there was evidence that the

14. Even in Burma, where the Indian Government has been reluctant to press for compensation for Indian owned nationalised land, it has taken up with the Burmese Government the question of remittances. *Report of the Ministry of External Affairs, Government of India for 1956-57.*

concession was being abused.¹⁵ The permissible amount was, therefore, reduced to Rs. 25 a month. As from January 1950, the concession was wholly withdrawn, and remittances to India and Pakistan were subjected to a system of individual permits.

Thenceforth it became necessary for Indian remitters to prove that they had *bona fide* dependants in India, and their application forms were required to be certified by gazetted officers of a certain rank in India. Remittances by permanent residents were generally discouraged, and only applicants for foreign exchange who were temporary residents were declared eligible.

TABLE IX
Gross Remittances from Ceylon to India and Pakistan¹⁶
Rs. Million

<i>End of Period</i>	<i>Repatriation of Capital</i>		<i>Remittances of Dividends, Interest and Profits</i>	<i>Maintenance Allowances</i>
	<i>Sale of Rupee Co. Shares, Liquidation and Sale Proceeds of Firms, etc.</i>	<i>Migrants' Transfers</i>		
1950	5.1	6.6	8.8	32.5
1951	5.4	3.5	10.7	59.4
1952	2.7	1.3	6.4	90.8
1953	2.6	3.6	5.1	38.0
1954	4.4	19.0	4.4	30.7
1955	5.2	36.8	4.6	23.8
1956	5.0	39.7	4.5	18.3
1957	2.9	31.3	6.1	15.5
1958	6.3	39.1	3.6	10.7
1959	2.8	24.8	3.7	10.2
1960	1.3	9.2	3.4	7.2
1961	1.1	9.2	3.4	7.2
1962	0.6	7.4	3.0	8.3
1963	0.4	11.7	4.6	6.3

Source:—Central Bank of Ceylon.

15. *Administration Report of the Controller of Exchange for 1948.*

16. The figures in this Table relate both to India and Pakistan, but the Pakistani share is infinitesimal.

Special provision was made for Indian estate workers by the institution of an Estates Group Scheme in September 1948. Any estate worker who declared himself a temporary resident could send up to Rs. 60 a quarter on behalf of his household on application to the estate superintendent, the payment being made to the beneficiary through the Ceylon Emigration Commissioner in Trichinopoly.¹⁷ In September 1951, due to a relaxation in exchange control, the quarterly limit was raised to Rs. 750 and declaration of "nationality of residence" on the application form was made unnecessary, but in September next year such declaration was again required, and the quarterly limit was reduced to Rs. 300, this amount being further reduced to Rs. 90 a quarter subsequently.¹⁸

The Indo-Ceylon Agreement of 1954, and divergences between India and Ceylon on the question of "statelessness" had their impact on exchange control policy. As from September 1954 the Ceylon Government decided that estate labourers who desired to remit moneys for the maintenance of their dependants should be permitted to do so only on production of a passport issued by or on behalf of a foreign government.¹⁹ This, presumably, was one of the "inducements" envisaged by Ceylon under Article 7 of the agreement, and it was one of the main Indian grievances against the implementation of the agreement on the Ceylonese side. At the October 1954 conference held in Delhi, Ceylon's tightening of exchange control in respect of Indian remittances was among the subjects of discussion, and in the Joint Statement which ensued from that conference it was agreed that Ceylon would extend exchange control facilities to Indians in Ceylon, as before.²⁰ But in November 1954 Ceylon decided that exchange control facilities would be extended only to persons of Indian origin who had been issued with India-Ceylon Passes or Identification Certificates by the High Commissioner for India in Ceylon. Indian estate employees already in possession of a valid passport or India-Ceylon Pass endorsed with a temporary residence permit remained eligible to make remittances of the basic ration if the residence permit had not expired. From the end of 1954, therefore, the "stateless" category became ineligible to send remittances to India.

17. *Loc. cit.* In 1957, the offices of the Ceylon Emigration Commissioner were closed, and thereafter this facility ceased to exist. *Administration Report of the Commissioner of Labour for 1957.*

18. *Ibid.*, for 1953.

19. *Ibid.*, for 1954.

20. *The Hindu*, 12 October 1954.

The nett effect of these regulations can clearly be seen in Table 9 on page 170. From 1954, there has been a sharp decline in the amounts annually remitted to India from Ceylon as maintenance allowances. While such allowances averaged approximately Rs. 55 million for the years 1950-53, the average is only about Rs. 16.5 million for the years 1954-60. Of those affected by the new regulations the preponderant majority are "stateless" estate workers, but quantitatively the amounts remitted by the estate workers have always remained a small proportion of total private remittances to India. According to a computation of Ceylon's Minister of Finance in 1949, over 80% of the annual maintenance remittances to India were remittances by non-estate Indians.²¹ It was the urban labourer, petty trader, middleman, etc., from India who accounted for the bulk of maintenance remittances to India, and the Ceylon Government did not disguise the fact that its exchange control policy, while being determined broadly by foreign exchange and balance of payments problems, was also meant to affect adversely this class of Indian remitter. Adverting especially to the Indian urban labourer, the Ceylonese Minister of Finance declared in 1949:

In my opinion the presence of this type of labourer is a serious financial burden causing grave economic problems in Ceylon. Firstly, they compete directly with the Ceylonese labourer. Secondly, they displace Ceylonese labour from employment. Thirdly, they are willing and eager to work for lower wages and thus depress the higher standards of living among the Ceylonese labourers. Fourthly, they increase unemployment among Ceylonese labourers—there is no unemployment among Indian labourers though there is among Ceylonese labourers. Fifthly, they remit abroad every cent of their savings and make no contribution to the financial needs of the country. Sixthly, they impose a strain on Ceylon's adverse balance of payments.²²

If exchange control was to serve the purpose for which it was enacted, said the Finance Minister, it must affect adversely this class of remitter.

21. *Times of Ceylon*, 6 July 1949. For the actual amounts remitted to India under the Estates Group Scheme see *Administration Reports of the Commissioner of Labour*.

22. *Times of Ceylon*, 6 July 1949.

Indian opinion, however, regarded Ceylonese exchange control primarily as "an instrument for oppressing Indians with a view to making them clear out of the island"²³ and as "thoroughly vexatious and intolerable to the large Indian population in Ceylon".²⁴

With the signing of the 1964 October agreement between India and Ceylon, the position of the "stateless" category among persons of Indian origin in Ceylon as regards foreign exchange remittances was not materially altered. But this agreement contained a liberal provision under which persons to be repatriated to India would be allowed to take with them, at the time of repatriation, assets up to a maximum of Rs. 4,000/- per family of repatriates.

Indo-Ceylon trade

Both in India and Ceylon, the structure of foreign trade has remained basically unchanged since independence. Both countries are large-scale importers of foodstuffs, machinery and manufactured products, and large-scale exporters of tea and raw materials. Despite the impressive industrial expansion already achieved by India under the second and third Five-Year Plans, therefore, the economies of the two countries are still largely competitive. Ceylon's main export staples are tea, rubber and coconut. But India herself is a major producer of tea, while she produces about 85% of her domestic requirements of rubber and 75% of her requirements of coconuts. Hence, Ceylon figures as a source of supply of limited value for India, and this is reflected in a persistent adverse balance of Ceylon's trade with India. It is evident that India's relative importance as a source of supply for Ceylon is also changing. Before independence India was an important source of Ceylon's food supplies; since Partition, however, India herself became a net importer of food grains as the fertile agricultural regions in the north-east and north-west devolved on Pakistan. Thus while India had supplied 31% of Ceylon's food imports in 1938, in 1951 she supplied only about 9%.²⁵ India no longer supplies Ceylon with food grains and pulses though subsidiary foodstuffs, e.g., curry stuffs, dried fish, etc. still figure prominently in Indo-Ceylon trade. Moreover, Ceylonese Governments since independence have increasingly sought diversification of the island's import and export trade, with the

23. According to a Ceylon Correspondent in *The Hindu*, 10 June 1949.

24. *Ibid.*, Editorial comment.

25. *Ceylon Daily News*, 8 January 1953.

result that alternative markets have been found by Ceylon for some products traditionally supplied by India. Since the negotiation of the Ceylon-China Trade Agreement in 1952, in particular, a significant proportion of Ceylon's trade with India has been diverted to China. For these reasons the volume and relative importance of Indo-Ceylon trade is less than might be suggested by the geographical proximity and long-standing commercial connections of the two countries.

In both countries balance of payments problems impose further obstacles to trade expansion. Since independence India has been faced with a recurrent deficit in her balance of trade; foreign exchange is sorely needed to purchase foodgrains and capital equipment, vital for the development tasks of the country. Consequently, import controls have been adopted, restricting imports to most essential items. Export controls, too, have been imposed either due to internal shortages of goods or to develop and canalise exports in a manner most suitable for the foreign exchange needs of the country. Ceylon has been more fortunate in her balance of trade than India; but even so 1952, 1953 and 1957-59 were deficit years and shortages of foreign exchange impose limits to Ceylon's capacity to import goods, just as in India. Soon after independence in Ceylon, the Sterling Assets agreement with the Government of the United Kingdom was signed, in consequence of which Ceylon's import trade control was closely linked with foreign exchange control, and used as an instrument to rectify adverse balances of payment of the island. Import control in Ceylon, therefore, fluctuated with the balance of trade; recurring trade deficits since 1957 has led to the imposition of severe austerities and import controls by recent Ceylonese Governments. The balancing of trade or payments, however, has not been the only objective of import control in Ceylon.

Protection of local industry is another important aim. Under the Industrial Products Act of 1949, imports of "regulated products" are allowed only on the condition that the importer purchases the local product in a specified ratio to the imported article of the same kind. The law has so far been applied to the following articles; rolled steel sections, glass tumblers, towels, rubber footwear, shirts, banians, sarongs, textiles, plywood chests, ceramics, etc.²⁶

26. For a discussion of the working of the Industrial Products Act, see S.N. Perera, "Industrial Products Act", *The Ceylon Economist*, 5: 221-26, July 1961.

Import control machinery has also been used as a deliberate means of Ceylonising the island's import and export trade, and some articles of import (onions other than red onions, and a few currystuffs) from India have been "Ceylonised".

Indian Share of Ceylon's Foreign Trade

Despite increasing competition from countries like Japan and China, India remains an important source of supply for Ceylon. As an import market, India generally ranks second, on an average supplying about 13% of the island's total imports. As a market for Ceylon's exports, however, India is comparatively unimportant; the average is about 2.5% and generally India ranks ninth after the United Kingdom, the United States, China, Australia, Canada, South Africa, West Germany and Egypt. From India's point of view, imports from Ceylon are negligible in relation to total trade, but the island generally ranks sixth as a buyer of Indian exports, after the United Kingdom, the United States, Australia, Pakistan and Burma.

TABLE X

Percentage of India in Ceylon's Foreign Trade 1949-58

	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958
Imports ..	14.8	15.5	12.1	12.4	12.4	13.7	16.6	13.0	12.5	12.8
Exports ..	2.0	1.9	2.6	2.6	2.7	3.8	4.2	4.3	3.1	2.3

Source:—*Thirty Years Trade Statistics of Ceylon, 1925-54*; *Statistical Abstract of Ceylon, 1959*.

Commodity Composition of Trade

The main articles of export from India to Ceylon are: textiles, dried fish, onions, dried chillies, and other currystuffs, coal, fertilizers, jute manufactures, tiles, bricks, cement, brassware, aluminium-ware, cinematograph films, etc. The main articles of export from Ceylon to India are: copra, coconut oil, desiccated coconut, betelnuts, unmanufactured tobacco, spices, cinnamon leaf oil, rubber, graphite and hides and skins.

Coconut products form about 85% of Ceylon's exports to India. India is highly desired as a market by Ceylonese coconut producers because Indian prices for copra and coconut oil are generally far in excess of world prices,²⁷ and Ceylon has been anxious to keep the Indian market for these commodities open in the context of quota restrictions and import bans imposed by India. In April 1958, due to foreign exchange difficulties, India banned the import of coconut oil and placed a quota restriction on the import of copra.²⁸ However on representations made by a Ceylonese trade delegation in Delhi, the Government of India agreed to relax the restrictions. A global quota of 50,000 tons of copra imports was released for the ensuing six months, and this was to be shared mainly by Ceylon and Malaya. Indian soap manufacturers were given the option of converting a part of the Ceylonese quota of copra into coconut oil on the basis 100 tons of copra equals 60 tons of coconut oil.²⁹ The Indo-Ceylon Trade Agreement of 1961 provided that India would import more quantities of copra and coconut oil during the period of the agreement.³⁰

The most important item of India's exports to Ceylon is textiles, but the value of the island's imports of this commodity has been declining in recent years, partly due to increasing foreign competition from countries such as Japan, China, the United Kingdom and Czechoslovakia. Thus Indian textile imports dropped in value from Rs. 85 million in 1950 to Rs. 58 million in 1954,³¹ while imports from Japan more than doubled between 1951 and 1958 (from Rs. 48 million to Rs. 107 million), and there has been a recent significant increase in textile imports from China.³² Indian textile imports have also been affected by the development of the handloom industry in Ceylon. In pursuance of Ceylon's policy to protect her incipient industries, handloom textiles were brought within the purview of the Industrial Products Act. At the end of 1958, the Ceylon Government imposed a total ban on the import of sarongs and

27. *Ceylon Daily News*, 10 May 1958.

28. *Ceylon Daily News*, 9 April 1958.

29. *Ibid.*, 8 May 1958.

30. See pp. 182, *infra*.

31. *Thirty Years Trade Statistics of Ceylon, 1925-54*.

32. See *Administration Reports of the Controller of Imports and Exports*.

sarong materials from India.³³ The ban severely affected Indian handloom producers. Handlooms are the biggest cottage industry in Madras State, and Ceylon had for decades been the largest export market for their output, about 30% of India's total foreign handloom exports being exports of sarongs to Ceylon.³⁴ India protested against the ban on the ground that it was contrary to the GATT, to which Ceylon was a signatory. Accordingly, the ban was withdrawn after a few weeks by Ceylon;³⁵ but as a result of the strict import control policy adopted by the Government of Mrs. Sirimavo Bandaranaike (1960-1965), the ban has since been reimposed and, in fact, extended to a large number of other textile goods imported from India. By 1962 the value of textile imports from India had dropped further to Rs. 35 million from the figure of Rs. 58 million in 1954. In recent years, there has also been a tendency for Ceylon to obtain her import requirements traditionally supplied by India, either from other cheaper sources, or from markets which have been newly opened by the negotiation of trade agreements. Thus, dried fish imports from India declined from 553,261 cwts. (valued at Rs. 99 million) in 1959 to 104,748 cwts. (valued at Rs. 6.4 million) in 1962, and Ceylon now obtains cheaper quantities of this commodity from Pakistan. Similarly, Ceylon's imports of coal have dropped from 157,343 tons (valued at Rs. 10.0 million) in 1959 to 4,406 tons (valued at Rs. 0.3 million) in 1962, the deficit being now provided by China. Imports of sakkarai, too, have declined from 397,316 cwts. (valued at Rs. 11.7 million in 1959) to 33,908 cwts. (valued at Rs. 0.9 million) in 1962. A comparable decline of imports in manufactured beedies and cement is discernible. Yet, despite this significant decline in the volume of Ceylon's imports from India, the visible balance of trade still continues to be adverse to Ceylon.

Balance of Trade

As seen in the Table below, a feature of the trade balance between India and Ceylon is the recurrent import surplus of Ceylon. It has been the constant object of Ceylonese Governments since independence to

33. *The Hindu*, 19 December 1958.

34. *The Hindu*, 29 December 1958.

35. See *Lok Sabha Deb.*, (30.4.1959), 2nd ser., Vol. 30, col. 14167.

wipe out or reduce the adverse trade balance with India, but efforts in this direction have been generally negated by the fact that imports from India to Ceylon fall within the category of essential requirements, while India either has no use for Ceylon's chief export staples, as in the case of tea, of which she is a major producer herself, or does not require them in large enough quantities, as in the case of rubber and coconut products, to make any appreciable difference in the balance of trade.

Notwithstanding foreign exchange difficulties and the tendency of Ceylon increasingly to diversify her trade, the value of Indo-Ceylon trade has increased absolutely over the decade preceding 1960 as will be seen from Table XI. Unlike in India, the terms of trade were generally favourable to Ceylon during the fifties; the island's exports fetched higher prices, and imports, mainly food and textiles, cost less during this period. Consequently, the volume of the island's total trade, notably the imports rose sharply, and India shared proportionately in the increase. The 1960's, however, have generally been marked by rising import prices and declining export prices for Ceylon. Consequently recent years have witnessed a sharp decline in the overall balance of trade. The Indo-Ceylon trade balance itself took a turn for the worse in 1960, showing a deficit of Rs. 230 millions, the highest recorded since independence. The Ceylon Government's response was to initiate a strict policy of import control commencing with the budget of 1960, and during the whole course of the Sirimavo Bandaranaike Government (1960-65) imports were either totally banned or restricted under license (as in the case of certain categories of non-essential goods), or they were more widely diversified, with a view to obtaining more imports from countries with which Ceylon had reciprocal export arrangements.

The new policy was avowedly intended to rectify the large adverse trade balance which accrued to Ceylon from her trade with countries such as India. As will be seen from Table XI, Ceylon's import surplus with India has lessened considerably in the years since 1961 and, in his budget

TABLE XI

Indo-Ceylon Trade (Rs. Millions)

			<i>Imports</i>	<i>Exports</i>	<i>Trade Balance (Ceylon)</i>
1948	..	..	130	20	-110
1949	..	..	153	20	-133
1950	..	..	181	29	-152
1951	..	..	188	47	-141
1952	..	..	212	36	-176
1953	..	..	200	41	-159
1954	..	..	191	65	-126
1955	..	..	242	78	-164
1956	..	..	213	71	-142
1957	..	..	226	50	-176
1958	..	..	220	37	-183
1959	..	..	247	53	-194
1960	..	..	268	38	-230
1961	..	..	207	38	-169
1962	..	..	163	66	-103
1963	..	..	93	29	- 64
(1st 9 months)					

Source:—Thirty Years Trade Statistics of Ceylon, 1925-54; Ceylon Customs Returns.

speech for 1964, the Ceylonese Minister of Finance specifically appealed “to those countries with whom we have a large adverse balance of trade, particularly India, Burma and Japan to adopt a more generous attitude towards imports of commodities from Ceylon”.³⁶

36. *Ceylon Daily News*, 31 July 1964.

One way in which India could adopt a more liberal trade policy towards Ceylon is by lifting her ban on the import of arecanuts from Ceylon. The Indian ban has virtually dealt a death-blow to the island's arecanut industry but although arecanuts are sold at Rs. 200-300 a cwt. in Madras and Bombay while the price in Ceylon does not exceed Rs. 6 or 7 the Indian Government has so far declined to consider a lifting of the ban.³⁷

Trade Agreements

The mutual expansion of trade is an objective pursued both by India and Ceylon and the multiplicity of trade agreements concluded by the two countries since independence contrasts significantly with their mutual differences over the Indo-Ceylon question. Generally Indo-Ceylon trade agreements are of two kinds: (a) those relating to tobacco, and (b) general agreements providing for mutual expansion of trade.

There have been two Tobacco Agreements between India and Ceylon since independence, the first effective during 1953-57, the second during 1958-61.³⁸ Both agreements had the same purpose; they were intended to secure the entry of Jaffna chewing tobacco into India at a concessionary rate of duty, to provide for the import into Ceylon of manufactured beedies from India on existing rates of duty and to facilitate the increasing use of Indian grown tobacco for the production of cigarettes in Ceylon.

The Tobacco Agreements were concluded in the context of declining demand for Jaffna chewing tobacco in India and for Indian beedies in Ceylon. In order to eliminate any sudden bans of these commodities to the detriment of producers in both countries, the agreements provided that the imports of these commodities to India and Ceylon, respectively, would be progressively reduced over a period of years, so that cultivators of Jaffna chewing tobacco could convert their tobacco fields into the cultivation of other crops, on the one hand, and on the other, so that Ceylon's domestic production of beedies might be gradually built up and Indian imports of this commodity dispensed with.³⁹ The 1953 agreement had

37. *Ibid.* Since this was written, the ban has been lifted.

38. Tobacco Agreement between the Government of Ceylon and the Government of India, *Ceylon Treaty Series No. 7 of 1953 and No. 2 of 1958.*

39. *H. of R. Deb.*, (25.6.1958), Vol. 31, coll. 317-19; *The Hindu*, 14 January 1958 and January 19, 1959.

provided for a static quota of 2,500 candies of Jaffna chewing tobacco to be imported to India each year at two different rates of concessionary duty—Rs. 300 per candy and Rs. 450 per candy—the quantity admitted at Rs. 300 decreasing from year to year and the quantity admitted at Rs. 450 increasing correspondingly. The expectation that the necessary transition would be made by producers during the period of the 1953 agreement was not fully realised, however, and therefore the agreement was extended for a further period of four years beginning in September 1958. In the 1958 agreement the concessionary duty was a flat rate of Rs. 400 per candy of Jaffna chewing tobacco, but the permissible quota of imports to India was to be progressively reduced.

Generally agreements for the mutual expansion of trade between the two countries have been concluded effective for the years 1950, 1952, 1961-62 and for 1963. Generally all these agreements followed a similar pattern in that they provided for trade in specified quantities of certain goods and commodities without committing either country to buy or sell. Each country, however, agreed to facilitate the trade by permitting the export to and import from the other country of the supplies and commodities mentioned in the agreement as well as other goods and commodities within the framework of existing regulations.

The discussions preceding the first agreement (which was effective for the calendar year 1950) included questions relating to the effect of customs duties on some items of trade between India and Ceylon and the marketing of Indian and Ceylon tea besides the exchange of goods and commodities. The agreement on commodities⁴⁰ covered the export of coal, firebricks, fireclay, cotton cloth and yarn, jute goods, onions, chillies and other subsidiary foodstuffs from India to Ceylon and the export of copra, coconut oil, rubber, hides and skins, graphite, betelnuts, unmanufactured tobacco and citronella oil from Ceylon to India.

The second Agreement (valid for the calendar year 1952) was of the same nature as the first. The two countries agreed to exchange commodities up to a maximum limit specified, and the commodities covered by the agreement were the same as earlier.⁴¹

40. See *The Statesman*, 26 October 1949.

41. Exchange of Letters Between the Government of Ceylon and the Government of India regarding the Exchange of Supplies and Commodities between the Two Countries. *Ceylon Treaty Series No. 6 of 1952*.

The trade agreement which was signed in October 1961 and took immediate effect specified that the volume of trade on both sides would be increased but with a certain guarantee of exports and imports between the two countries. Besides, Ceylon agreed to relax her import restrictions on Indian handloom goods (except sarongs), on a specified quota of manufactured beedies, and on jaggery and tamarind from India; while India agreed to import more quantities of coconut oil, copra and rubber from Ceylon on which India had imposed restrictions.⁴² In December 1963, letters were exchanged between the two Governments providing for trade in items of special interest to the two countries during the year 1963. Among other things, the agreement provided for the supply by India, on a deferred payment basis and to a value of Rs. 50 million, of railway equipment, telephone equipment and such other approved capital goods as might be required by Ceylon.⁴³

The pattern of Indo-Ceylon trade has generally been determined by basic factors such as foreign exchange difficulties, adverse trade balances, import and export controls, etc. However, as the negotiation of the Tobacco Agreements indicate, there is an evident desire on the part of both governments to ameliorate any adverse effects caused by the sudden imposition of import controls to the detriment of traditional import-export markets in the two countries. It is clear that basically Indo-Ceylon trade has not been affected by the question of Indians in Ceylon. This trade has increased in value during the period since independence, at any rate until the imposition of import controls in 1961, and the timing of some of the trade agreements suggests that lack of agreement between India and Ceylon on questions like citizenship, immigration and franchise has had no bearing on trade. Indo-Ceylon trade, however, is not entirely irrelevant to other aspects of Indo-Ceylon relations, especially insofar as it affects the control of this trade on the Ceylonese side. Since independence, there has been a regular trend of Ceylonisation of the island's import and export trade, and this must necessarily, in the long run, affect the status of persons of Indian origin in Ceylon who are traders, and who have not succeeded in establishing their claims for Ceylon citizenship. This aspect of the question will be discussed in the next chapter, in the context of the influence of internal politics in Ceylon on the Indo-Ceylon question.

42. *The Hindu*, 29 and 31 October 1961.

43. Central Bank of Ceylon, *Annual Report of the Monetary Board to the Minister of Finance for 1962*, p. 59.

CHAPTER VII

INTERNAL POLITICAL ASPECTS OF THE INDO-CEYLON QUESTION: CEYLON

While problems relating to illicit immigration have generally tended to produce a concurrence of view and co-ordination of effort between the Governments of India and Ceylon, their basic attitudes and approach to the Indo-Ceylon question have been marked, until the recent negotiation of the Indo-Ceylon Agreement, by divergence and dissimilarity of purpose. This divergence and dissimilarity was partly perhaps the product of the difference in the magnitude of the problem in the two countries. For India, the problem of Indians in Ceylon is a comparatively minor issue, part of the general problem of overseas Indians.¹ Unlike their attitude to Indian residents in South Africa, for example, the Government of India does not regard the problem of Indians in Ceylon as a problem of human rights.² And although Indians not admitted to Ceylon citizenship have been denied voting rights since 1952, neither economically nor socially are they a depressed class in Ceylon. So long, therefore, as they are allowed the right to reside and pursue their avocations in the island, there was no particular urgency in the problem as far as India was concerned.

For Ceylon, on the other hand, it is a vital national issue for various reasons; in the first place, because of the demographic threat implied in illicit immigration from a country with a rapidly expanding population and a lower standard of living; secondly, because a rising population and increasing unemployment in Ceylon itself puts considerable

1. The total number of Indians overseas has been estimated at approximately 4.5 millions; the number in Ceylon, according to the 1953 Census, was 990,000.

2. "I do not think it will be quite right to bring in the question of human rights in regard to estate labour (in Ceylon). Their non-recognition or their non-registration as citizens of Ceylon can hardly be called an infringement of human rights. It is undesirable, it is otherwise being protested against". Nehru in *Lok Sabha Deb.*, (5.5.1961), Vol. 55, 2nd series, col. 15693.

pressure on the Ceylonese government to find greater economic opportunities for nationals of Ceylon, a policy which invariably affects Indians because of their predominance in certain avenues of trade and employment in the island; and thirdly, because of the fear entertained by certain Ceylonese leaders and interests that the Indian community, specially the Indian estate population, holds a threat to the political predominance of the Kandyan Sinhalese in their traditional homelands in the hill country.

Though not officially regarded as a national issue in the same sense in India, there are, nevertheless, Indian sectional interests and groups for whom the Indo-Ceylon question is of considerable importance. The vast majority of Indians in Ceylon are Tamils from South India; remittances from emigrants employed in the island have long constituted a vital element in the family budget of many homes in the districts of Madurai, Tirunelveli, and Ramanathapuram, among others, of Madras State. Tamils in this state especially have therefore taken an active interest in the Indo-Ceylon question, and in developments in Ceylon relating to this issue in particular, and in general to the status and rights of *all* Tamils of Ceylon. For the same reasons, and also perhaps due to pressure from chauvinistic Tamil elements in the provincial legislature, the Government of Madras have been constrained, from time to time in the past, to express their views and make their recommendations on various aspects of this question to the central government in Delhi.

To what extent sectional interests and pressure groups influence government policy is always a difficult question to decide. There are indications, however, that the attitudes of such interests and groups are not entirely irrelevant to government policy, especially in Ceylon. This chapter and the next examine some of the more important internal political and economic considerations which bear on the Indo-Ceylon question in Ceylon and India, and attempt to assess what influence these considerations have on government policy.

A Prime Minister of Ceylon has expressed the fundamental dilemma which confronts all Ceylonese governments in their attempt to deal with the Indian question :

But I repeat that there is a limit to the concessions this country can make (to Indians in Ceylon). There are two sides to this question. Whilst there are those people who are applying for registration as

citizens, there are also the people of Ceylon, and any concession beyond what is reasonable would be certainly to the detriment of the permanent population of this island.³

Ever since Ceylonese citizenship became a political issue, Ceylonese leaders have emphasised the conflict in political and economic interest between the Indian claimants for Ceylon citizenship and Ceylon's own indigenous population. "This is a case", as the Leader of the Opposition (Mr. Solomon Bandaranaike) put it in 1954, "where justice to two peoples, sometimes with conflicting interests, is concerned. When you are defining it in that way, it is not possible to think of justice in absolute terms. Certainly give all the justice to the Indian population here, but let it be subject to overriding justice to our own people".⁴

It has always been an assumption explicit in Ceylon's citizenship policy that the economic interest of the island's indigenous population demanded the limitation of the number of Indians admitted to Ceylon citizenship. This stand had been taken by Mr. Solomon Bandaranaike even as early as the 1940 talks with India, and the same argument, in some form or another, has been consistently advocated by every Prime Minister since independence. When Ceylon's citizenship laws were formulated in 1948-49, they were deliberately made restrictive so as to limit the number of Indians admitted to Ceylon citizenship,⁵ and the economic argument was widely used by Prime Minister D.S. Senanayake and other spokesmen for the government in their defence of these laws.

3. Mr. Dudley Senanayake in *H. of R. Deb.*, (11.11.1952), Vol. 13, col. 608.

4. *Ibid.*, (2.3.1954), Vol. 16, col. 2924.

5. Cf. Mr. D.S. Senanayake's statement that the Citizenship Acts were intended to reduce the number of Indians in Ceylon and that "those qualified (under these Acts) would be a small number". *H. of R. Deb.*, (25.7.1951), Vol. 10, col. 1600. Mr. Senanayake's attitude to the citizenship question was not without ambivalence. He had decided, on the one hand, that the number of Indians admitted to Ceylon citizenship should be limited, but on the other hand threw upon such citizenship to all Indians who could satisfy the Commissioner, under the provisions of the Indian and Pakistani Residents' Citizenship Act, of a permanent interest in Ceylon. Since this Act embodied principles of a general nature, and was to be administered by an impartial Commissioner not subject to political control, it was always theoretically possible that the number of persons admitted to Ceylon citizenship under its provisions could far exceed any limits contemplated by Mr. Senanayake. That he did envisage limits is shown by the fact that he assured a deputation of Kandyan leaders that no more than 50,000 Indians would get Ceylon citizenship under the Act. See *H. of Deb.* (16.7.1953), Vol. 14, col. 579; also *ibid.*, vol. 16, coll. 2947-48.

The theory of limited economic absorbability of Indians in Ceylon has sometimes been criticised by Opposition spokesmen in the island.⁶ It has been argued that notwithstanding Ceylon's citizenship policies, the majority of such Indians are, in fact, absorbed in the island's economy and, indeed, that many of them are engaged in tasks which are vital to national economic development, such as work in the tea and rubber plantation industries. While this cannot be denied, it is arguable, on the other hand, that such a state of affairs had emerged only because of the citizenship deadlock between India and Ceylon, and because of India's refusal, until October 1964 to countenance the repatriation to India of "stateless" persons of Indian origin in the island. Moreover, the contention of the Ceylonese Government is that the continued employment of many Indians even in vital national development tasks is injurious to the island's permanent population, which is expanding, and for which more and more economic opportunities have increasingly to be found. This aspect of the question is not lost sight of in India. Indeed, in recent years there appears to be a growing appreciation of Ceylon's attitude to the Indian question in the context of her economic difficulties.⁷

Some Economic Aspects of the Indo-Ceylon Question

Ceylon exhibits many features characteristic of an Asian newly developing economy: A rising population, a low *per capita* national income, growing unemployment and stagnation in the plantation industries on which the prosperity of the island has hitherto depended.

Population expansion has been phenomenal in recent decades. In 1815, Ceylon was reputed to have a population of only 1 million, but in 1948, the year of independence, it had exceeded 7 million. According to the 1953 Census, Ceylon had a total population of 8 million a figure which had risen to an estimated 10 million in 1961. Ceylon's rate of population increase of 2.8 per cent is one of the highest in the world, and there is every prospect, according to N.K. Sarkar, of a 50 per cent addition to the population in the next twenty five years.⁸ During the later

6. See e.g., *H. of R. Deb.*, (24.8.1948), Vol. 4, coll. 1878-80.

7. See e.g., Indian Council of World Affairs, *Defence and Security in the Indian Ocean Area*, (Bombay, 1958), pp. 106-07.

8. N.K. Sarkar, "Population Trends and Population Policy in Ceylon", *Population Studies*, 9; 196, March 1956.

decades of the nineteenth, and the early twentieth century, Ceylon's population increases were partly due to large-scale immigration from India.⁹ This has not been the case in recent decades.¹⁰ In recent years the rate of natural increase has been the most important factor in the island's population expansion—the death rate having steadily declined due to malaria control by D.D.T. spraying, improved sanitation, nutrition, health services and the like.¹¹ The contribution of illicit immigration to population expansion is uncertain, but if published statistics of illicit immigrants actually apprehended in Ceylon are any indication, this must be regarded a negligible factor.

Population trends in Ceylon have posed serious problems for the government, chief among them being the problem of maintaining standards of living at levels for which the island has been reputed. Ceylon's gross national product per capita is nearly two and a half times that of India or Burma.

The distribution of real income compares favourably with India and all other countries in the area. Apart from Burma, contrasts between rich and poor are less sharp. Life expectancy is twice what the Indian can anticipate; there are six times as many hospital beds per thousand; many more schools and teachers per capita than in India. Transportation is relatively available. There are ten times as many vehicles and twenty times as many miles of road per capita as in India.¹²

These signs of comparative economic well-being were due largely to the prosperity which flowed from Ceylon's plantation industries. But the plantation economy seems incapable of supporting the island's rising population. There is little suitable land available for further expansion of tea and rubber plantations, and in any event, the island's plantation economy has been exceedingly vulnerable in the past to increasing foreign competition, fluctuating world prices and market conditions. Wriggins noted that "after the initial improvement following

9. See W.H. Wriggins, *Ceylon: Dilemmas of New Nation* (Princeton, 1960) pp. 214-15.

10. During the decades 1931-40 and 1941-50, there was, in fact a, net outflow of Indians from Ceylon. See p. 14 Table II *supra*.

11. Sarkar, *op. cit.*, pp. 195-96.

12. Wriggins, *op. cit.*, p. 68.

independence, standards of consumption have levelled off", and that "unless a new dynamism is injected into the economy, more and more people will have to subsist on a relatively stable national product and compete for a limited number of job opportunities".¹³ Sarkar's conclusion was the same:

While large numbers are added to the population every year, the economic resources show little or no expansion. This persistent pressure on the available land not only consistently depresses the level of living, but makes an escape from the process increasingly difficult. If the population and economic trends since 1921 are maintained, an explosive situation can hardly be avoided in the near future.¹⁴

Accurate figures of unemployment in the island are not available. The number of persons actually registered as unemployed at Employment Exchanges throughout the country was 86,000 in 1956 and over 150,000 in 1961.¹⁵ These figures, however, do not give a true picture; according to a Survey of Consumer Finance conducted by the Central Bank of Ceylon there were 540,000 unemployed and 386,000 under-employed in Ceylon in 1953; while The Central Bank's sample survey for 1963 shows a total of 457,730 persons as unvoluntarily unemployed.¹⁶

The problem is particularly acute among the rural peasantry. Over 70 per cent of Ceylon's population live in rural districts, and for this part of the population the development of plantations had distinct disadvantages. Not only did the economic opportunities offered by these plantations accrue largely to the immigrant Indian labourer and trader, but "the clearing of forest in the catchment areas of the irrigation system reduced rainfall, and through soil erosion, silted the canals and tanks. Some of the better land was taken for plantations, and the peasants were driven to inferior land to maintain acreage. The reduced irrigation

13. *ibid.*, pp. 52 and 72.

14. Sarkar, *op. cit.*, p. 200.

15. Central Bank of Ceylon: *Annual Report of the Monetary Board to the Minister of Finance for the year 1961*, Table 38.

16. Central Bank of Ceylon, *Report on the Sample Survey of Ceylon's Consumer Finance*, May 1953, pp. 12-13, Tables 5 and 7; *Survey of Ceylon's Consumer Finances 1963*, p. 56.

put a severe limit to the possible extension of cultivation".¹⁷ Increasing population put further pressure on the land, and led to sub-division of peasant holdings, the general tendency being that more and more persons became increasingly dependent upon smaller and smaller allotments.

Landlessness and indebtedness were the inevitable consequences of these conditions. According to a Survey of Rural Indebtedness in 1957, 57 per cent of rural families in Ceylon were in debt.¹⁸ Besides, over 37 per cent of the total rural population are landless labourers.¹⁹ The worst conditions prevail in the Kandyan districts in the hill country, where the tea and rubber plantations are mostly located. In these districts, the extent of landlessness is even higher,²⁰ and increasingly Kandyan youths are casting covetous eyes on the attractive wages and opportunities available on the estates, and which have been hitherto monopolised largely by the Indian. A commission appointed to inquire into the conditions of the Kandyan peasantry in 1951 reported:

The village area is comparatively densely populated. The villages are hemmed in on all sides by plantations and are found as a rule in a cluster at the bottom of the hills. Many tanks and "pathahas" which provided irrigation for the sowing of paddy, the main item of diet, have been partly silted up by soil erosion, or absorbed by estates. The paddy area has not increased with the increase of population. The garden land available is not sufficient to meet other requirements . . . The peasants are landless and the main problem is landlessness.²¹

It has been the constant complaint of Kandyan leaders that "all these lands which now constitute the Kandyan Provinces which constitute the tea and rubber estates of these provinces, belonged to the people in those provinces", and that they have been unfairly deprived of these lands as a result of the development of plantations.²² With less logic, the Indian

17. Sarkar, *op. cit.*, p. 197.

18. Cited in K. Wanasinghe, "Towards a Socialist Ceylon", *Ceylon Economist*, 5: 230, July 1961.

19. Report on the Survey of Landlessness. *Sessional Paper* 13, of 1952.

20. In a field survey of a Kandyan district undertaken by the University of Ceylon, 66 per cent of the families investigated were landless. See N.K. Sarkar and S.J. Thambiah, *The Disintegrating Village* (Colombo, 1957).

21. Report of the Kandyan Peasantry Commission. *Sessional Paper* 18 of 1951.

22. *H. of R. Deb.*, (16.7.1953), Vol. 14, Coll. 572-73.

Tamil estate labourer has often been blamed for the plight of the Kandyan peasant. More than half the Indian estate population are inhabitants of the Kandyan Central Province and Uva and their comparative economic well-being is much resented by Kandyans who are themselves turning increasingly towards the estates for employment.²³ To make matters worse, the Indian estate population itself has been increasing with the general population increase, and there has been in recent years a surplus of labour on the estates. In the Kandyan Provinces and elsewhere, competition for limited economic opportunities has become one of the most intractable elements of the Indo-Ceylon question.

Ceylonisation

Progressive Ceylonisation of employment and trade in the island has been the special response of the Government of Ceylon in these circumstances. From its inception in the 1930s, the policy of Ceylonisation has been directed primarily against the immigrant Indian, in order "to ensure a higher percentage of participation by the nationals of the country in trade, commerce, and industrial activities as regards management, labour, and finance".²⁴

Already before independence a start had been made towards Ceylonisation of the public service and local government service; benefits under ordinances such as the Land Development Ordinance of 1935, the Fisheries Ordinance of 1940 and the Omnibus Service Licensing Ordinance of 1942 had been reserved exclusively for "Ceylonese" as defined in these ordinances; and wartime shortages and profiteering had led the government to make the first inroads into the practical monopoly of the Indian in certain spheres of the wholesale and retail trade of Ceylon by sponsoring and encouraging the co-operative movement.²⁵

23. The Central Bank of Ceylon's *Report on The Sample Survey of Ceylon's Consumer Finances*, 1963, p. 51 and table 25, gives the following crude activity votes by race, crude activity rate being defined as the economically active population expressed as a percentage of total population: Indian Tamils 55.1%; Kandyan Sinhalese 28.4%; Low-country Sinhalese 31.0%; Ceylon Tamils 29.9%; All Island 31.7%. The crude activity rate for Indian Tamils is thus 23.3% above the All Island figure.

24. *ibid.*, Vol. 3, col. 1047.

25. See Chapter III p. 91 *supra*.

Since 1948, there has been an extension of Ceylonisation in these and other spheres of activity. No non-national can now enter the public or municipal services except for essential services for which Ceylonese are not available. The Port of Colombo, once the exclusive preserve of the Indian worker, is Ceylonised, and contractors have been directed that no Indian labour is to be employed by them when executing government contracts.²⁶ Ceylonisation of the mercantile services has proceeded apace. During 1950 and 1951, the Senanayake Government entered into a series of "Gentlemen's Agreements" with the Indian Mercantile Chamber, the Colombo Broker's Association, the Ceylon Estates Employers' Federation, the Ceylon Estates Staffs' Union, and other associations with a view to ensuring that new entrants to the mercantile services, whether in clerical, technical, or managerial posts, should be Ceylonese wherever possible. Generally the rights of those who were already in employment at the signing of the agreements have been safeguarded, and Ceylonisation has applied mainly to new entrants.²⁷ Administrative pressure rather than legislative enactment has been the general mode of implementation of Ceylonisation policies in the mercantile sector and employers have been quick to take their cue from the government.

Estate labour has presented more complicated problems. The Kandyan Peasantry Commission had been firmly convinced that "the problem of village rehabilitation cannot be solved without making available to the village population a greater measure of employment on the estates".²⁸ Accordingly, they had urged the extension of Ceylonisation to fields of agricultural employment as being a matter of vital importance to the rural population. This, however, was no easy task. The Indian estate population in Ceylon has been growing so rapidly in recent years that any major diminution of their prospects of employment was bound to cause serious problems on the estates, unless a mutually acceptable agreement providing for the repatriation of surplus estate labour to India was simultaneously arrived at. Ceylonisation was therefore slower to reach the estates than other sectors, although even without

26. *The Hindu*, 11 April 1950.

27. For a typical agreement, see *The Statesman*, 22.12.1950.

28. *Sessional Paper* 18 of 1951.

government intervention the number of Ceylonese workers employed on estates employing Indian labour had been steadily rising since independence.²⁹

However, the predominance of the Indian in estate labour employment did appear to exemplify discrimination against the indigenous worker in the view of Ceylon's Ministry of Labour.³⁰ In 1956, therefore, the Bandaranaike Government decided that thenceforth at least 50% of new recruits to the plantations should be from among Ceylonese, and that no village labour was to be replaced with "imported labour". The Indian High Commissioner was assured that the intention was not to displace Indian labour already employed on the estates, but to ensure that a fair proportion of new recruitment would be given to Ceylonese.³¹ There is mounting pressure, however, that estate employment and the benefits of such employment, should be reserved exclusively for Ceylonese citizens.³² When a National Provident Fund Bill was under consideration in Parliament in 1958, 40 M.P's at a special meeting of the Government Parliamentary Group of the SLFP, urged that the Bill be amended so that non-Ceylonese would not be entitled to benefit from the Fund, and it was only after the intervention of the Prime Minister that the demand was dropped.³³ Mr. Bandaranaike arguing that the proposed amendment would only aggravate the Indo-Ceylon question.

Perhaps the most significant aspects of Ceylonisation are those that relate to the trade and commerce of the island. The share of Ceylonese in the export-import trade of the island has always been negligible, and probably does not exceed 10-15% even today.³⁴ This trade is controlled

29. See Appendix III for the proportion of Indian to Ceylonese workers in estates employing Indian labour since 1948.

30. For report of Ministry of Labour communique in this sense, *The Hindu*, 31 January 1959.

31. *Lok Sabha Deb.*, (19.11.1957). 2nd ser., Vol. 8, col. 1216.

32. See, e.g., report in *The Hindu*, 12 May 1961.

33. *Ceylon Daily News*, 5 and 7 March, 1958.

34. Wanasinghe, *op.cit.*, p. 243. According to an Indian official estimate in 1944, 90% of the wholesalers, 60% of the medium dealers and 40% of retailers on the island were Indian. *Review of Important Events Relating to or Affecting Indians for 1944-45*. The Indian dominance in the wholesale and retail trade of the island in more recent years, however, has been considerably affected by the policy adopted by both Bandaranaike governments, of encouraging and expanding the activities of Co-operative wholesale and retail societies and of denying extension of Temporary Residence Permits to traders of Indian nationality.

largely by European managing agency houses and companies, and by Indians and Pakistanis. The Indian merchant virtually had monopoly control over the island's import trade; often he had close links with the producer or exporter in India, and the articles of his trade, being mainly in foodstuffs, condiments and curry stuffs, textiles, and so forth, were so essential for Ceylon's consumer needs that he occupied a very strategic position in the economy and was difficult, if not impossible, to displace. However, since the government gave a filip to the co-operative movement during the last war, his position is progressively declining, and since independence Ceylonisation is being applied to more and more aspects of the island's trade and commerce.

During the war the government requisitioned all stocks of rice, flour, sugar, and a proportion of all stocks of textiles on the island, and handed them over to the Co-operative Wholesale Establishment for retailing through co-operative societies throughout the island. The C.W.E. has until recently acted as the state trading organisation, and the import and distribution of rice, flour and sugar has remained in its hands, while new articles, such as red onions, potatoes, etc., are being added to the list of the government's import monopolies. The government has also used import control machinery as an instrument to divert trade deliberately to Ceylonese newcomers as well as established importers either by reserving specific quotas in various lines of import trade, or by protecting established Ceylonese importers from overall reduction, if any, in import quotas affecting the scale of their business. The Ceylon Government also proposed a stricter interpretation of the term "Ceylonese" for the purpose of the island's import-export control laws. Hitherto firms with 51 per cent share holding under Ceylonese were recognised as Ceylonese; according to the proposed definition however any firm to be recognised as a Ceylonese firm was required to have 100% share holding in Ceylonese hands and all its employees were required to be Ceylonese. The implementation of this policy however has been stayed as a result of the conclusion of the Indo-Ceylon Agreement of October 1964.

A further measure of Ceylonisation is the reservation of the import and export trade with certain countries and in certain specified commodities to Ceylonese. At the end of September 1962 the import and export

trade with Albania, Austria, Bulgaria, China, the U.S.S.R., Czechoslovakia, Hungary, Poland, Korea, Rumania, Taiwan, North and South Vietnam, and the import trade with West Germany, East Germany, Japan, Yugoslavia and Spain, had been reserved to Ceylonese. "Ceylonised" articles of import are onions (other than red onions), jaggery, gingelly seed, mustard seed, cotton banians, slippers, rubber footwear, diamonds, etc., and the rubber trade with China is reserved to Ceylonese only.

Whether, however, Ceylonisation has so far made any significant change in the control of the import-export trade of Ceylon is problematical. According to a computation made in 1957, only 12.7 per cent of the island's total import trade was in Ceylonese hands at that time,³⁵ and the present position is not much better.³⁶ Except for the export trade with China, the control of the export trade of the island has also remained fundamentally unchanged. However, there is every indication that increasingly it will become more and more difficult for the non-Ceylonese trader and merchant, more especially the middleman and petty trader, to carry on business in the island. In 1958, the *Estate Bazaar Compulsory Acquisition Act* was passed empowering the government to acquire new land for development of bazaar areas, which would be reserved for Ceylonese only. By the *Business Registration (Surcharge) Act No. 16 of 1961*, every person, other than a corporation or company, who was registered in respect of any business under the Business Names Ordinance on the 15th September 1960, was made liable to a surcharge on the fee paid for registration under that ordinance, the fee being discriminatory as between Ceylonese (who were to pay Rs. 250) and non-Ceylonese (who had to pay Rs. 1,000). This law was subsequently rescinded, but the *Licensing of Traders Act No. 62 of 1961* gives the Minister the power to order that no one except those exempted by his order, may carry on business as a trader in any article of export or import unless he holds a license to do so. Wide powers are given under the Act to the licensing authority to suspend or revoke licenses, or to impose fines, in the event of malpractices by traders. Thus even though Ceylonisation

35. *Ceylon Daily News*, 26 August 1958.

36. See *Administration Report of the Controller of Imports and Exports (incorporating the Report of the Commissioner of Tea Exports) for the period 1st January 1961 to 30th September 1962*.

may not have accomplished much so far, the future trends are unmistakable. In 1958, the Indian High Commission addressed an Aide Memoire to the Ceylon Government, seeking clarification of the policy of Ceylonisation and stating that uncertainty in their future was causing much concern to many Indian nationals with business interests in Ceylon.³⁷

Political Aspects of the Indo-Ceylon Question: the franchise

Besides the decided economic advantages conferred by it, citizenship had important political implications for the franchise and system of representation of Ceylon. Independence did not necessitate fresh elections in Ceylon, and the Parliament elected in 1947, in which 7 Indian members representing the CIC had been returned, continued to sit as the first Parliament of independent Ceylon. After the enactment of the citizenship law, however, the franchise was made dependent upon citizenship, under the provisions of the *Ceylon (Parliamentary Elections) Amendment Act of 1949*. The Indian members continued to sit in the first Parliament, but at the next General Election in 1952, the names of all Indian voters except those who had been admitted to Ceylon citizenship, were expunged from the electoral register.

Since the large majority of Indians in Ceylon were applicants for Ceylon citizenship at the time of the 1952 election, it seemed to Indian opinion unfair that they should have been so summarily disfranchised. The Indian Government, the Ceylon Indian Congress, and Indian opinion generally strongly urged that the Ceylon Government should make special provision, such as the enactment of an Ordinance,³⁸ restoring the vote to the Indian community in the island at least for the purposes of the 1952 election.³⁹ In a letter to the Indian High Commissioner, the Ceylonese Prime Minister held, however, that there was "no provision in our law of a special procedure either during the lifetime or after the dissolution of Parliament, for passing of a 'special ordinance', as suggested by India⁴⁰. There was provision for the Governor-General to summon

37. *Lok Sabha Deb.*, (7.5.1958), 2nd ser., Vol. 7, col. 13612.

38. Parliament was under dissolution at the time.

39. See *The Hindu*, 25 April 1952; *ibid.*, 5 and 15 April 1952 for press comment.

40. Reported in *ibid.*, 25 April 1952.

Parliament while under dissolution, under conditions of emergency, but the Prime Minister did not think such conditions existed, and in any event, the Ceylon Government were not prepared to "amend the law or vary its already declared policy that only citizens of Ceylon should enjoy the franchise".⁴¹

At the end of April 1952, the CIC launched *satyagraha* and carried on with it for 142 days, but without avail. They also challenged the validity of the *Ceylon Citizenship Act of 1948* and the *Ceylon (Parliamentary Elections) Amendment Act of 1949* in courts of law. The contention was that these enactments were *ultra vires* the constitution under its section 29(2), inasmuch as they were discriminatory to the Indian community in Ceylon. But the Ceylon Supreme Court ruled otherwise, and this ruling has been upheld by the Judicial Committee of the Privy Council.⁴²

Representation

The legality of the disfranchisement of Indians was thus established, though its political expediency was questionable. Since 1952, Indian interests have been virtually unrepresented in the Ceylonese Parliament: their representation in the second Parliament (1952-56) was nil, while in the third (1956-60) and fourth (1960-64) Parliaments, one nominated member has looked after Indian interests. Moreover, denial of the vote to approximately 10% of the island's population tended to destroy a carefully conceived communal balance of power, which had been embodied both in the constitution and the first delimitation of electoral areas.⁴³ Apart from this, the political balance of power itself changed. The seven CIC members returned to the first Parliament had sat on opposition benches. Since 1952, their constituencies have been captured and retained mainly by members of the UNP. The principle that only citizens of Ceylon should be eligible to vote was no doubt defensible in the circumstances. But the fact remains that the chief beneficiaries from

41. *ibid.*

42. *Mudanayake v. Sivagnanasunderam* (1952), 53 *New Law Reports*, 25.

43. The representation clauses of the *Ceylon (Constitution) Order in Council*, 1946, deliberately aimed at giving "weightage" to the minorities in the electoral system so that their combined strength in Parliament would compare favourably with that of the Sinhalese majority.

the disfranchisement of the Indian community in the island have been the UNP, due to the fact that this party has had the strongest political backing among Sinhalese elements in the Kandyan areas.

It has also suited the particular interests of the Kandyan Sinhalese. While Kandyan areas had returned seven Indian Tamils at the 1947 elections, the Indian vote had also influenced the election result in 14 other constituencies,⁴⁴ out of a total of 95 territorially elected seats. Kandyan leaders argued that an Indian Tamil population of 660,000, concentrated as they were in upcountry estates, had completely submerged politically a scattered Kandyan Sinhalese population of 2½ million. "A political future made so dependent on a non-Ceylonese body", they complained to the Prime Minister, "is, in our view, the worst form of slavery".⁴⁵ While welcoming the legislation defining Ceylonese citizenship in 1948-49, they deplored any attempt to confer on Indians citizenship rights which would adversely affect the position of the Kandyans themselves. They accordingly urged in 1948, that the proposed Indian Citizenship Bill should require a residential qualification of 21 years from all Indians desiring Ceylon citizenship, together with other tests designed to prove that the applicant had the intention of settling down permanently in the island.⁴⁶ This proposal was, of course, rejected by the government; but, as pointed out above,⁴⁷ Mr. Senanayake did assure a Kandyan deputation that not more than 50,000 Indians would get Ceylon citizenship under the proposed Bill. Kandyan opinion were evidently not much impressed by this assurance. In January 1949, a public meeting was held in Kandy, presided over by Sir T.B. Panabokke, to protest strongly against the provisions of the draft Indian Residents' Citizenship Bill.⁴⁸

In Parliament itself, Kandyan criticisms of the Bill were not so uncompromising. Apart from the Indian members, most of the representatives from Kandyan seats were in the Government Parliamentary

44. S. Namasiyayam, *Parliamentary Government in Ceylon* (Colombo, 1960), p. 95. The Kandyan contention was that the Indian vote influenced the election result in 22 constituencies. See *Ceylon Daily News*, 25.11.1948.

45. *ibid.*

46. *ibid.*

47. See note 5 *supra*. Also *Ceylon Daily News*, 26 July 1948.

48. *ibid.*, 20 January, 1949.

Party, and the sanctions of discipline would, in any event, have required their support of the Bill. On the citizenship and immigration bills, the government party voted *en bloc*, but during the debate Kandyan spokesmen, among them Ministers of State, scarcely concealed their dislike of the Indian Residents Citizenship Bill as being too much of a concession to the Indian point of view.⁴⁹ As one of them stated on another occasion:

I am not certain about the Government, but I am myself inspired by a fear complex. One of the first things that a person should be in possession of is freedom from fear. But believe me we are afraid, and that is why we feel that we have to restrict the composition of our nationals—of our population in this country. It may be that we may not be able to follow the examples of other countries. We have to consider our own citizenship rights according to our own circumstances.⁵⁰

In the political as well as in the economic sphere, the Kandyan claim for special consideration of their interests is one that no Government of Ceylon can afford to ignore, and reconciliation of this claim with the conflicting interest of the Indian Tamil estate labourer forms one of the most intractable aspects of the Indo-Ceylon question. In 1954, an attempt was made to reconcile the special political interests of the Kandyans with the obvious need to provide adequate parliamentary representation for the Indian Tamils. The Indo-Ceylon Agreement of January 1954 provided that Indians registered as Ceylon citizens through the operation of Ceylon's citizenship law would be placed on a separate electoral register for an initial ten-year period, and that these persons would be entitled to elect a certain number of members of Parliament, the number being decided in consultation with the Prime Minister of India.⁵¹

To give effect to this part of the agreement, the Kotelawala Government passed a constitutional amendment making provision for the return of four Indian members from a special all-island electorate.⁵² This was never put into operation, however; evidently the Kotelawala

49. See especially the speeches of Mr. A. Ratnayake and Mr. M.D. Banda in *H. of Deb.*, Vol. 5, 1948, coll. 467 ff and col. 515.

50. *H. of R. Deb.*, (19.8.1948), Vol. 4, col. 1771.

51. Proposals Relating to Persons of Indian Origin Framed by the Prime Ministers of Ceylon and India. *Ceylon Treaty Series No. 1 of 1954*.

52. *The Indian and Pakistani (Parliamentary Representation) Act, No. 36 of 1954*.

Government intended that the special election for Indians should take place at the same time as the next General Election, which was due in 1957, whereas India's understanding was that interim elections would be held before this date for Indians.⁵³ In the event, however, Ceylon's General Election was held in April 1956, and the UNP Government was defeated at the polls. The special electorate did not make much appeal to the new Prime Minister, Mr. Bandaranaike, and his government abolished it.⁵⁴ India took no objection to the abolition, adopting the view that the parliamentary representation of Ceylonese nationals was a matter of purely domestic concern to Ceylon alone.⁵⁵

Indians admitted to Ceylon citizenship, therefore, are now enrolled in the general register, but since the number of such citizens was barely 134,000 in 1964 out of a total Indian estate population of over a million, it is now the Indian voter who is scattered in relation to the Kandyan population, and it is highly unlikely that the Indian vote can command sufficient strength in any single constituency to ensure the return of an Indian candidate to Parliament.⁵⁶

Attitudes of Political Parties in Ceylon

The Indo-Ceylon question has long been one of the most momentous issues in the internal politics of Ceylon. Since the introduction of the Donoughmore Constitution in 1931, more time has been spent on public debate of this question, both in the legislature and outside it, than on any other single political issue in the island. In view of Ceylonese sensitivities about this question, and the implications for the political and economic life of the country which it has raised, it is a matter of some interest that there have always been, since 1931, champions of the Indian interest on the island, not all of them representatives of the Indian Tamils themselves. From the days of the Donoughmore Constitution until the general election campaign of 1965 the Lanka Sama Samaja Party and the Communist Party have had a consistent record of support for the Indian estate worker, while the Federal Party, since its inception in 1949, has

53. *The Hindu*, 4 March 1955.

54. See Namavisavayam, *op. cit.*, p. 5.

55. *Lok Sabha Deb.*, (6.3.1959), 2nd ser., Vol. 29, coll. 4753-54.

56. For a discussion of the question of parliamentary representation of Ceylon citizens of recent Indian origin in the context of the 1964 Indo-Ceylon agreement, see pp. 204-05; Epilogue.

sought to project its image as the champion of Tamilian rights, embracing the cause of the Indian Tamil as well as the Ceylon Tamil. On the other hand, from the point of view of the Sinhalese parties, recent linguistic conflicts between the Sinhalese and the Tamil, and Tamil demands for federalism based on a linguistic division of the island, have only served to emphasise the political significance of the Indo-Ceylon question even more than would otherwise have been the case. The Indian question was always potentially a crucial election issue on the island; in recent years, the tendency is becoming more and more pronounced among certain parties to exploit this question as a means of gaining public support, or of discrediting political opponents.⁵⁷ It is of some interest, therefore, to attempt to examine briefly the attitude of each of the major political parties in Ceylon to the Indo-Ceylon question.

The United National Party

Since the first three governments of independent Ceylon were UNP governments,⁵⁸ this party has had more to do with the formulation of Ceylon's policy in regard to the Indian question than any other political party in the island. With the electoral victory of the UNP in March 1965, it has again fallen to the lot of this party to implement the Indo-Ceylon Agreement of October 1964. The UNP was formed in 1946 by the union of a number of existing political groups, like the Ceylon National Congress, the Sinhala Maha Sabha, and the Ceylon Muslim League. Many of its leaders had been ministers under the Donoughmore Constitution and, with the advance of Ceylon towards self-government and the economic stresses arising from the depression of the thirties, they had been responsible for formulating policies, though subject to the overriding veto of the colonial government, in respect of Indian immigration, the Indian franchise, questions of employment, and so on. Since many of these leaders continued in office in Mr. D.S. Senanayake's cabinet after independence, there was a continuity in Ceylon's Indian policy going back to as early as 1931, and the citizenship and immigration legislation which the D.S. Senanayake government passed merely implemented principles which had been hammered out years before.

57. This does not apply to the general election campaign of 1965 which, for reasons which are discussed in the following pages, was practically devoid of controversy as far as the Indo-Ceylon question was concerned.

58. Under Mr. D.S. Senanayake, (1948-1952), Mr. Dudley Senanayake (1952-53) and Sir John Kotelawala (1953-56), respectively.

The principles, which formed the basis of the UNP's Indian policy up to 1956, were mainly four. First, the UNP believed that unrestricted immigration from India was causing political and economic problems in Ceylon, and must be stopped. Second, Ceylon's economy could not possibly absorb all the Indians resident in the island; the unabsorbable element should be taken back by India. Third, the franchise could not be extended to all Indians resident in the island without distinction between those who were permanently settled and those who were not, and finally, the government should give active encouragement in providing employment opportunities for Ceylonese nationals in spheres of work hitherto monopolised largely by the Indian, or provide fresh opportunities for unemployed Ceylonese.

Both as a Donoughmore Minister and as a UNP leader, Mr. D.S. Senanayake had been one of the chief exponents of these principles. In fact, it was in 1926 that he had written:

Unless special steps are taken and less inducements are held out to the recruiting agents, this country will soon be swamped by Indian immigrants, mainly unskilled labourers. This free influx from the adjoining mainland must necessarily affect adversely not only the rates of pay and the prospects of employment of indigenous labour, but even of the needed immigrant labourers themselves.⁵⁹

During the Donoughmore period, Mr. Senanayake distinguished himself, as Minister of Agriculture and Lands, by developing irrigation facilities and promoting peasant agriculture. He was also one of the earlier champions of Ceylonisation, immigration control, and of the restriction of the franchise to domiciled Indians. Independence gave Mr. Senanayake and his followers the opportunity to extend these policies, although their confident belief that the Indian population in the island would be reduced as a result of these policies proved subsequently to be wrong.

Though organised as a multi-racial party and purporting to provide a common platform for political co-operation for diverse racial and religious interests in the island, the UNP had no place for the larger part of the Indian community. As a party not opposed in principle to free enterprise the UNP were not unpopular with the Indian business and

59. Report on Immigration of Indian Labour, *Sessional Paper 12 of 1926*, Dissent by D.S. Senanayake.

mercantile community in Colombo. Indeed, many of them became naturalised Ceylonese under the "distinguished citizenship" clause of the Citizenship Act, and some of them were generous contributors to party funds. But this interest did not extend to the Indian estate worker, and independence led to the virtual exclusion of the large Indian estate population from all political activity in the island.

It has been argued that such exclusion was in the political interest of the UNP.⁶⁰ As a right-of-centre party deriving its support mainly from the wealthier classes and from commercial and mercantile interests in the island, the UNP had little political incentive to be enthusiastic about the citizenship rights of the estate worker. Indeed, at the 1947 elections, in constituencies in which no candidates from the CIC had appeared, the Indian vote was given generally to Marxist candidates,⁶¹ and successful CIC candidates had sat on Opposition benches in the first parliament. Considering that the Indian vote had been important in determining the election result in at least 14 constituencies, besides those actually returning Indian candidates, it is quite probable that the UNP during this period saw the Indian interest primarily as a threat to their own political position.

Besides, while the UNP viewed the large majority of Indians resident in Ceylon as "birds of passage" who had one foot in India and the other in Ceylon, the Ceylon Indian Congress, as the political organisation of these Indians, was particularly suspect as an alien institution occupying an anomalous position in the Ceylonese political context. Founded under the patronage of Indian leaders in 1939, the CIC seemed to UNP leaders to be wholly lacking in patriotism and a sense of the national interest of Ceylon. In this connection, the frequent visits undertaken to India by CIC leaders to canvass support for their cause among Indian politicians was apt to cause resentment and raise doubts about this party's loyalty to Ceylon. Mr. D.S. Senanayake posed the problem:

I ask you whether a person who wants to prove that he is permanently settled in Ceylon, that it is his intention to settle in Ceylon, is not handicapped when he does not come to any authority in Ceylon but goes before another Government, and uses the influence of that Government to claim privileges in this country.⁶²

60. See Wriggins, *op. cit.*, p. 222.

61. *ibid.*

62. *H. of R. Deb.*, (23.11.1950), Vol. 9, coll. 648-49.

From independence up to 1956, the UNP, as the government party, had been responsible for framing the citizenship and immigration laws which had been bitterly resented by Indian elements in Ceylon. Moreover, the Indian community in Ceylon were denied voting rights at the 1952 general election, by virtue of an electoral amendment which made the franchise dependent upon citizenship. At the general elections held in 1956, March and July 1960, respectively, those Indians who had been registered as Ceylon citizens under the Indian and Pakistani Residents' (Citizenship) Act marked their resentment against the UNP by voting for SLFP candidates in the plantation districts.

Interestingly enough, by the time of the March 1965 elections, the SLFP and its coalition partners had been thoroughly alienated from the Indian Tamil leadership; in fact, the electoral victory of the UNP in this general election was facilitated, in large measure, by the support of the Ceylon Workers' Congress (erstwhile CIC). After an initial hesitance, the CWC came out openly for the UNP at the tail-end of the election campaign in March 1965, and helped to turn the scales against the Coalition government of Mrs. Sirima Bandaranaike.⁶³ A notable feature of this election campaign was that, due to the existence of a measure of concurrence among the major political parties in respect of the 1964 Indo-Ceylon Agreement, until almost the last moment the Indo-Ceylon question was insulated, as it were, from the heat of political debate.⁶⁴

63. It was in Central Province, where the heaviest concentration of Indian voters is to be found, that the SLFP had its largest electoral losses, losing eleven seats to the UNP in the plantation districts, but gaining two seats from the UNP outside the plantation area. Since the elections, Mr. Thondaman has claimed that the CWC directive to its worker-members, to act unitedly to support the UNP, has been carried out. See *Ceylon Daily News*, 15 April 1965.

64. However, in reply to a challenge by Premier Sirima Bandaranaike requesting the UNP leader to clarify his position in regard to the 1964 Agreement, Mr. Dudley Senanayake declared at a public meeting: "The only thing I can say about the Indo-Ceylon problem is that it has not been fully solved". *The Sun*, 4 March 1965. In the context of Mr. Senanayake's assumption of office as Prime Minister, what this statement portends for the Sirima-Shastri agreement is uncertain. It is highly unlikely, however, that he will institute any major change in the principles of that agreement. Mrs. Bandaranaike had been in close consultation with Mr. Dudley Senanayake (then Leader of the Opposition) right up to the time of signing the agreement, and there is no doubt that he endorsed it in its essentials. The likely changes will probably relate to details of the implementation of the agreement; for example, the phased programme of repatriation and grant of Ceylon citizenship, respectively, will probably be accelerated, the provisions relating the repatriation of assets of repatriates will probably be liberally administered, and Mr. Senanayake may immediately take up with the Indian Prime Minister the question of the 150,000 persons of Indian origin, whose fate has been left for future discussion under the 1964 agreement.

The Coalition Prime Minister, Mrs. Bandaranaike, claimed to have satisfactorily negotiated a solution of the Indo-Ceylon question, a feat which had eluded five previous Prime Ministers; but the UNP leader Mr. Dudley Senanayake studiously avoided any reference to this question. As for the CWC, its leader Mr. S. Thondaman was away in India during the height of the election campaign from mid-February to mid-March, and therefore took no part in that campaign. On 14 March, however, Mr. Thondaman returned to Ceylon with the declared intent of supporting the UNP in the election, and this intention was published in the press on the 18th, just five days before the election.

It is to be expected that the new Prime Minister Mr. Dudley Senanayake will acknowledge the crucial role played by the CWC in the March election by ensuring that CWC representatives have a greater participation in the various processes involved in implementing the 1964 agreement than was contemplated by the previous government. The Coalition government's failure to provide for such participation, added to its refusal to permit Mr. Thondaman to present the CWC case to the Indian government during the time of the Indo-Ceylon negotiations in October 1964 was, presumably, one of the grounds for Mr. Thondaman's alienation from that government. Another reason was the proposed establishment (as announced by Prime Minister Sirima Bandaranaike in November 1964) of a separate electoral register to provide for the parliamentary representation of Ceylon citizens of recent Indian origin at the ensuing general election, which was at that time expected to be held in the latter part of 1965.⁶⁵ In the event, the Coalition government was suddenly defeated in Parliament on December 3, 1964, the general election was fixed for March and since the necessary legislation for a separate electorate could not now be passed, the question was dropped, at any rate for the purposes of the 1965 election. But while Mrs. Bandaranaike had earned the opprobrium of the CWC by committing herself to a

65. Probably another factor which has determined the new political alignment of the CWC is the Sino-Indian conflict, and the Sirima Bandaranaike government's neutralism (according to some, pro-Chinese neutralism) in regard to this conflict. Since Mr. Dudley Senanayake had already expressed his support for India on this issue (see p. 52 *supra*), support for the UNP could be represented as support for a pro-Indian party, while the return of the Coalition government could be represented, (as it was in the Ceylonese press) as the end of democracy and the increase of Chinese influence and infiltration on the island. See, in this connection, leading article entitled "Chinese in Ceylon" in *Indian Express*, 20 February 1965.

separate electorate, Mr. Dudley Senanayake had remained non-committal on this issue. He was, therefore, regarded by the CWC as the "lesser evil";⁶⁶ but a solution to this question has merely been postponed.⁶⁷ Considering that the CWC had been in political opposition to the UNP for eighteen years, the present alliance between Mr. Thondaman and Mr. Dudley Senanayake is a rather tenuous one and may hardly outlive the strains and stresses which the implementation of the 1964 agreement will impose upon it.

The Sri Lanka Freedom Party

Up to the time of signing the 1964 Agreement, there had been no significant changes of policy in respect of the Indo-Ceylon question under the two SLFP governments in Ceylon (1956-1959 and 1960-65). This is not surprising, since Mr. S.W.R.D. Bandaranaike, the founder of the party, had been, prior to his secession in 1951, a member of the UNP and associated with the UNP Government in the formulation of the basic citizenship and immigration legislation during the early years after independence.

The Sri Lanka Freedom Party was founded in 1951 as a democratic socialist party. Essentially it is a party representing Sinhalese nationalist interests, but from the beginning, nationalisation of various sectors of the economy such as estates, banking, insurance and transport, figured prominently in the party manifesto. As an opposition politician, Mr. Bandaranaike was fond of drawing ideological distinctions between the UNP and his own party in their respective attitudes to the Indo-Ceylon question. Thus, for example, in 1954:

Unfortunately the structure of this Government [i.e., the UNP Government] does not make it possible for them to deal with these questions satisfactorily. Always the shadow behind, big Western capitalist interests, stood in the way of dealing with this problem and solving it satisfactorily from the point of view of all concerned.⁶⁸

66. This term was used by a CWC leader in the course of conversation with the present writer, as a justification for support of the UNP.

67. In fact, during his discussions with Prime Minister Sirima Bandaranaike prior to the signing of the 1964 Agreement, Mr. Dudley Senanayake had accepted the principle of a separate electorate for Indians admitted to Ceylon citizenship. See text of Mrs. Bandaranaike's statement to the Senate, *Ceylon Daily News*, 12 November 1964.

68. *H. of R. Deb.*, (5.11.1954), Vol. 20, col. 907.

This was an oblique reference to nationalisation of estates as one of the solutions to the Indian question. Since 1956, however, both SLFP Governments have been hesitant about implementing this aspect of the party manifesto, although nationalisation of transport, the port of Colombo, and life insurance have already been accomplished. Mr. Bandaranaike explained the difficulty on the ground that the questions of citizenship and nationalisation of estates were connected; that is, if estates were nationalised before the citizenship question had been satisfactorily solved, the Ceylonese Government would be obliged to look after the estate workers who were non-national as well as the Ceylonese nationals.⁶⁹ Thus, though differing from the UNP ideologically in some respects, the SLFP were no less unwilling than the former to champion the interest of the Indian estate worker who was not a citizen of Ceylon.

Indeed, whether as Donoughmore Minister, UNP Minister, Leader of the Opposition or Prime Minister, Mr. Bandaranaike had always been one of the most ardent advocates of the theory of the limited economic absorbability of Indians in the island. Implicit in this theory was the contention that the Indian question could be solved by repatriation, and Mr. Bandaranaike, no less than any UNP Prime Minister, had seen the citizenship law as a justifiable measure which would tend to reduce the Indian population in Ceylon. The responsibility of office forced Mr. Bandaranaike to the conclusion that repatriation was no longer a practicable solution, but he blamed the UNP for having failed to solve the question on these lines during their time. In fact, UNP policies towards the Indian question were not entirely uninfluenced by Mr. Bandaranaike's views even when he was an opposition politician. He did, indeed, disagree with the Indo-Ceylon Agreement of January 1954 on various minor grounds, but later in the year, was prevailed upon to participate in the second Indo-Ceylon conference which was held in Delhi in October, and in the Ceylonese Parliament he was one of the ablest and most convincing exponents and defenders of the Indo-Ceylon Joint Statement which resulted from that conference.

Mr. Bandaranaike, who was a close personal friend and admirer of Pandit Nehru, set great store by the maintenance of friendly relations with India. He therefore tended to gloss over Ceylon's differences with India over questions such as citizenship and illicit immigration, and took

69. *The Hindu*, 4 March 1958.

the view that until Ceylon had completed investigations into the citizenship applications of persons of Indian origin in the island, there was no need to hold an Indo-Ceylon conference to settle the future of the residue that was left without citizenship of either country.

This process of investigation having been completed in 1964, it fell to the lot of Mrs. Bandaranaike to negotiate a settlement with India on the basis of repatriation of a quantum of Indian residents in the island. In a statement to the Senate Mrs. Bandaranaike has claimed that the 1964 agreement marks an advance on the agreements concluded in 1954 in three respects:—

- (1) the Indian Government has recognised its obligations to persons of Indian origin in Ceylon by undertaking to confer Indian Citizenship on those who are to be repatriated and by accepting the principle of compulsory repatriation;
- (2) no inducements are to be paid nor need repatriation be necessarily held up until a person attains the age of 55 years;
- (3) the concept of 'statelessness' will not bedevil the solution of this problem.⁷⁰

The present SLFP attitude to the Indo-Ceylon question is based on recognition that Ceylon's interests are bound up with the proper implementation of this agreement.

The Ceylon Workers' Congress and the Democratic Workers' Congress

The CWC and the DWC are both derived from the Ceylon Indian Congress which was founded in 1939 to protect the interests of Indian estate workers in Ceylon. Pandit Nehru, who visited Ceylon in 1939 as a special emissary of the Indian National Congress in order to enquire into the Ceylon Government's dismissal of its daily-paid labour in that year, was one of the founders of the CIC; and perhaps due to the circumstances of its origin, the CIC long retained marked signs of Indian influence. The London *Times* once commented:

[Indian Tamils] come and go pretty much as they like between Ceylon and India and rarely strike real roots in Ceylon; and most of them are politically organised by the Ceylon Indian Congress—

⁷⁰. Text of statement in *Ceylon Daily News*, 12 November 1964.

the very name of which arouses distrust as something essentially Indian in outlook and inspiration.⁷¹

Since 1952, membership in the Congress has been open to all communities in the island, irrespective of caste, creed or race. In 1954, the party name was changed to Ceylon Democratic Congress, but the party has now split into two wings, the bulk of Indian estate workers being organised under Mr. Thondaman's leadership as the Ceylon Workers' Congress, with the minority under Mr. Aziz taking the name of the Democratic Workers' Congress.

Ceylonese politicians have in the past been highly critical of the dual role of Congress as political party in Ceylon and pressure group in India.⁷² Congress's own conception of its political role in the island has been somewhat ambivalent. Always claiming to represent persons who are "sons of the Ceylon soil", Congress has sometimes backed up this claim by insisting that "the problem of Indian settlers in Ceylon is a problem to be settled between them and the people and Government of Ceylon, and cannot form the subject matter of bilateral negotiations between the government of this country and an external government".⁷³ More often than not, however, it has been Congress leaders themselves who have broken this rule. It has now become customary for Congress leaders to wait in deputation upon Indian politicians in New Delhi and Madras to present personally their point of view of the Indo-Ceylon question, particularly during times when Indo-Ceylon conferences are

71. *The Times*, 17 November 1952.

72. Earlier UNP leaders had some justification for looking askance at the political outlook of a party which, at that time, had been permanently opposed to the UNP; the UNP, however, were not alone in their denunciation of Congress's dual role. At the other end of the political spectrum, the Marxist LSSP itself had misgivings. The LSSP leader Dr. N.M. Perera declared in 1954; "I am also opposed to the Congress. I think they are partly responsible for the bitterness that exists between India and Ceylon. I see no justification for the existence of the Ceylon Indian Congress. I say that they have no right to exist as an Indian body. If they are Ceylonese let them join any other Ceylonese organisation". *H. of R. Deb.*, (18.11.1954), Vol. 20, col. 1065.

73. *The Hindu*, 29 November 1952; for a speech of Mr. Thondaman in the same sense, *ibid.*, 20 July 1953.

being held in India—a highly irregular and anomalous mode of behaviour in diplomatic practice.⁷⁴

The Congress lost much of its political importance after the enactment of the citizenship law and the disfranchisement of the Indian community soon after independence, but it always remained a significant political group, particularly since the labour wing of the party, which has a variable membership of approximately 300,000, is the largest trade union in the island. With the increasing registration of Indian estate workers as Ceylon citizens under the Indian and Pakistani Residents' (Citizenship) Act, however, the CWC has been able gradually to build up its political influence again. By 1964, 134,000 Indians had been registered as Ceylon citizens under that Act, and approximately 60,000 of these were registered as voters at the 1965 elections. Since this number were dispersed over the whole plantation area a direct election of a CWC candidate at this election was precluded; however, as observed earlier in this chapter, the CWC influence in that election, particularly in Central Province, was decisive and, under the present electoral arrangements, this influence will undoubtedly increase enormously with the operation of the 1964 agreement.⁷⁵ In a memorandum to the 1959 Delimitation Commission, Congress leaders urged that the estate workers, being a special economic interest in Ceylon, should be allotted nine seats in Parliament, irres-

74. In October 1954, a Congress delegation was actually admitted to an Indo-Ceylon Officials' Conference, and sought to prove unfair and discriminatory administration of the Indian and Pakistani Resident's (Citizenship) Act by producing photostat reproductions of circulars issued by the Ceylonese Registration Commissioner to his staff with a view to tightening the procedures for acquisition of Ceylon citizenship by Indians. *H. of Deb.*, (2.11.1954), Vol. 20, coll. 715-17; 724-26. More recently, after the UNP government assumed office in March 1965, Mr. Thondaman, while in Delhi to attend a conference, was able to meet the Indian Prime Minister to discuss the 1964 agreement; the previous government, however, had firmly rejected the CWC's claims to make direct representations to the Indian government.

75. At the 1965 elections, in two Central Province constituencies (Nuwara Eliya and Maskeliya) the registered Indian vote exceeded 30 per cent of the total number of voters in the electorate. However, even in electorates where the registered Indian vote was comparatively small, the marginal importance of this vote was considerably enhanced by virtue of the tendency among Indian voters to follow instructions of the Congress organisation and vote *en bloc*.

pective of considerations of citizenship.⁷⁶ Since the operation of the 1964 agreement will result in the admission of 300,000 Indians to Ceylon citizenship, in addition to the 134,000 already registered under the 1949 Act, it may be possible in the future to provide for a fair parliamentary representation of Indians admitted to Ceylon citizenship, while at the same time ensuring that Kandyan in the plantation areas are not deprived of their own representation as a result.⁷⁷

Congress leaders have seen no essential conflict of interest between the Indian estate worker and the Kandyan peasant. They have argued that the present plight of the Kandyan peasant was not due to Indian immigration, but to centuries of feudal oppression, still continuing, at the hands of Kandyan chieftains. However this may be, the Congress claim that the Indian estate workers were no longer an immigrant community, but “Kandyan Tamils” who are sons of the soil of Ceylon has lost much of its force due to the proposed repatriation to India, under the 1964 agreement, of over half a million such workers.

Surprisingly enough, neither the CWC nor the DWC have unequivocally rejected this agreement. Indeed, both organisations have demanded that in implementing the agreement, the twin processes of repatriation and grant of Ceylon citizenship should be expedited so that they may be completed even before the scheduled fifteen year period. While accepting the agreed numerical limits for repatriation and grant of Ceylon citizenship, respectively, they have objected to the principle of compulsory repatriation and asked that, in determining the repatriable quota, only those who opt or can be induced to go shall be repatriated and that “immediately on the exercise of the option a person to be repatriated shall be conferred Indian citizenship”;⁷⁸ similarly, that “Ceylon citizenship shall be conferred on a person immediately on his name being entered in the Register of those who the Government of Ceylon considers as Ceylon nationals”,⁷⁹ that they be placed on the general electoral register, and be subjected to no discrimination and considered as full fledged Ceylon citizens. In addition, the CWC has suggested that repatriates be allowed the facility of taking with them “the entirety of their savings, provident

76. Reported in *The Hindu*, 12 May 1959.

77. See Epilogue.

78. From statement issued by CWC, *Ceylon Daily News*, 9 November 1964.

79. *ibid.*

fund benefits, etc.," while the DWC has asked that the repatriables be granted facilities to travel between India and Ceylon freely pending their final repatriation.⁸⁰

These criticisms of the 1964 agreement do not appear to be fundamental; it is obviously desirable from the point of view of everybody concerned that the element of compulsion involved in implementing the agreement should be kept to a minimum. At the same time, however, it must be remembered that this agreement was negotiated on the basis of a reciprocal obligation on the part of the two countries; that is, that the processes of repatriation and grant of Ceylon citizenship are interdependent according to the numerically phased program. Any acceleration of this program that is acceptable to Ceylon must, therefore, be devised with specific reference to the agreed ratio of persons to be repatriated and granted Ceylon citizenship, respectively.

The Tamil Congress and the Federal Party

Until the eruption of language conflicts in 1956 provided them with a new focus of communal interest, the Ceylon Tamils were divided on the Indo-Ceylon question. This is evidenced by the fact that 3 Ceylon Tamils voted for, and 2 against the second reading of the Ceylon Citizenship Bill of 1948; and 6 Ceylon Tamils voted in favour, and 3 against the second reading of the Indian and Pakistani Residents' Citizenship Bill of 1949.⁸¹ Again, Mr. C. Suntharalingam, an Independent Tamil M.P. resigned from the D.S. Senanayake Cabinet on the citizenship issue, but soon after Mr. G.G. Ponnambalam, leader of the Tamil Congress, joined the same Cabinet in his place. Mr. Ponnambalam was not successful in carrying all his party followers with him into the ranks of the Government party group; some of them, led by Mr. S.J.V. Chelvanayakam, seceded from the Tamil Congress and formed the Federal Party in 1949, demanding greater constitutional guarantees of minority rights, particularly a federal form of government for Ceylon. Advocates of collaboration with the Sinhalese, like Mr. Ponnambalam, were greatly discredited when both the major Sinhalese parties (the UNP and the SLFP) declared for an official language policy of Sinhala only during 1955 and 1956. At the 1956 elections, the Federal Party, as the true guardian

80. *ibid.*

81. Namasiyayam, *op. cit.*, p. 97.

of minority Tamil interests, practically made a clean sweep of the Tamil constituencies in the north and east, and since then it has retained its following in these areas. From 1956 until the 1965 elections the Tamil Congress virtually ceased to be a political force, but the recent elections have slightly improved its fortunes.

The Federal Party has consistently advocated the rights of the entire Tamil population in Ceylon, irrespective of whether they are of recent Indian origin or not. For Mr. Chelvanayakam, the estate workers, equally with his own followers in the north and east, are Ceylon Tamils without distinction; and the citizenship laws, the act of disfranchisement, the immigration law, and the language policy of the Government since 1956, have all been characterised as part of an insidious move by the Sinhalese majority to liquidate the Tamil minority in Ceylon. So far there has not been much evidence of political co-operation between the two sections of the Tamils of Ceylon, either at the level of political leadership or at the level of mass action. The communal riots sparked off by language disputes in 1958, for example, left the estate workers practically untouched and unaffected. In fact, the estate worker had little in common with his Tamil compatriot in the north; language was not so vital to his economic interest as it was to the government-employed Ceylon Tamil; socially many of them were miles apart from the high-caste Hindus of Jaffna; and they had little interest in political objectives such as federalism so long as their prospects of employment were preserved.

Nevertheless, recent developments in the island gave a new significance to the Indo-Ceylon question. The Sinhalese-Tamil language dispute seemed to confirm earlier Federalist prognostications about the trend of discriminatory legislation against the Tamils, and tended to consolidate Tamil opinion in favour of the Indian community. This dispute also gave a new interest in Ceylonese politics to chauvinistic Tamil elements in South India; some of these elements even demanded the establishment of an independent Tamil Nad consisting of the Tamil-speaking people of India and Ceylon.⁸²

82. This aspect of the question is more conveniently discussed in the next chapter, in the context of South Indian political developments.

Federalism, therefore, could not but acquire an ominous significance for Sinhalese leaders in Ceylon, and the Indo-Ceylon question inevitably became mixed up with issues of communal politics on both sides of Palk Strait.

Support of the Indian Tamil interest has now become an integral part of the Federal Party's political program.⁸³ It is significant that the Federal Party has attempted, though with little apparent success, to build up a following of its own in the plantation districts. This policy is naturally resented by leaders of the Indian Tamils, and probably accounts for the fact that hitherto there has been little love lost between leaders of the Indian and Ceylon Tamils. Indeed, Federal leaders have sought to project an image of their party as the true guardian of Tamil interests by appearing to be even more extremist in their demands than the leaders of the CWC and DWC. Interestingly enough, it was the Federal Party which not only rejected the 1964 agreement outright but also decided to carry out a series of propaganda meetings against it.⁸⁴ In a statement on the Indo-Ceylon agreement, the party declared that this agreement "completely disregarded the principles underlying the universal Declaration of Human Rights" by its provisions for the "compulsory removal to India of many hundreds of thousands of Tamil persons who are permanently settled in Ceylon, and whose motherland is Ceylon".⁸⁵

The Federalist prognosis of the problem of the "stateless" was that it could only be solved by the Ceylon Government granting citizenship rights to all persons who have made Ceylon their home and by the Indian Government accepting as citizens of India all Tamil workers of Indian origin who wish to return to India "and by providing for their rehabilitation in their natural, linguistic and cultural environment".⁸⁶ This prog-

83. When in March 1960, after an inconclusive general election Mr. Dudley Senanayake formed a minority UNP government, the Federal party put forward a four-point demand as a pre-requisite for supporting this government. These were: (a) 4 out of 6 nominated seats in the House of Representatives to be given to Indian Tamils, (b) amendment of Citizenship Act of 1948, (c) regional autonomy and (d) statutory recognition of Tamil as an official language. *The Hindu*, 6 April 1960. After the March 1965 elections, however, the Federal Party supported the UNP minority government of Mr. Dudley Senanayake, apparently without agreement about these pre-conditions.

84. See *Times of Ceylon*, 23 November 1964.

85. For text of statement, *ibid.*

86. *Ibid.*

nosis recognises one of the principles underlying the 1964 agreement—that a solution to the problem must be sought in granting Ceylon citizenship to one category of “stateless” persons of Indian origin and in repatriating another category of such persons. But it rejects the numerical solution arrived at in 1964 and above all, it condemns compulsory repatriation.

The Marxist Left

The two main Marxist parties, the Trotskyite Lanka Sama Samaja Party and the Communist Party both date from pre-independence times, the LSSP, founded in 1935, being the oldest political party in the island. In the first Parliament of independent Ceylon, Marxist parties constituted the main opposition group; from 1952, however, this position was assumed by the SLFP, and the Marxist Left, insofar as it acted unitedly at parliamentary elections, was relegated to the status of a third party with all the disadvantages implied in such a status in a parliamentary democratic system. The parliamentary representation of Marxist parties have, therefore, not been commensurate with their long tradition of political struggle and their undoubted political influence. Ideological divergences have also in the past militated against the Marxist left emerging as a separate alternative to the UNP and the SLFP. Marxist unity suffered a serious setback in 1950, when Mr. Philip Gunewardena, a founder of the Trotskyite movement in Ceylon, seceded from the main body of the LSSP and formed his own group in Parliament. On the eve of the 1956 elections, this group coalesced with the SLFP to form the MEP (Peoples' United Front) which was returned to power. But although Mr. Gunewardena took cabinet office under Mr. Bandaranaike in 1956, he was constrained to resign from the government in 1959 due to internal dissensions in the cabinet, and thereafter he ranged himself in political opposition to the SLFP. After the 1965 elections, Mr. Gunewardena became a minister in the government of Mr. Dudley Senanayake. On the other hand, the LSSP led by Dr. N.M. Perera, which had functioned as an Opposition Party⁸⁷ since its inception, joined the government of Mrs. Sirima Bandaranaike in June 1964, thereby occasioning a new secession by a few LSSP members who were opposed to collaboration

87. Except that the LSSP had extended its political co-operation to the SLFP in the form of no-contest electoral agreements in the general elections of 1956, July 1960.

with the SLFP. After the eruption of the Sino-Soviet dispute, the Communist Party itself has split into two groups, supporting Moscow and Peking respectively.⁸⁸

The actual following of Marxist parties among the estate workers has been comparatively small. According to an estimate in 1962, Trotskyite trade unions had a membership of 70,000 among the estate workers, the Communist Party 12,000;⁸⁹ possibly these figures have declined due to events following the formation of the SLFP-LSSP-CP coalition in June 1964.

Until the events following the formation of this coalition, political co-operation between Marxist parties and political organisations of the Indian estate workers had been traditional, as evidenced by Marxist support for these workers' political and economic rights and by Congress support for Marxist or Marxist-sponsored candidates at elections. With the formation of the coalition government of Mrs. Bandaranaike in June 1964, and the signing of the Indo-Ceylon agreement the following October, however, the mutual relations of the Ceylon Workers Congress and the Marxist coalition parties underwent a fundamental change. For the Marxist parties, partnership in the coalition necessitated support of the Indo-Ceylon agreement, with its compulsory repatriation provisions, and it necessitated also acquiescence in the separate electoral register proposed by Mrs. Bandaranaike as the solution of the question of parliamentary representation of Indian workers admitted to Ceylon citizenship. These provisions, however, were anathema to Mr. Thondaman's CWC, and Marxist support for them appeared to him as a gross betrayal of the estate workers. On the other hand, Mr. Thondaman's equivocal attitude to the Coalition Government, and his last-minute support of the UNP at the March 1965 elections, appeared to Marxist leaders as a gross betrayal of the ideals of the CWC. Since the 1965 elections, therefore, there has been little love lost between the CWC and the Marxist coalition parties.

88. Both the Peking wing of the Communist Party and the LSSP secessionists under Mr. E. Samarakkody fared disastrously at the polls in March 1965 and, though claiming to be the true standard bearers of the Marxist revolution, their political influence is distinctly on the decline.

89. Calvin A. Woodward, "The Trotskyite Movement in Ceylon", *World Politics*, 14: 311, January, 1962.

Other Political Parties and Groups

One concomitant of resurgent nationalism in Ceylon in recent years is the emergence of political parties and groups committed to the protection of the Sinhala race and culture and advocating their emancipation from thralldom to the cultural tradition of the West as well as from threats, real or imagined, posed by the Tamils of Ceylon. A notable instance of such a party is the *Jatika Vimukti Perumuna* (National Liberation Front) founded by Mr. K.M.P. Rajaratne in 1957. Though Mr. Rajaratne was a member of the SLFP which was victorious at the 1956 elections, and became thereafter a Junior Minister in Mr. S.W.R.D. Bandaranaike's government, he soon fell out with Mr. Bandaranaike over language policy, and established the JVP advocating an extremist Sinhalese nationalism. Though its parliamentary representation has always been negligible,⁹⁰ the JVP has had a following among a section of political opinion in the island which believes that the Indo-Ceylon question cannot be satisfactorily solved until the last Indian has been repatriated from Ceylon. Not surprisingly, Mr. Rajaratne rejected the Sirima-Shastri agreement as a betrayal to India.⁹¹

The JVP's anti-Indianism has been shared by other political groups centred in the Kandyan Provinces over the years since independence. In 1953 and 1954, two Kandyan organisations known as the *Tri Sinhala Perumuna* and the *Dutugemunu Secret Society* organised a campaign to boycott Indian shops and exert pressure on Indians to quit the island.⁹² Neither of these groups was sufficiently important politically to make any impression, and the Government of Ceylon disapproved of their activities, but they aroused considerable interest in India and evoked

90. Since its founding, the JVP has been represented in Parliament either by one, or by two members. In the March 1965 elections, Mr. K.M.P. Rajaratne was defeated; his wife, who was elected to another constituency subsequently became a Junior Minister in Mr. Dudley Senanayake's government.

91. *The Ceylon Observer*, 18 March 1965.

92. Typical of the kind of activity indulged in by these organisations was a circular letter addressed to Indians, signed by "The Revolutionary Committee of the Dutugemunu Secret Society", which concluded as follows: "WHY THEN DO YOU INDIANS WANT TO LOOT CEYLON? We do not want you. We hate you. We look upon you as our greatest enemies. You have been the curse of our country. You are the "BLOOD SUCKING YAKAS (Devils)" who devoured our country. You asked the Britishers to quit India. WE ASK YOU TO QUIT OUR LANKA. PLEASE QUIT AND BE QUICK". For text see *H. of R. Deb.*, (21.7.1953), Vol. 14, col. 668.

protests from the Indian Government.⁹³ More recently, the cause of the Kandyan Sinhalese has been taken up by the *Udarata Jatika Mandalaya* and the *Lanka Puravesi Peramuna* (Ceylon Citizens' Front). Prominent among the objects of these organisations are the following: (a) issue of identity cards to all bona fide citizens of Ceylon, (b) all persons not in possession of identity cards be deemed to be non-nationals, (c) acquisition of land and property in Ceylon by such non-nationals and their carrying on trade be stopped, (d) the proposal to establish District Councils to replace the existing kachcheri system be postponed till the Indo-Ceylon question is satisfactorily solved, and (e) Indians who have acquired Ceylon citizenship be registered in a separate electoral register.⁹⁴ The *Udarata Jatika Mandalaya* has come out strongly against the proposal to establish District Councils before clarification of the status of Indians resident in Ceylon. In a memorandum submitted to the Prime Minister in June 1964, the Mandalaya stated:

If the proposed district councils are established before a satisfactory solution is found for the Indian problem, and if as some parties advocate, citizenship rights are conferred on Indians, then surely in course of time the whole of the Eastern part of the Island from Jaffna downwards to Anuradhapura, Matale, Kandy, Gampola, Nuwara Eliya, Haputale, Balangoda and Badulla will be dominated by Indians whose numbers will be augmented by fresh levies of illicit immigrants from South India. It will be the end of the Sinhala people, language and culture, and even Buddhism.⁹⁵

Since the negotiation of the Indo-Ceylon agreement of October 1964, the propaganda of these Kandyan political organisations has considerably decreased in intensity. That agreement was not unfavourable to Kandyan interests; besides, some of the demands of Kandyan organisations, such as the proposal to restrict the acquisition of land and property in Ceylon to nationals only have been accepted by both major parties, the UNP and the SLFP, and is being implemented by the present UNP government. However, this government has declared in its inaugural Throne Speech that "earnest consideration will be given to the establishment of District

93. *The Hindu*, 7 September 1954.

94. See *Ceylon Daily News*, 15 July 1964; *Times of Ceylon*, 14 July 1964 and 17 June 1964.

95. *Times of Ceylon*, 17 June 1964.

Councils which will function under the control and direction of the Central Government".⁹⁶ It is still too premature to assess the Kandyan reaction to the proposed district councils in the light of the 1964 agreement with India. Presumably, the Kandyan attitude will be influenced largely by the nature of the functions and power with which the new councils will be invested, and the degree of central control involved. It is clear, however, that of all the considerations of internal politics which bear on the Indo-Ceylon question, the special Kandyan interest in this question is of paramount importance, and cannot be ignored by any government of Ceylon.

96. Text of Throne Speech in *Times of Ceylon*, 9 April 1965.

CHAPTER VIII

INTERNAL POLITICAL ASPECTS OF THE INDO-CEYLON QUESTION: INDIA

In India the Indo-Ceylon question is not, as in Ceylon, a vital issue of national politics. The repercussions of Ceylonese policy on this question have been felt largely in the State of Madras, from where, for over a century, Ceylon's plantations have drawn their labour supply. Any significant public interest in the status of Indians in Ceylon therefore existed mainly in this state, and the insistent demands of certain sections of Madras Tamil opinion that Tamil interests should be adequately safeguarded in any solution of this question presents interesting parallels with the lobbying of the Kandyan interest in Ceylon. As in Ceylon, too, these demands have recently begun to acquire a new significance in the context of Dravidian movements in South India based on grievances against "Hindu domination" from the North. The central government of India can hardly ignore the Madras interest in its policy decisions, since the implementation of the practical Indian side of these decisions often devolves on the Government of Madras itself.

Yet, whatever the Madras interest in the Indo-Ceylon question, and however indispensable the co-operation of the Madras Government in implementing decisions relevant to it, it is clear that the Government of India's policy on this question has not been entirely determined with reference to internal political considerations. For India, the problem of overseas Indians is not one which concerns Indo-Ceylon relations exclusively. The problem affects India's relations with South Africa, Burma, Malaya, and other countries where such Indians exist, and any important policy decision on the Indo-Ceylon question could well have a bearing on the problem as it concerns other countries. Moreover, India's attitude towards the Indo-Ceylon question has not been wholly unrelated to general foreign policy considerations, as seen in Chapter II above, and some of these considerations must enter into any discussion of the factors influencing India's policy on this question.

The Madras Interest

Over 90% of the Indian population in Ceylon are either recent immigrants from the State of Madras, or descended from such immigrants, a large proportion of the balance being Malayalees from the State of Kerala. The preponderant majority of this population are composed of estate workers and their dependants, the large majority of whom have preserved their connections with their homeland, as manifested in the regular remittances sent by them to India, and in their regular travel, insofar as Ceylon's immigration laws allowed, to their homes and villages on the mainland. Madras therefore had a legitimate interest in the fate of the Indian community in Ceylon and the Tamil elements of this community actually looked to the Government of Madras for protection of their interests. Indeed, the Indo-Ceylon question is regarded by some Madras politicians as essentially a problem concerning the Government of Ceylon and the State of Madras. As one Madras legislator put it:

This problem* is a problem which affects South Indians most . . . It is therefore the primary concern of this Government that they take drastic action for the purpose of looking after the welfare of the Tamil Indians in Ceylon . . . The fate of the Tamils of Ceylon must be decided by the Madras Ministry and not by the Central Ministry. It is only then this problem can be satisfactorily solved.¹

Political opinion in Madras reacted strongly to Ceylon's citizenship laws and to the deprivation of Indians' political rights which these laws entailed. The Madras view was that the Indian Tamil estate worker had made Ceylon his home, that by long years of hard work for over a century on the plantations, he had contributed materially to the island's economic prosperity, and that, quite apart from his eligibility for citizenship in other respects, there were strong moral grounds for treating him equally with the rest of the island's population.² The citizenship laws were seen as the culmination of a regular trend of discrimination against the immigrant Indian which had begun in the thirties, and which had manifested itself in various regulations and laws depriving Indians of the right to Government employment, benefits under land development

1. *M.L.A. Deb.* (25.10.1948), Vol. 16, p. 738; to the same effect, see *ibid.*, 1949, Vol. 21, pp. 1054-55, and 1952 Vol. 1, p. 258.

2. See for instance, the speech of the Madras Minister of Public Works in *ibid.*, 1948, Vol. 16, pp. 719-24.

schemes, fishing rights, etc. The Madras Legislative Assembly has not infrequently passed official and unofficial Resolutions, which have been communicated to the Central Government, expressing its concern at the deteriorating position of Indians in Ceylon. In 1948, an Official Resolution demanded that all Indians in Ceylon with 5 years continuous residence should be given citizenship rights, without distinctions between citizenship by descent and citizenship by registration, that the procedure for acquisition of citizenship should be simple and inexpensive, and that "suitable provisions be made for the continuance of essential human ties between the Indians settled in Ceylon and their relations and dependants in India by the grant of facilities for easy movement of persons and funds between the two countries, at least for this purpose".³ In 1949, when Pandit Nehru's visit to Ceylon to attend the Commonwealth Foreign Ministers' Conference (January 1950) was impending, another Official Resolution urged the Indian Prime Minister "to arrange to discuss with the Ceylon Government the outstanding Indo-Ceylon issues during his forthcoming visit to Ceylon and, if possible, to arrange for a deputation of the representatives of the Madras Government to be present at the discussions to assist the Honourable the Prime Minister".⁴

Besides the citizenship issue itself, Madras opinion was chiefly concerned with three aspects of the Indo-Ceylon question: first, the denial of voting rights to the Indian community in Ceylon; second, the imposition of restrictions on Indo-Ceylon travel; and third, difficulties encountered by Indians in Ceylon in sending remittances to their dependants in India. The disfranchisement of the Indian voter on the eve of the 1952 elections in Ceylon evoked widespread protest among all sections of Indian opinion. In Madras, this was seen as yet another act of discrimination against the Indian Tamil. It was "a gross violation of human rights",⁵ all the more deplorable in that it was practised by one Commonwealth country against the people of another. The *satyagraha* organised by the Ceylon Indian Congress in protest against the disfranchisement was widely supported in South India; it formed the subject of an

3. *M.L.A. Deb.*, (25.10.1948), Vol. 16, p. 719.

4. *ibid.*, 1949, Vol. 21, pp. 1054-55. Both Resolutions were passed unanimously.

5. *ibid.*, (12.5.1952), Vol. 1, p. 248.

adultory Resolution in the Madras Assembly,⁶ and the Madras Minister of Finance expressed the sentiments of all Tamil Nad when he declared that "we are watching with interest and sympathy their [Ceylon Indians'] struggle for recognition of their citizenship rights. Our sympathies are with them".⁷ Indeed, but for the intervention of the Government of India, South Indian support of the *satyagraha* would have been material as well as moral, for large numbers of would-be Indian *satyagrahis* planned to cross over to Ceylon to assist the movement of their compatriots in the island, and were prevented from doing so only because the Government of India, at the request of the Ceylonese Prime Minister, refused them passport facilities.⁸ In May 1952, 9 prominent Tamil Nad leaders issued a statement declaring that the denial of the franchise to Ceylon Indians was causing grave concern to the people of the country, especially to those of Tamil Nad, and requesting the Governments of India and Ceylon to make every possible effort to restore to Ceylon Indians their fundamental rights of citizenship.⁹

The promulgation of Ceylon's immigration law and the restrictions on India-Ceylon travel were resented in Madras because they did away with a centuries-old tradition of free movement between the two countries. Labour-immigration from South India to Ceylon had always shown a marked tendency to fluctuate with economic conditions on the mainland, the influx being highest during times of drought, floods or poor harvest, while the sowing and harvesting seasons have generally been slack seasons for immigration.¹⁰ In Madras, where casual workers form the bulk of the agricultural labour force, and where such workers are generally unemployed for almost a third of the year for want of work,¹¹ Ceylon had long been regarded as a lucrative source of alternative employment.

6. *ibid.*, p. 245.

7. *ibid.*, p. 246.

8. *ibid.*, pp. 252-54; *The Hindu* 6 May and 30 July 1952 *H.P. Deb.*, (29.7.52) Part 1, Vol. 2, coll. 2293-94.

9. *The Hindu*, 23 May 1952.

10. Cf. Sir John Kotelawala's remark; "The economic position of South India is a matter of some importance to us because there is always the possibility of people coming over here, even swimming across, if they happen to be starving there". *H. of R. Deb.*, (5.3.1954), Vol. 16, col. 3272.

11. Government of India, Ministry of Labour; *Agricultural Labour Enquiry. Report on Intensive Survey of Agricultural Labour*, 1955, Vol. 4, South India pp. 16, 18.

Moreover, the joint-family system in South India had enabled different members of the same family unit alternatively to work in their own village fields, or in Ceylon, at different times, so that while some added to the family income by employment abroad, others looked after family interests at home. The imposition of travel restrictions precluded such habitual traffic between the two countries; and although special provision was at first made for estate workers to visit India and return to Ceylon, this was subject to various conditions, and the concession was eventually withdrawn due to the Indo-Ceylon controversy over statelessness.¹²

Emigrant remittances were another sore point in Madras. As seen in Chapter VI, Ceylon instituted exchange control for all sterling area transactions with effect from June 1948, and although at first liberal remittances were allowed to Indians, the system was open to much abuse, and from the beginning of 1950, all Indian remitters except estate workers were required to obtain individual permits. Estate workers came under a special Estates Group Scheme which enabled those of them who classified themselves as temporary residents to remit specified amounts for the maintenance of their dependants through the estate superintendent.¹³ But for the declaration of temporary residence, which prejudiced their claims for Ceylonese citizenship (for which proof of permanent residence was a pre-requisite) estate workers were little affected by exchange control. Their requirements were sufficiently met by the Estates Group Scheme, and the Government of Ceylon required of them no formalities beyond the declaration of temporary residence. Other classes of Indians, however, had not only to declare themselves as temporary residents; but also prove the existence of dependants in India, and their applications had to be duly certified by responsible officials of the Government of Madras, before permits could be issued to them.

Exchange control affected particularly adversely the urban Indian labourer in the island. This was recognised by the Ceylonese Minister of Finance but, as he put it:

It is no longer possible to permit persons who have come to Ceylon in search of employment to remit abroad all the savings they earn, even if their savings are needed to maintain their dependants abroad.

12. See pp. 149-50 *supra*.

13. See pp. 169 ff. for a fuller discussion of immigrant remittances.

If they want employment in Ceylon and they are permitted to come here, they must come with their families. If they do not wish to do so, they must stay behind with their families.¹⁴

Both in Madras and in Kerala the sudden denial or diminution of allowances to which they had long been accustomed undoubtedly caused great hardship to large numbers of dependants of emigrant Indians.¹⁵ Even so, the amounts annually remitted from Ceylon to India as maintenance allowances remained high in proportion to total Private Remittances from the island until the year 1955, after which there is a steady decline in these allowances, accounted for by the Ceylon Government's policy of denying exchange control permits to stateless persons.¹⁶

While remittances from Ceylon closely affected the economic interest of the states of Madras and Kerala, other problems were caused in these states by the return of repatriates from the island. It had been decided by agreement between India and Ceylon in 1954 that Indian nationals with expired temporary residence permits would be repatriated to India in batches, and between 1954 and the end of September 1963, 95,238 such Indians were repatriated.¹⁷ Though many of these were voluntary repatriates returning to India with their earnings and assets,¹⁸ it was inevitable that they should cause problems of rehabilitation both for the Union Government and for the state governments directly concerned. Of the number of repatriates mentioned above, the large majority belonged to Madras State, and the state government was faced with considerable local pressure to undertake special economic assistance for these repatriates.¹⁹

Accordingly the Madras government appointed a special Liaison Officer to supervise the relief and rehabilitation of Ceylon repatriates, and on the recommendations of this officer and the proposals of the

14. *Times of Ceylon*, 6 July, 1949; *The Hindu* 4 and 12 July 1949.

15. *ibid.*, 17 November 1949; for resolutions passed by the All-Kerala Conference of Ceylon Indian Dependents on the subject, see *M.L.A. Deb.*, (13.5.1954) Vol. 15, p. 739.

16. See p. 170 Table IX. *supra*.

17. *Administration Report of the Controller of Immigration and Emigration for 1962-63*.

18. Of the 95,238 Indians who returned to India under the above scheme, 47,310 were voluntary repatriates, only 35,174 left on Quit Notices issued by the Immigration Department.

19. See, for instance, *M.L.A. Deb.*, (16.3.1956), Vol. 32, pp. 14-17.

Planning Commission, Madras has set in motion a comprehensive scheme to make the lot of the Ceylon—returned repatriate as happy as possible. Among the many benefits extended to these repatriates in this connection are: the establishment of a spinning mill at Nazareth in 1962, the leasing of government lands and the grant of loans and other assistance for specific repatriate projects such as poultry farming, exploitation of coir and palmyra industries in the districts of Ramanathapuram, Tirunelveli and Thanjavur; the relaxation of rules regarding educational and age qualifications, etc., in cases of deserving repatriate applicants for government jobs; the grant of loans to artisan repatriates such as tailors, blacksmiths, goldsmiths, sculptors etc., to enable them to set themselves up in business, and so on. Further, Ceylon repatriates are given preference in admissions to training schools; while the Madras government has also issued orders giving preferential treatment to repatriates in the assigning of lands for cultivation, provided the applicants are landless and poor and had engaged in agriculture in Ceylon. The government have also issued instructions that Ceylon repatriates should be given preference over other applicants in the assignment of house-sites if they are houseless and poor. Finally, business conducted in Ceylon by repatriates is being treated by the government as business conducted in India, where previous experience in India is a condition for the grant of licenses or permits for starting industrial or commercial undertakings.²⁰

These benefits accrued to Ceylon repatriates through the largesse of the Madras government, the central government's share in the assistance being confined to a grant for the establishment of one spinning mill in Tirunelveli district. The central government of India has generally been averse to regarding the question of rehabilitation of repatriates from Ceylon as a subject of central concern. Until recently, the Government of India made a distinction between the question of Hindu evacuees from Pakistan, which was considered the legitimate object of central concern, and Indian repatriates from overseas, whose welfare was generally left to the state governments directly concerned. Accordingly, the central government of India has hitherto ignored requests for special assistance for Ceylon repatriates, taking the view that since they were neither destitute nor homeless, no special central assistance was necessary particularly since they were being treated liberally by the Indian customs

20. *M.L.A. Deb.*, (28.7.1962), Vol. 5, col. 620 and Appendix VI in coll. 745-46.

in respect of the transfer of their assets from Ceylon.²¹ In Burma, however, the special circumstances of civil war and unrest soon after independence led the Government of India to assist in the rehabilitation of Indian repatriates from that country, and the operation of Burma's nationalisation laws since 1962, displacing as they did large numbers of Indians resident in Burma, has again evoked central governmental intervention in the provision of steamer services, in some instances free passage and relaxation of immigration rules for Burma repatriates.²² It would appear, therefore, that the Government of India's attitude to the question of central assistance is not based on a hard and fast rule but on the scale and magnitude of the problem concerned.²³

Madras Influence on Government of India's Policy

Despite the vital interest of Madras in the Indo-Ceylon question, the Union Government were at first generally unreceptive to the demand that the Madras Government should have a greater share in the formulation of policies on this question, and that representatives from the latter government should either take part in, or brief the Indian delegation prior to, any Indo-Ceylon negotiations which might take place. Indeed, Pandit Nehru, whose familiarity with the Indo-Ceylon question dated back to pre-independence times, was well aware of the Indian Tamil point of view on this question, and needed no special briefing from Madras, particularly since the Ceylon Indian Congress itself had frequent direct access to the Indian Prime Minister.²⁴ But this familiarity with

21. *Lok Sabha Deb.*, (22.8.1958) 2nd ser., Vol. 18, coll. 2376-77; *ibid.*, (8.9.1956), Part I, Vol. 6, coll. 2383-4.

22. See, for instance, *Ceylon Daily News*, 6 August, 1964.

23. With the negotiation of the Indo-Ceylon Agreement in October 1964, however, the Government of India has changed its policy on this question and has agreed to consider the rehabilitation of Ceylon repatriates as a central subject.

24. During both the Indo-Ceylon conferences held in New Delhi in December 1947 and January 1954, C.I.C. delegations were present in New Delhi to put forward their case before the Indian government, and after the negotiation of the Indo-Ceylon January Agreement in 1954, a C.I.C. delegation again sought and obtained an interview with the Indian Prime Minister to clarify their doubts about certain interpretations of the agreement. See *The Hindu* 30 January and 8 February 1954. In April 1965, while in Delhi to attend the Regional Council of The Asian Organisation of The International Confederation of Free Trade Unions. Mr. Thondaman, CWC President, called on Prime Minister Shastri and Foreign Minister Swaran Singh and is reported to have told them that the Sirima-Shastri agreement (with its 15-year repatriation plan) rather attempted to perpetuate the Indo-Ceylon problem than settle it. *The Hindu*, 9 April 1965.

the problem also placed the Indian Prime Minister in a better position than most Indians to appreciate the Ceylonese point of view, while general foreign policy considerations imposed limits to the action he could take to change Ceylon's attitude. His views and those of the Indian Government were therefore less intransigent than those prevailing in Madras.

This divergence was of little consequence as far as the relations of the Madras Government and the Union Government themselves were concerned, since both have always been Congress governments since independence. But more extremist sections of Tamil political opinion in Madras have been strongly critical of the Union Government's alleged negligence of Tamil interests and the Madras Government, under pressure from such political elements and more, it would appear, by necessity than by choice in the context of Tamil communal feeling in Madras, have been led to adopt the attitude that they are no less willing to champion such interests than the extremist Tamils themselves. Yet, in discussing Madras opinion in relation to the Indo-Ceylon question, the views and attitude of the Madras Government have to be differentiated from those of the more radical Tamil spokesmen in the state.

Official views in Madras were generally marked by a due sense of responsibility and awareness of the fact that the Indo-Ceylon question, whatever the stake of Madras in it, was a matter for solution by the Governments of India and Ceylon by mutual consultation. The main contention of the Madras Government was that their voice should be heard by the central government before important policy decisions were made, and that such decisions should not jeopardise the interests of the Tamils of Madras State. But by more extremist Tamil opinion Sir John Kotelawala has been compared to the South African Prime Minister Malan,²⁵ and Ceylon's laws affecting the Indian community stated to be worse even than South African laws against Indian settlers.²⁶ An important body of opinion in the state has long advocated the reference of the Indo-Ceylon question to the U.N.O.,²⁷ while some have gone as far as pressing for the adoption of a "stiffer attitude" by India against

25. *M.L.A. Deb.*, (13.5.1954), Vol. 15, pp. 740-42.

26. *ibid.*, 1949, Vol. 21, pp. 1056-60.

27. See, for instance, *ibid.*, 1952, Vol. 1. pp. 252-54; 1954, Vol. 15, pp. 763-64.

Ceylon,²⁸ even to the extent of the use of force against Ceylon, in the best Hyderabad tradition.²⁹

The working of the January 1954 Agreement seemed to many South Indians to confirm their belief that the Government of India were bartering away the rights of Tamils over the heads of their accredited state governments. The recommendations of the Ceylonese Cabinet Sub-Committee appointed to implement the agreement—denial of subsidised rice to stateless persons, withdrawal of travel and exchange control facilities etc.,—caused great alarm in Madras, and appeared to many to presage a large-scale repatriation of Indians from the island. The agreement was therefore roundly condemned in the Madras legislature.³⁰ According to one member, “it is a notorious fact that the Government of India have not taken the right action at the right moment”.³¹ The Indian Prime Minister’s interest in world peace and in problems pertaining to Korea, China, Vietnam, etc., was contrasted with his alleged lack of concern for the interests of South Indian Tamils,³² and the central government blamed for insufficient consultation with Madras representatives before the signing of the agreement. Much of the trouble arose, it was held, because the Central Government were not well versed with the Indo-Ceylon problem, and did not seek sufficiently the “expert opinion” of the Madras State Government.³³ The general view was that the Indian High Commissioner in Ceylon should be a Tamil, so that the interests of Tamils in the island could be better safeguarded.³⁴

Even though the Madras Government has hitherto been controlled by the ruling Congress Party, Tamil grievances against the Government of India’s attitude to the Indo-Ceylon question have immense significance in a state where communal pressure has been mounting steadily in recent years. For non-Congress Tamil politicians, the Indian Government’s attitude to this question is one instance of their general lack of concern for Tamil interests in the South. Other grievances, such as the domination

28. *ibid.*, 1952, Vol. 1, p. 249.

29. *ibid.*, p. 267.

30. For non-official Resolution and debate on the subject, *ibid.*, 1954, Vol. 15 pp. 731-75.

31. *ibid.*, p. 755.

32. *ibid.*, pp. 747-50.

33. *ibid.*, p. 736.

34. *ibid.*, pp. 750-52, 752-53.

of the Brahmin in the social and public life of the state, the introduction of Hindi as the official language in India (from 1965, the date stipulated in the constitution),³⁵ and alleged discrimination by the central government against South India in the sphere of economic development, have confirmed such politicians in their view that the interests of North and South are incompatible in India, and that Tamil interests could be adequately safeguarded only within the framework of an independent Tamil Nad separate from the rest of India. In this context political parties advocating the Tamil separatist ideal, sprang up like mushrooms in Madras, and their following became increasingly larger and more important. As *The Hindusthan Times* noted in 1958:

The absurdity of the idea of an independent Tamil Nad has not prevented many people in Madras State from swearing by this ideal, and those who believe that it can never become practical politics ignore the fact that the ideal is having its appeal to a steadily-growing section of the population.³⁶

There were, of course, differences of outlook among these parties. The important *Dravida Munnetra Kazhagam* (D.M.K.) expressed the ideal of a united Dravidian people embracing not only the Tamils but also the Telugus, Kannadas and Malayalees in a separate racial identity of their own, and irrespective of considerations of caste. Other parties, like the *Tamil Arasu Kazhagam*, were content with autonomy for Tamil Nad within an Indian Union with Tamil as the state language in the autonomous unit. But the secessionist principle was pronounced in parties like the *Dravida Kazhagam* and *Nam Tamizhar* ("We Tamils") and, in the case of the latter, the demand was not merely for a separate Tamil Nad but for its union with the northern parts of Ceylon in an independent Tamil-speaking state.³⁷

Advocacy of the Tamil language was a common factor binding all these parties in a single endeavour; indeed, resistance on the language issue was so strong in the state that even the Congress Government of

35. One of the most important grievances of the Tamil communalists has since been partially met by the Indian governments amendment of the constitution whereby provision has been made for the continuance of English as an associate language, even after 1965. *The Hindu*, 2 December 1963; *India News*, 13 March 1963.

36. *The Hindusthan Times*, 22 April, 1958.

37. *Ceylon Daily News*, 11 February 1958. The Tamils of Malaya and South Africa were also included in the *Nam Tamizhar*'s vision of a Tamil state.

Madras declined to accept Hindi as the official language.³⁸ During the Indian Prime Minister's visit to Madras in January 1958, over 20,000 supporters of the D.M.K. and *Dravida Kazhagam* organised demonstrations in the city, burning copies of the Indian constitution, destroying idols in Hindu temples, etc.³⁹ In such a context, it was not surprising that Ceylon's own language conflicts should have their repercussions in Madras, and that the Indo-Ceylon question should influence and be influenced by communal politics on both sides of the Palk Strait. As the veteran Indian leader Mr. C. Rajagopalachari put it:

I am an outsider and the problems of Ceylon are the problems of my friends there. But we here in India are not quite uninterested in our neighbour's welfare nor are events there without their effects across the narrow and shallow waters that divide us and I beg of the leaders of Ceylon not to treat us quite as aliens and strangers.⁴⁰

From Ceylon's point of view, political developments in South India had tremendous import for the government's relations with the two Tamil minorities. The political demands of the Ceylon Tamils for a federal state acquired new significance in the light of Tamil chauvinism in South India, and particularly in the context of the *Nam Tamizhar's* avowed political programme.⁴¹ And the fact that some Federal Party spokesmen in Ceylon welcomed the Tamil Nad ideal and the union of Tamil-speaking peoples which it implied seemed to convince the Ceylonese Prime Minister of "the extremely grave nature of the campaign they have launched".⁴² *The Hindusthan Times* commented:

The Federal Party in Ceylon may stand for a federal form of Government in the island as opposed to the unitary type prevalent at present, but if there are persons within the party harbouring ideas of a separate Tamil Nad which will include Madras State in India, no one can blame the majority party and the Ceylon Govern-

38. *Ibid.*, 2 May 1958.

39. *Observer Foreign News Service*, 13 January 1958.

40. *Ceylon Daily News*, 25 September 1958.

41. According to Mr. C.A.S. Marikkar, a member of Mr. S.W.R.D. Bandaranaike's Cabinet, the Ceylonese Prime Minister was greatly shocked and alarmed at a map published in a South Indian newspaper showing parts of Ceylon as a territory of Tamil Nad. See *Ceylon News*, 7 July 1960.

42. *The Hindusthan Times*, 22 April 1958.

ment if they suspect that the demand for a federation is merely the first step in plans for dismemberment of the island.⁴³

It was inevitable, also, that communal politics in South India and Ceylon should increase the reserve and caution with which the Indian Tamil minority have always been regarded by Sinhalese leaders in the island. It is true that Ceylon Workers' Congress leaders have hitherto carefully steered clear of the island's linguistic conflicts. They have also tried to give their party a nationalist outlook, and have increasingly in recent years loosened their connections with South India. The Tamil Nad or Dravidasthan movements have apparently made no impression on the Ceylon estates; indeed, according to the General Secretary of the Ceylon Workers Congress (V.K. Vellayan), the persistent efforts of the D.M.K. to organise workers' unions on the Ceylon plantations in 1957-58 had met with failure.⁴⁴ In 1962, however, the Ceylon Government deemed it necessary to proscribe 3 Tamil organisations all of which called themselves the *Dravida Munnetra Kazhagam*, on the grounds that their activities were prejudicial to public peace and security, and that there was a danger they may try to create dissension and disaffection among the stateless estate workers of Indian origin in the island.⁴⁵ In such a context, doubts about the Indian's loyalty to Ceylon still linger on in the island; and in a plural society where the balance of political power has depended so much on the numerical strength of different racial groups, the citizenship and immigration questions are invested with a new importance in the context of gathering Tamil communal consciousness in India. As Wriggins noted:

The image could easily be evoked of tiny Ceylon being inundated by a flood of poverty-stricken Indians, and for the communally conscious, the linguistic affinity of the estate workers with the Ceylon Tamils raised in some minds the possibility of a Tamil alliance for

43. *ibid.* The gravity of this problem, however, has considerably eased due to the enactment by the Indian Government of a law which makes preaching of secession from The Indian Union a criminal offence. The most important of the Dravidian secessionist parties the DMK, had already, by the end of 1963, abandoned separation from the Indian Union as one of its objectives. See *The Hindu*, 2 December 1963.

44. *Ceylon Daily News*, 17 April 1958.

45. *The Times*, 24 July 1962.

concerted political action against the Sinhalese community should communal divisions emerge as politically important in the future.⁴⁶

In India, too, communal tensions were not without their influence on attitudes to the Indo-Ceylon question. Both central and state governments, it is true, have deplored the activities and objectives of the Tamil communalists in Madras. The former Indian Prime Minister Nehru, in particular, was greatly concerned about "the tremendous problems" created for Indo-Ceylon relations by the "irresponsible attitude" of parties such as the *Nam Tamizhar*.⁴⁷ The Madras Government have firmly denounced the tendency of some to think in terms of North and South India, and deplored criticisms of the Union Government in their conduct of the Indo-Ceylon question. Indeed, as the Madras Minister of Finance shrewdly argued, there was no essential difference between the cult of the Tamil separatists and the stand taken by the Government of Ceylon on the Indo-Ceylon question.

What is their cult? They say that Northerners should not come here and do business even though they belong to our own country If we object to Northerners who belong to our own country coming over to the South, then how can we take exception to the Ceylon Government taking objection to persons who have gone over there from another country and remain there? Not only that. These *Kazhakam* people object not only to persons coming from the North to the South but they say that even those who have been living here for generations and generations and centuries and centuries should go out of Tamil Nad simply because they happen to belong to a certain caste. If this is the Dravida Kazhakam cult, then it is the very basis on which the Government of Ceylon can put forth their argument and win their case with reference to Ceylonese nationals of Indian origin.⁴⁸

Despite these criticisms, however, it seems clear that the Madras Government have been put on the defensive in discussions pertaining to the Indo-Ceylon question and, willingly or unwillingly, called upon increasingly to play the role of watch-dog of the Indian Tamil interest

46. Wriggins, *op. cit.*, p. 224.

47. *Lok Sabha Deb.*, (18.2.1958), 2nd ser., Vol. 11, col. 1375.

48. *M.L.A. Deb.*, (13.5.1954), Vol. 15, pp. 771-72.

in Ceylon. Whether the tendency in recent years for closer consultations between the Union and Madras Governments was due to communal pressure in Madras or to other factors, is not clear. Presumably the increasingly bitter attacks of Tamil politicians regarding alleged neglect of Tamil interests in the Indo-Ceylon question had their effect in bringing about closer contact between New Delhi and Madras. Evidence of such consultations, however, exists only after 1954 and the Indo-Ceylon Agreement of that year might, in any event, have necessitated closer contacts between the central and state governments than hitherto prevailed. In reply to a question in the Madras Assembly whether the central government were now (August 1955) consulting the Madras Government on matters relating to the Indo-Ceylon question (as against their earlier practice not to do so), the Madras Minister of Finance replied: "Yes, Sir. This Government are being consulted *now* and we are kept informed of the steps which are being taken by the Central Government".⁴⁹ The Indian Prime Minister himself declared in the *Lok Sabha* that "we are keeping in close touch with the Madras Government" about the Indo-Ceylon question,⁵⁰ and, according to a Madras Government spokesman, it became usual even for the Indian High Commissioner in Ceylon to maintain personal contact with Madras Ministers.⁵¹ Such consultations, however, did not relate to the formulation of policy decisions; the Indo-Ceylon agreement of 1954, however, and the agreement relating to the repatriation of Indian nationals in Ceylon with expired temporary residence permits touched upon problems which had immediate repercussions in the state of Madras, and for the proper implementation of which the co-operation of the Madras Government was essential. On these subjects, periodical conferences have taken place between officials of the central government and the state government, and such representations as were considered necessary have been made by the latter government.⁵²

The Indo-Ceylon Question: Party Political and Press Opinion

As an issue of national politics, the Indo-Ceylon question has not aroused throughout India the same intensity of feeling as in the State

49. *ibid.*, (25.8.1955), Vol. 26, p. 661. Emphasis added.

50. *Lok Sabha Deb.*, (22.5.1957), 2nd ser., Vol. 1.

51. *M.L.A. Deb.*, (22.8.1955), Vol. 26, pp. 334-35.

52. *ibid.*, (27.1.1956), Vol. 29, p. 143; *The Hindu* 13 and 17 June 1954

of Madras. Nor is the question invested with the same political importance and interest in North India as it is in the South, for obvious reasons. Apart from *The Hindu*, itself a Madras publication, none of the national daily newspapers have a consistent record of news-reporting of this question, and although comment in the daily Indian Press has been undoubtedly hostile to the Ceylon Government's policies towards the Indian community in the island, especially during the crucial years of Ceylon's citizenship and immigration legislation in 1948-49, disfranchisement in 1952, and of the controversies relating to the interpretation and implementation of the Indo-Ceylon agreements of January and October 1954, such comment in the national dailies has generally been moderate in tone and tended to express balanced views. The charge has often been made in Ceylon that many of the difficulties associated with the Indo-Ceylon question have been due to inaccurate and misleading reports publicised in the South Indian press on the basis of statements made by interested parties in Ceylon.⁵³ Indeed, countering such propaganda was considered so important by Ceylon, that her government opened a Public Relations Office in Madras, as a branch of the Ceylon High Commission in New Delhi, with the special object of supplying information and issuing passports.⁵⁴

Over the years since independence, *The Hindu* has expended vast amounts of paper and printer's ink in elucidating and criticising various aspects of Ceylon's laws and regulations affecting the Indian community in the island—in particular the citizenship and immigration laws, the act of disfranchisement, exchange control rules and regulations, policies relating to Ceylonisation, etc. Being a Madras-based publication, it was perhaps inevitable that its views on these questions should reflect Madras opinion more closely than other Indian dailies. However, unlike, more radical Tamil sentiment, its attitudes have been dictated not so much

53. See, for instance, the statements of the Ceylonese Permanent Secretary to the Ministry of External Affairs and Defence in *Ceylon Daily News*, 10 December, 1949, and of the Ceylon High Commissioner in India in *ibid.*, 20 February 1953. Leaders of the Ceylon Indian Congress were considered to be the chief mischief makers in this respect, cf. the caustic comment of Mr. Dudley Senanayake; "They are the mischief-makers and not the people of India, not the Prime Minister of India. They have painted a picture of hell in Ceylon for Indians; and what a hell it is! I had to bring out the Army and Navy to stop Indians from coming to this hell". *H. of R. Deb.*, (13.11.1952), Vol. 13. coll. 941-42.

54. *The Hindu*, 17 December 1953.

by considerations of caste and community (indeed *The Hindu* itself is not invulnerable to criticism by some Tamil separatists on the grounds of Brahmin control) as by its repugnance to what is considered a clear case of racial discrimination against an overseas Indian population. The truth is, it declared in 1952, that

the Ceylon Government wants to keep the eight-lakh Indians on the estates as a stateless and voteless proletariat who could be exploited as long as Ceylon found it profitable and then thrown away as sucked oranges.⁵⁵

Though always advocating negotiation and welcoming attempts at a negotiated settlement of outstanding issues between India and Ceylon, *The Hindu*, like other organs of Indian opinion, was probably most concerned with the damage to India's reputation and prestige as a leading Asian power implied in the derogatory position of Indians abroad; interestingly enough, *The Hindu* was one of the few organs of Indian opinion which advocated repatriation of the Indian community from the island as a self-respecting solution of the problem, in the event of the failure of the two countries to arrive at a negotiated settlement.⁵⁶

For Indian opinion, treatment of overseas Indians had become a particularly sore point in view of the position of such Indians in South Africa and in the context of India's international action branding South African policies as discriminatory and tantamount to denial of fundamental human rights. It was inevitable that parallels should be drawn between Ceylon and South Africa in this respect. The Ceylon Government's refusal to restore voting rights to the Indian community in 1952 led to the comment in the *Hindustan Times* that a "policy of racial discrimination weighs no less heavily with the Ceylon Government than it does with the South African Government", while the *Amrita Bazar Patrika* also drew the parallel with South Africa.⁵⁷

55. *The Hindu*, 24 April 1952.

56. See, for instance, leading article on 11 May 1952; the necessity for repatriation is also envisaged in more recent press comment, see e.g., *Times of India*, 4 September 1963.

57. Cited in *Ceylon Daily News*, 22 April 1952; for a polemic written by a long-standing Indian resident in Ceylon, see J.R. Bhatt, *Ceylon a Second South Africa?* (Allahabad, 1951).

The Indo-Ceylon question has not been an important issue of party politics between the national parties in India. Until the eruption of Indian disputes with China, it could fairly be said that a wide consensus of opinion supported the Government's foreign policy. More recently elements of dissent have appeared among the political parties, questioning not so much the basic tenets of India's policies as the effectiveness of the government in properly implementing them in the national interest. In the same way, recent party political attitudes to the Indo-Ceylon question are more usually characterised by criticisms of the Indian government's alleged apathy and ineffectiveness in promoting the interests of the Indians in Ceylon than by basic divergences on policy grounds. Being the Government party since independence, it has fallen to the lot of the Congress to deal with this question, but as with her foreign policy generally, India's policy towards Ceylon's Indian community is in no way a party policy. During Nehru's period, policy initiatives rested with the Prime Minister alone, and his authority and personal familiarity with the issues involved in the Indo-Ceylon question served to stifle pressures from within his own party, especially from Tamilnad Congress members.⁵⁸

Dissent from other parties, however, is becoming more and more significant. At a special congress of the Communist Party of India held in Amritsar in 1958, a resolution was passed "viewing with concern the problems which thousands of Indians who have been, and are, in Ceylon, are facing today", and deploring "the hesitancy and complete lack of understanding of the problem on the part of the Government of India (which), far from helping to solve the problem, only continues its aggravation day after day".⁵⁹ In October 1959, the Madras District Swatantra Party Convention passed a similar resolution, expressing concern over the hardships of Indians in the island, and expressing the hope that a "firmer attitude" would be taken by the Government of India so as to put pressure on Ceylonese leaders to end racial discrimination against the Indian community.⁶⁰ Resolutions of the Working Committee of the right-wing nationalist Jan Sangh have also deplored Ceylonese

58. See, for instance, report of the All-India Congress Committee sessions held in February 1951. *Ceylon Daily News*, 1 February 1951.

59. *The Hindu*, 13 April 1958.

60. *ibid.*, 31 October and 2 November 1959.

policies and suggested that India should take "immediate and effective" steps in regard to them.⁶¹

The island's language conflicts were bound to affect party political opinion in India and increase interest in the Indo-Ceylon question. Some parties, like the Jan Sangh, have deemed it to be the duty of the Indian Government to intervene with Ceylon to accord the Tamil language parity of status with Sinhalese.⁶² The Praja Socialist Party has appealed directly to the better sense of the Government of Ceylon "to consider sympathetically the difficulties of the Tamil speaking people in Ceylon . . ."⁶³ On the other hand, the Swatantra Party leader, Mr. Rajagoplachari has categorically declared support for provincial autonomy for Tamils, and parity of status for the Tamil language, the two chief demands of the Ceylon Federalists.⁶⁴

The Indian Reaction to the Sirima-Shastri Agreement of 1964

Addressing members of the Sabarmati Ashram in Ahmedabad soon after the conclusion of the Indo-Ceylon agreement in October 1964, the Indian Prime Minister, Mr. Lal Bahadur Shastri, declared that the agreement was a major step in the country's efforts to solve problems with her neighbours peacefully and amicably.⁶⁵ Later, defending the pact against its critics in the All-India Congress Committee, the Prime Minister reiterated that it was the only way of solving the Indo-Ceylon problem peacefully and the alternative was to let the people of Indian origin in Ceylon suffer economic hardships and discrimination.⁶⁶ The Indian government was clearly actuated not only by the desire of finding a solution to this problem which would help people of Indian origin in the island, but also of doing so without prejudice to the existing friendly relations between India and Ceylon. In the view of the Indian government, Ceylon citizenship rights under the agreement would be conferred on "almost all those persons of Indian origin who are born in Ceylon"⁶⁷

61. *ibid.*, 29 August 1955 and 22 July 1956.

62. *ibid.*, 22 July 1956.

63. See P.S.P. Resolution on the subject in *Janata*, 16: 8, 25 June 1961.

64. *Ceylon Daily News*, 22 September 1958.

65. *The Hindu*, 31.10.1964.

66. *ibid.*, 9 November 1964.

67. Statement of External Affairs Minister Sardar Swaran Singh in *Lok Sabha*, *ibid.*, 26 November 1964.

and since approximately 300,000 persons of Indian origin had indicated to the Indian High Commission in Colombo their desire to “come straight-away” to India, the repatriation provisions of the agreement did not appear to Indian government spokesmen as unfair or unreasonable.

Even the Chief Minister of Madras, Mr. M. Bhaktavatsalam, without whose consent the agreement could not have materialised, declared: “We should feel happy that a long-pending issue between these two countries has now been settled”.⁶⁸ Since ordinarily the bulk of Ceylon repatriates would return to Madras state, the implementation of the Sirima-Shastri agreement would have given rise to problems of rehabilitation and imposed a heavy burden on the resources of this state. Prior to the signing of the agreement, therefore, the Madras Chief Minister had secured the consent of the central government to consider the question of re-settlement of Ceylon repatriates as a national responsibility devolving not only on Madras but also on other states of the Indian Union.⁶⁹ Besides, the 15 year phased program of repatriation outlined in the agreement would ensure that the problem of re-settlement and rehabilitation of Ceylon repatriates would be spread out over a long period. Accordingly, though concerned about the large number of persons of Indian origin who would eventually be repatriated, the Madras Chief Minister hailed the agreement as a good solution in the circumstances.

Unofficial opinion in India, however, were inclined to be critical of the agreement. Of the opposition parties, the DMK and the Swatantra Party condemned the agreement unreservedly. Mr. C.N. Annadurai, the DMK leader, described the agreement as “a betrayal of the interests and human dignity of millions of people” of Indian origin in Ceylon, and contended that the problem of these people was not a problem between two sovereign countries but entirely Ceylon’s responsibility.⁷⁰ Similarly, Mr. M.R. Masani, speaking in the *Lok Sabha* on behalf of the Swatantra Party denounced the agreement as being “unsound in principle and a violation of basic human rights”.⁷¹

68. *ibid.*, 1 November 1964.

69. *ibid.*, 31 October 1964.

70. *ibid.*, 24 November 1964.

71. *ibid.*

Indian press opinion, too, was generally sceptical of the agreement. The Hindu commented:

The joint communique mentions the cordial atmosphere and the spirit of "give and take" in which the discussions were conducted. Indian opinion would be inclined to feel that much of the "giving" has been on the Indian side. That out of a stateless population of 9,75,000 the Government of India should have agreed to the phased repatriation of as many as 5,25,000 will come as a rude shock to many in India who have felt that the bulk of these people are legitimately entitled to Ceylon citizenship.⁷²

The reserve with which unofficial Indian opinion regarded the Sirima-Shastri agreement was not due to its repatriation provisions *per se*. Indeed, as pointed out above,⁷³ important Indian national dailies had long recognised that repatriation of a part of the people of Indian origin in the island was the only feasible and self-respecting solution of the problem for India. The question was, which part should be repatriated? Should repatriation be carried out under compulsion? *The Hindu* took the view that "to repatriate to India even a single person born and bred in Ceylon though of remote Indian origin against his or her will, will be a gross violation of human rights to which India . . . should not be a party".⁷⁴ The October 1964 agreement itself had provided for the phased repatriation of 525,000 persons of Indian origin from the island, but the term "compulsory repatriation" did not occur in its text. Unofficial opinion in India therefore generally suspended judgement on this agreement, and endorsed the view expressed in *The Hindu* that much would depend on the spirit in which the agreement was implemented.

72. *ibid.*, 31 October 1964.

73. See p. 235, n. 56.

74. *The Hindu*, 2 December 1964.

EPILOGUE

The task of the implementation of the 1964 Indo-Ceylon agreement has devolved upon the Government of Mr. Dudley Senanayake. This government has affirmed its intention of fulfilling the terms of this agreement,¹ but its continuance in power is dependent upon the support of the Tamil parties, the Federal Party and the Tamil Congress, both of which, together with Mr. Thondaman's CWC, are opposed to compulsion being invoked to give effect to the repatriation provisions of the agreement. Whether, in this respect, the view of the Tamil party leaders will prevail remains to be seen; but spokesmen of the Senanayake government have so far been somewhat equivocal in their pronouncements about the implementation of the agreement. In their inaugural Speech from the Throne, this government declared:

Negotiations will be resumed with the Government of India with a view to removing the difficulties which have arisen in regard to the implementation of the Indo-Ceylon Pact of 1964.²

Setting out these difficulties during the course of the Throne Speech debate, Prime Minister Senanayake mentioned three points on which a divergence of opinion had emerged between India and Ceylon, viz., the method of repatriation, the question of parliamentary representation of Indian-origin persons admitted to Ceylon citizenship, and the proposed Control of Employment Bill.

As regards the method of repatriation, the divergence arose from conflicting interpretations of Clause 3 of the 1964 agreement. This clause had stipulated that 300,000 persons of Indian origin in Ceylon would be given Ceylon citizenship and a further 525,000 granted Indian citizenship and progressively repatriated to India over a 15 year period, but it had made no mention of compulsory repatriation. Despite the omission in the text, however, this agreement is meaningless if it does not provide for compulsory repatriation in the event of the number of

1. See *H. of R. Deb.*, (17 June 1965), Vol. 60, coll. 2027-28.

2. *ibid.*, (9 April 1965), Vol. 60 col. 98.

repatriates falling short of the stipulated number. To give effect to the agreement, it is incumbent upon India to accept, within the stipulated 15 year period, 525,000 repatriates from India, and if those who volunteer to be repatriated to India fall short of this number, it is clear that an element of compulsion will have to be invoked to fulfill the terms of the agreement. In her statement to the Senate in November 1964, the former Prime Minister Mrs. Bandaranaike pointed out (rightly in this writer's opinion) that by the agreement India had acquiesced in compulsory repatriation. But the following month, when India's Commonwealth Secretary Mr. C.S. Jha and Mr. N.Q. Dias, Permanent Secretary to the Ministry of External Affairs in Ceylon conferred in Colombo to discuss the implementation of the agreement, Mr. Jha contended that India had at no stage in the discussions consented to the compulsory repatriation of persons of Indian origin from Ceylon. The Government of Mr. Dudley Senanayake has so far neither endorsed nor repudiated the Indian interpretation, but recognises that divergence exists on this issue.³

There is no reason to believe, however, that divergence on this point is so fundamental as to hinder the working of the agreement. For the agreement was based upon the presumption that approximately 300,000 persons of Indian origin in Ceylon were prepared to leave for India at short notice;⁴ and this presumption was borne out by the statement of both Indian estate workers' unions, the CWC and DWC, that the implementation of the agreement should not be spread out over 15 years but completed over a shorter period.⁵ Unless there has been a sudden change of heart among the estate population, therefore, the Indian government is most unlikely to have difficulties in discharging the repatriation provisions of the agreement, and the divergence over compulsory repatriation becomes largely academic. At the official talks in December 1964 the two governments agreed upon a procedure for the implementation of clause 3 of the agreement. The Governments of India and Ceylon were to invite applications through public notices for the grant of Indian and Ceylon citizenship, respectively, and as far

3. For the Senanayake Government's attitude to this question, see *ibid.*, (23 April 1965), Vol. 60, coll. 1163-65; also press communique issued by the Ministry of External Affairs, *Times of Ceylon*, 27 April 1965.

4. See p. 142 and n. 107 *supra*.

5. See p. 210 *supra*.

as possible the grant of citizenship by either country was to be on the basis of these applications, it being agreed that "in the event of the number of applications for the citizenship of either country falling short of the number stipulated in Clause 3 of the Agreement, each Government will devise other ways of ensuring the fulfilment of its obligations".⁶ What devices are intended to cover the shortfall are yet unknown.

The parliamentary representation of persons of Indian origin admitted to Ceylon citizenship did not enter into the discussions between India and Ceylon in October 1964. The former Indian Prime Minister Pandit Nehru had considered this to be a question essentially within the domestic jurisdiction of Ceylon. But when in November 1964 Prime Minister Sirima Bandaranaike proposed a separate electoral register to provide for the parliamentary representation of these persons, India protested that it violated the spirit of the agreement and amounted to discriminatory treatment against citizens of Indian origin. With the defeat of the Coalition government in December 1964 and the assumption of office by Mr. Dudley Senanayake in March 1965, the question of the separate electoral register has temporarily been shelved, and will probably not come up for consideration before the next elections are due in 1970. Though Mr. Senanayake himself favoured the idea of the separate register at the time of the negotiation of the Indo-Ceylon agreement in 1964, he has since remained non-committal on this issue, and in the context of his party's present political alignment with the Tamil parties, it seems highly unlikely that he will press for separate representation of citizens of Indian origin in Ceylon. On the other hand, the continuance of the present system, by which persons admitted to Ceylon citizenship are enrolled in the general register, is strongly opposed by Sinhalese nationalist interests, particularly by spokesmen of the Kandyan Provinces. This solution therefore does not present itself as practicable; it appears likely that the present government might attempt to resolve the dilemma of the parliamentary representation of citizens of Indian origin in Ceylon either by carving out multi-member constituencies in the Kandyan areas such that the interests of Kandyan Sinhalese in Indian Tamil majority areas are duly safeguarded, or by establishing a separate estate electoral register to include not only Indian-origin persons, but voters of all races resident on the plantations in the Kandyan areas. If the latter

6. *Times of Ceylon*, 27 April 1965.

solution were adopted, the estate register would still consist largely of Indian-origin estate workers, but the objections against a purely communal electoral register would be obviated, and representation of Indian-origin estate workers could still be organised on a territorial basis, and Kandyan political interests adequately safeguarded. Moreover, the acquiescence of the Indian Government and of Indian Tamil leaders in Ceylon could probably be more readily obtained to a solution such as this rather than to a proposal based on segregation of Indian-origin voters on a purely communal basis.

The subject of the proposed separate electoral register was not discussed at the Officials' Conference in December 1964, but at this conference the Indian delegates expressed their concern over the Ceylon Government's proposal to introduce legislation to control employment in the island. Under the agreement, it had been provided that Indian-origin persons selected for repatriation to India would be allowed to "continue in their employment until the date of their repatriation in accordance with the requirements of the phased programme or until they attain the age of 55 years, whichever is earlier". The agreement had further stipulated that two registers would be prepared, one containing the names of persons who will be granted Ceylon citizenship, the other containing the names of persons to be repatriated to India, the completion of these registers, however, not being considered a condition precedent to the commencement of the grant of Ceylon citizenship and the process of repatriation. At the Officials' Conference, India reportedly took the view that to enforce the Control of Employment Bill would be tantamount to a violation of the spirit of the agreement, since potential repatriates who were in employment had been guaranteed immunity from dismissal until the date of repatriation. No decision appears to have been taken on this issue at the Officials' Conference; while Mr. Dudley Senanayake held up the Control of Employment Bill as one of the difficulties which had emerged in the implementation of the Indo-Ceylon agreement, there are at present no indications that his government propose to implement this Bill in the immediate future.

For the implementation of the agreement a permanent Indo-Ceylon Joint Committee, representing officials from the two countries, has been appointed and held its first meeting on 1 July 1965. The procedure for implementing the agreement as laid down in the officials' conference in December 1964 is being followed by this committee, and it has invited applications for the grant of Ceylon citizenship and for repatriation to India under the provisions of the agreement. It is expected that the agreement will be implemented as from September 1965.

APPENDIX I

INDIA

Treaty Series No. 1 of 1954

PROPOSALS

Relating to Persons of Indian Origin in Ceylon framed by the Prime Ministers of Ceylon and India in New Delhi on 18th January, 1954.

(Ratified by the Governments of Ceylon and India on 13th February, 1954)

Presented to Parliament by The Minister of External Affairs.

PROPOSALS RELATING TO PERSONS OF INDIAN ORIGIN IN CEYLON FRAMED BY THE PRIME MINISTERS OF CEYLON AND INDIA IN NEW DELHI ON 18TH JANUARY, 1954

The Prime Ministers of Ceylon and India, accompanied by some of their colleagues, met in conference in New Delhi on January 16, 17 and 18, 1954, and considered fully the problems of people of Indian origin in Ceylon. As a result of these discussions, certain proposals were framed by them, which will now be placed before their respective Governments.

These proposals are:—

ILLICIT IMMIGRATION

1. Both Governments are determined to suppress illicit immigration traffic between the two countries and will take all possible steps, in close co-operation with each other, towards that end. Periodical meetings between high Police authorities on either side of the Palk Straits may be held and information relating to illicit movements exchanged.

2. The Government of Ceylon propose to undertake the preparation of a register of all adult residents who are not already on the electoral register and will maintain such register up to date. When this registration is completed, any person not so registered will, if his mother tongue is an Indian language, be presumed to be an illicit immigrant from India and liable to deportation and the Indian High Commissioner will extend all facilities for implementation of such deportation.

3. The Government of Ceylon may proceed with the Immigrants and Emigrants Amendment Bill which throws on the accused the onus of proof that he is not an illicit immigrant; but before any person is prosecuted in accordance with this provision, the Government of Ceylon will give an opportunity to the Indian High Commissioner to satisfy himself that a *prima facie* case exists for such prosecution, the final decision being that of the Government of Ceylon.

CITIZENSHIP

4. The registration of citizens under the Indian and Pakistani (Citizenship) Act will be expedited and every endeavour will be made to complete the disposal of pending applications within two years.

5. All persons registered under this Act may be placed by the Government of Ceylon on a separate electoral register particularly in view of the fact that the bulk of the citizens do not speak the language of the area in which they reside. This arrangement will last for a period of only ten years. The Government of Ceylon agree that in certain constituencies where the number of registered citizen voters is not likely to exceed 250, they shall be put on the national register.

6. Citizens whose names are placed in the separate electoral register will be entitled to elect a certain number of members to the House of Representatives, the number being determined after consultation with the Prime Minister of India. The Government of Ceylon expect to complete their action in this respect before the present Parliament is dissolved in 1957.

7. In regard to those persons who are not so registered, it would be open to them to register themselves as Indian citizens, if they so choose, at the office of the Indian High Commissioner in accordance with the provisions of Article 8 of the Constitution of India. It is noted that Ceylon proposes to offer special inducements to encourage such registration and that these inducements will be announced from time to time. The Government of India will offer administrative and similar facilities to all persons of Indian origin to register themselves as Indian citizens under the Constitution of India, if they so choose, and will also give publicity to the availability of such facilities.

8. Both Prime Ministers are desirous of continuing the present practice of close consultation between the two Governments in matters affecting their mutual interests.

(Signed)

J.L. KOTELAWALA,
Prime Minister of Ceylon.

(Signed)

JAWAHARLAL NEHRU,
Prime Minister of India.

New Delhi,
18th January, 1954.

APPENDIX II

Arrivals and Departures of Indian Estate Labourers, 1923-51

<i>Year</i>			<i>Arrivals</i>	<i>Departures</i>	<i>Difference</i>
1923	..	..	89,859	51,762	38,097
1924	..	..	153,989	56,689	97,300
1925	..	..	125,585	55,054	70,531
1926	..	..	101,746	63,707	38,039
1927	..	..	159,398	89,783	69,515
1928	..	..	133,712	97,088	36,624
1929	..	..	105,095	104,411	684
1930	..	..	91,422	106,190	-14,768
1931	..	..	68,337	91,573	-23,236
1932	..	..	50,869	72,495	-23,626
1933	..	..	32,898	88,969	-56,071
1934	..	..	140,607	54,785	85,822
1935	..	..	43,018	49,288	-6,270
1936	..	..	40,803	45,143	-4,340
1937	..	..	51,527	47,927	3,600
1938	..	..	47,210	46,807	403
1939	..	..	29,259	34,689	-5,430
1940	..	..	3,318	18,138	-14,820
1941	..	..	3,584	19,653	-16,069
1942	..	..	6,814	38,581	-31,767
1943	..	..	44,753	60,945	-16,192
1944	..	..	51,977	60,469	-8,492
1945	..	..	86,442	86,000	442
1946	..	..	78,594	75,939	2,655
1947	..	..	54,577	58,623	-4,046
1948	..	..	50,547	47,266	3,281
1949	..	..	44,425	46,840	-2,415
1950	..	..	50,910	55,627	-4,717
1951	..	..	54,721	58,794	-4,073

Source:—Administration Report of the Commissioner of Labour for 1951; the figures of departures include labourers repatriated on Ceylon Government account, or under the Rubber and Tea Restriction Schemes.

APPENDIX III

Number of Workers on Estates Employing Indian Labour

<i>Year</i>		<i>Indians</i>	<i>Ceylonese</i>	<i>Total Workers</i>	<i>Total Indian Population</i>
1942	..	433,800	111,415	545,215	673,000
1943	..	440,907	120,045	560,952	673,000
1944	..	441,491	120,167	561,658	649,000
1945	..	447,221	120,643	567,864	647,000
1946	..	454,914	126,255	581,169	693,000
1947	..	487,075	128,680	585,755	721,000
1948	..	457,551	121,716	579,267	742,000
1949	..	445,381	114,160	559,541	757,000
1950	..	455,216	133,008	588,224	768,000
1951	..	456,381	149,082	605,463	781,000
1952	..	449,113	127,931	577,044	798,000
1953	..	448,044	132,839	580,883	815,000
1954	..	438,984	138,929	577,913	831,000
1955	..	448,399	146,743	595,142	844,000
1956	..	449,556	145,386	594,942	854,000
1957	..	435,845	151,628	587,473	859,000
1958	..	440,743	145,216	585,959	864,000
1959	..	432,124	144,031	576,155	887,000
1960	..	436,129	145,746	581,975	932,000
1961	..	434,290	150,378	584,668	—
1962	..	425,036	147,509	572,545	—

Source:—Statistical Abstract of Ceylon, 1963, p. 172.

APPENDIX IV

Statement showing the particulars of illicit emigrants, touts, etc.
apprehended and convicted in India during the years 1952 to 1963

<i>PERIOD</i>			<i>No. of illicit emigrants apprehended</i>	<i>No. of touts, boat owners, Agents, etc. apprehended</i>	<i>No. of emigrants, touts, etc. convic- ted in Indian Courts</i>
1			2	3	4
1952	..	..	791	87	Not available.
1953	..	..	1,340	373	Not available.
1954	..	..	336	616	300
1955	..	..	438	583	372
1956	..	..	641	509	912
1957	..	..	618	372	542
1958	..	..	363	170	292
1959	..	..	615	273	789
1960	277	218	1,654
1961	135	134	1,266
1962	271	137	696
1963	(up to Nov.)		137	126	582

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