

CITIZENSHIP ISSUE OF INDIAN LABOUR



**(Speech made in parliament)
by
DEW GUNASEKARA - MP**

**At the debate on grant of
citizenship**

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(திரு. டி. குணசேசக்கர - கலவான)

(Mr. Dew Gunasekera - Kalawana)

Mr. Speaker, we are meeting today at a time of grave crisis. A situation is developing in the country where the people are not in a mood to even care about what is taking place in Parliament. Their attention is focussed entirely on what will happen tomorrow. It is in these circumstances that my collaugas in the Opposition, belonging to the SLFP and the MEP, have decided today to refrain from participating in the Sittings of Parliament. It was just a few minutes back that this information was conveyed to me. I agree with some of the views and sentiments expressed by them, in particular with regard to the demand to dissolve Parliament and hold Genaral Elections. which we have been insisting on for a long time. However, as you are well aware, I am guided by the decision of the Central Committee of the Communist Party of Sri Lanka, whom I repersent here. This matter will receive their active consideration, but pending their decision I propose to take part in this debate to provide for the granting of the status of Sri Lanka citizens to the remaining stateless persons of Indian origin, in respect of which I have got definite instructions from my party.

Mr. Speaker, first of all, on behalf of the Communist Party of Sri Lanka whom I represent, may I be permitted to express my views on this Bill providing for the granting of the status of Sri Lankan citizens to certain or remaining stateless persons of Indian origin. I think you will recall that as far back as 1986 when the original Bill was presented in Parliament with regard to the granting of Sri Lankan citi-

zenship to 94,000 persons of Indian origin, my predecessor the late Mr. Sarath Muttetuwegama, MP for Kalawana, clearly explained the position of our party and at that stage voted in favour of the Bill.

The problem of the people of Indian origin, otherwise known as the Indian issue, has been the subject of discussion and debate in this House ever since the dawn of Independence in 1948. It was a matter subject to much controversy in this House and in the country from different angles, even in the days of the State Councils of 1931 and 1936. In fact, even the old Legislative Council which was directly under colonial rule, had to deal with the subject on various occasions.

Sir, going back to the history, it would be observed that the migration of Indian labour to this country started somewhere in the 1830s and the numbers increased significantly during the period of almost a century - 100 years! However, the Indian issue did not become a central issue or a problem of concern during this period of a hundred years. As you all know, the structure of the plantation system geared to a new form of slavery in this country as correctly termed by our local historians. So long as they were a very captive labour force, isolated geographically in the hills of our country with no trade unions, possessing neither economic nor political rights and at that stage posing no threat or any competition in terms of employment, they were tolerated in spite of their large numbers, that was the history.

In 1911, the history shows that Indian labour was in the region of 530,000 and in 1921 it was about 602,000. So, from the 1830s to the 1930s it was not a problem for anyone

except for themselves who were virtually slaves with no human rights, civic rights, political rights or economic rights. They were victims of colonial plunder. They did not come on their own volition or willingness. They were sent here as a commodity of labour. They came here as walking skeletons. Thousands died on their way to Sri Lanka. They were all brought by the colonials and the problem was created by the colonials. Throughout they were subject to repression, suppression and oppression. But, Sir, with all that, they did one thing. They enriched the wealth of this country through their sweat, tears and blood; and it is a story of nearly six generations. According to some historians a generation generally covers a period of 25 years. So six generations of people of Indian origin have been living in this country. The oldest of those who are living today would have been born in the 1920s. A vast majority were born in this country and half of them would have been born after independence.

Sir, who created this problem? For this so called Indian issue who should be blamed? It is not the Indian labour who should be blamed. It is not the Kandyan peasantry who during the colonial period lost their land that they inherited. It is not they who should be blamed. It is not the people of India or even the people of Sri Lanka who should be blamed. It was the British colonials who created this problem for both India and Sri Lanka. And at a latter stage, of course, the problem was aggravated at the instance of our own local capitalists, as I would try to show you at a later stage.

It is quite relevant in this connection to recall how in the old State Council of 1936, the second State Council, when a motion was brought forward by Dr. N. M. Perera the then Member of the State Council for Ruwanwella, requesting the

then colonial government to put a halt to the immigration of labour, it was defeated and only five Members voted in favour of this motion. With due respect to them-they are no longer with us-I must mention their names. They were Dr. N. M. Perera, Mr. Philip Gunawardana, Mr. A. E. Goonesingha, Mr. D. M. Rajapaksa, and Mr. Bernard Aluwihare, Those were the five distinguished Members of the State Council who insisted that no immigration of labour should be allowed into this country. Unfortunately, a vast majority of our distinguished Sinhalese leaders, Buddhist leaders, insisted that immigration should be allowed uninterrupted.

Sir, I do not want to be disrespectful to the dead, but anyway history has to be mentioned as it is. That even Sir D. B. Jayatilleke, Mr. D. S. Senanayake, Mr. S. W. R. D. Bandaranaike, Mr. H. W. Amarasuriya, captain E. A. Nagawela Mr. Dodley Senanayake and Mr. Rajah Hewavitarne-out of the twenty nine Members twenty were distinguished Sinhalese Buddhist leaders - took up the position that the immigration of Indian labour should be allowed uninterrupted. So the Motion was lost, the Motion which was proposed by Dr. N. M. Perera and seconded by Mr. Philip Gunawardana, father of my good friend the hon. Member for Maharagama, Mr. Dinesh Gunawardana, received only five votes. That was in the year 1937. But even much earlier in the year 1934, a similar decision was taken up in the First State Council by my leader, Dr. S. A. Wickermasinghe, as Member of the State Council for Morawaka, who continuously insisted that the immigration of Indian labour should not be allowed in the national interest, in the class interest and in the human interest. But they were all looked down upon and the Motion was rejected.

Sir, this problem would not have really taken such a dimension or serious proportion, if that Motion was accepted at that stage. So they who moved the Resolution took that view in the national interest, the human interest and class

interest in bringing the Motion. And we would not have sometimes faced such a huge problem as it is now if that Motion had been, at least, accepted at that stage in the State Council. On the one hand they demanded that the immigration of labour should not be allowed and also at the same time demanded human rights for the workers who were already in Sri Lanka. That was the position that they took. They looked at it from a human angle, a class angle and an angle of national interest. The others who opposed went purely by their own narrow class interest, vested interest, in trying to obtain cheap labour to their estates. They never looked at the problem on the basis of a long term objective. They did not look at it objectively, dialectically or scientifically or from the point of view of the national interest. So those who supported the Motion looked at the question taking the following factor into account, namely, uninterrupted flow of labour would create problems. They foresaw it. They had the foresight. They had the vision to see that if this problem is not checked it will turn out to be a monster in time to come. So that was why they demanded that there should not be an uninterrupted flow of labour. They said that the problem of unemployment in this country could not be tackled if there was going to be continuous flow of immigration from India. At the same time they also took up the position that the existing labour should be treated humanely and as equals with the indigenous workers of this country. Sir, in short this is the history of this problem.

What happened after Independence? A sudden feeling of patriotism dawned on these gentlemen who were really in favour of bringing immigrant labour. After independence they took up the position that the existing immigrants who are already working in the State plantations should be deprived of their political and franchise rights. That is how in the year 1948 Citizenship Bill came to be presented. It was basically on the results of the first General Election that such

a decision was taken. There were three or four shades of opinion expressed in the State Coopcil with regard to this problem of citizenship. Some of them imagined and had a sense of genuine fear and suspicion, particularly the hon. Members of Parliament who came from the Kandyan districts, They feared a large influx of Indian labour to the up-country. They had a fear of being swamped. They gave expression to a genuine fear.

There was another view expressed. That was the fear of the growth of the real organized working class in this country. They had a fear about them There were also certain sections who suffered from "Indo-phobia" as Dr. N. M. Perera rightly termed. They were concerned about the ever present threats from India. They had that fear. Fourthly, there were those who feared the growth of the Left Movement, when seven Members of the Indian plantation workers were returned to Parliament, including Hon. S. Thondaman, the present Minister of Rural Industrial Development. Also there were fourteen other Members of Parliament from the Left Movement who were returned to the first Parliament with the support of the plantation workers. If you go through the HANSARD of the first Parliament you will observe that the predominant motive in bringing this piece of legislation in 1948 was due to the fact that the plantation workers were inclined to support the Left Movement. That is why even Hon. Ministers and the other Hon. Members of the Tamil community, for example, Hon. S. Sittampalam, Hon. Sunderalingam and Hon. G. G. Ponnambalam voted for the deprivation of citizenship. That shows that they looked at this question from a class-angle and not from an ethnic angle. That is why they supported that Bill. I think only three of those hon. Members of Parliament who participated in

that debate in 1948 are present in this House today. They are Hon. Montague Jayawickrema. Hon. Dr. W. Dahanayake and Hon. Maithripala Senanayake. Hon. Montague Jayawickrema and hon, Maithripala Senanayake supported the Citizenship Bill while Hon. Dr. W. Dahanayake opposed it.

Thus, Sir, the Citizenship Bill of 1948 created for the first time in our country a problem of statelessness which we are going to remove today from the statute book. It is this statelessness that we propose to put an end today after a period of 40 years. Sir, the Bill which sought to solve the problem, instead of finding a solution, created a host of host of other problems. They sought to solve a particular problem and the end result was that they created a host of other problems. One is that they created the statelessness in our country a large number of people working in the plantations have been here for the last so many years They were physically present here were stateless

Now Sir. they placed an army of plantation labour in a state of fear and suspicion with no prospect of permanent domicile either in Sri Lanka or in India, and there was the mutual mistrust, the mutual fear and the mutual suspicion. And it is from this point onwards that the real mutual suspicion, the mutual mistrust and the mutual fear were generated and they continued to persist even till today, particularly after the introduction of this Bill. It also isolated them from the rest of the working class. Earlier the indigenous working class, and the plantation working class of Indian origin irrespective of class, creed or sex or any other ethnicity had friendly relations, relations of fraternity and everything broke down after the introduction of that Bill. It also created, Sir, a fear

among the minorities at large. That is the starting point where each minority started looking at the majority community with fear, suspicion and mistrust.

Sir really it is in this context that the birth of the Federal party took place in December 1948. Really the birth was hastened by the introduction of that Bill. The Tamil Congress members. Mr. G. G. Ponnambalam and all other Tamil leaders voted in favour of the Bill. Mr. S. J. V. Chelvanayakam and others opposed and it hastened and propelled the birth of the Federal Party in 1948. And this is history. The enactment of the Citizenship Bill deprived them of the political rights which these people had been enjoying since 1931 for 14 years. In the year 1936 during the Second State Council time, 145,000 voters were there on record. In 1941 the elections could not be held. There had been 225,000 registered voters and thereby it strained the relations between India and Sri Lanka. It strengthened the so-called Indian factor. The Indian factor is present even today. Whenever we talk about a foreign policy question or any other problem or even any internal problem always the Indian factor comes to the surface. In fact, the very Indian factor was strengthened as a result of the Citizenship Bill of 1948.

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(சபாநாயகர் அவர்கள்)

(Mr. Speaker)

Order, please! The Deputy Speaker will now take the Chair

(අනතුරුව කථානායකතුමා මුලාසනයෙන් ඉවත්වූයෙන් නියෝජ්‍ය කථානායකතුමා (නේමන් වෛද්‍යරත්න මහතා) මුලාසනාරුවේ විය.)

Whereupon MR. SPEAKER left the Chair, and MR. DEPUTY SPEAKER (MR NORMAN WAIDYARATNA) took the Chair.

ඩී.වී. ගුණසේකර මහතා

(திரு. டி.வ் குணசேகர)

Mr. Dew Gunasekara)

Mr. Deputy Speaker, that Bill not only gave birth to a Federal Party really it hastened the birth of Federal Party-but it also strengthened the CWC. It is from that point onwards that the Ceylon Workers Congress really became a formidable organization, This is the history. And finally what happends? The introduction, the enactment, of the Citizenship Bill in 1948 which sought to solve a problem but instead created a host of other insurmountable problem which remained unsolved. Therefore from the start. from 1948 to 1964, the problem of statelessness became acute and neither the Indian government nor the Sri Lanka Government ever attempted to deal with this problem or tackle this problem. The people were here physically. They were stateless and no negotiations or correspondence took place and there was a large number of plantation workers of Indian origin here, and the Indian government did not claim them and we were unable to send them back or grant them citizenship This was

the starting point from which even the relations between India and Sri Lanka started to become strained. During the time of the Kotelawala government there was an attempt, discussions between Sri John Kotelawala and Pandit Nehru took place. Although there was the so-called Kotalawala-Nehru Pact of 1954, history shows that it never even took off the ground. It was just a dead letter and for 16 years, from 1948 to 1964, absolutely nothing happened and it was a period of non-cooperation on both sides, both parties. Even after Mr. S. W. R. D. Bandaranaike came to power in 1956 he had no time to solve it. He had only two years. So the first break-through in trying to find a solution to this problem of statelessness really took place in 1964. That is After Sirima-Shastri pact was signed. from 1964 it took another 10 years. Nothing happened till about 1974 until Mrs. Sirimavo Bandaranaike and Mrs. Indira Gandhi met again to clarify certain matters and attempt to implement the Sirima-Shastri Pact. So really the problem that arose was the question of the implementation.

Now, if you look back you will see that the problem was created in 1948 and the first attempt to solve it was made in 1964 after 16 years. Then the next attempt was made in 1974 after another 10 years and the third attempt was made in 1986 after another 12 years and the fourth attempt, that is the last phase, is being made now in 1988 after another two years. So it has taken 40 odd years. For 40 years the problem remained unsolved. It got escalated, fastened and tightened, and it was really class more than race that was the determining factor in the whole process of finding of finding a solution. There was neither human justice nor social justice. The congruence of the ethnic and the social in class-consciousness was supplemented by a whole host of other

subjective factors, and there were prejudices because these people were regarded as a poor, illiterate, degraded and immoral people and therefore they were considered unfit for the vote. So there were problems no doubt.

The Problem really came to the surface in the implementation of the Sirima - Shastri and the Sirima-Indira Agreements and luckily, Sir, there was some advance. I would consider that the Sirima-Shastri Agreement made a very big advance in finding a solution in this problem. When the Agreement was signed there were 975,000 stateless persons, The Indian Government agreed to absorb 600,000 and the Sri Lankan Government agreed to absorb 375,000 persons, and thereby solved the problem of the 975,000 stateless persons. But what had happened in the process of implementation ? When applications were called only 506,000 applied to become Indian citizens. India was prepared to absorb 600,000 persons but they had received only 506,000 applications. The number had fallen short by 94,000. On the other hand, the Sri Lankan Government was prepared to absorb 375,000 persons, but actually there had been 469,000 applications. That was how the question of 94,000 persons came up in the year 1986 and for which a separate Bill was passed in Parliament to rectify that anomaly.

But really, Sir there are some other problems I would like to draw your attention to in the implementation of this Agreement, The Bill that was presented today was intended to provide citizenship to the balance number of stateless persons who were not covered by the 506,000 persons absorbed by India. This of course I fully agree, is the reality of the situation, the reality as it is today. As far as most of our political problems are concerned, whether it is an Indian is-

sue or the ethnic issue in the North, the biggest problem why we cannot tackle them is our unwillingness to accept the reality. The same problem had been there in Israel and what happened? If the reality had been accepted in the year 1948, so many millions of people would not have died during the last forty years. The reality, whether you like it or not, was the legacy created by the colonialists, It, was not the fault of the Indian Government, post-independence governments, and it is not the fault of any other post-governments of this country It was the legacy created by the colonialists as they had interests: in all parts of the world where they had power, the British Empire.

So today we are putting an end to this problem created over a period of 150 years and the problem of statelessness that had existed over a period of 40 years. This happened as a result of a piece of legislation which was aptly described by the late Mr. Philip Gunawardene, father of the hon Member for Maharagama. as follows:

"The most unjust unfair and inhuman piece of legislation enacted in the Parliament of this country"

History has proved that it was so Reality has pre that it was so That is why after 40 years the United National Party Government had to bring in legislation to correct the anomalies the mistakes, made by the UNP government which originally introduced the Citizenship Act of 1948, the only thing is it took 40 years. Although it took 40 years, Sir, still I think there are people who cannot appreciate, who cannot understand, who cannot comprehend, the reality of the problem. Sir, I would quote even from the Hon S.W.R. D. Bandaranaike, former Prime Minister who spoke in wind-

ing up the debate on the Citizenship Bill in 1948 on behalf of the UNP. Of course he distanced himself from the Government to some extent and he said. S. W. R. D. Bandaranaike in winding up the debate on the Citizenship Bill in 1948 and distancing himself from the rest of the speakers, took up this position. I am quoting his speech.

"From my point of view, I say from a personal point of view, these provisions go further than I would have liked personally. Though I support them in the interest of statesmanship and wisdom and in the interest of peace, I would have preferred the problem to be approached from another angle"

So even the Hon. S. W. R. D. Bandaranaike who voted for that Bill would have had some reservation in his own mind because he would have had a vision or he would have been looking at the problem a little more objectively. Probably, that is why he would have referred to an "angle" that he had in mind, Probably what he had in mind was-and it has been the subsequent experience -that a safe absorbable maximum of Indian workers was needed by this country, that they should given full rights once they are kept here and those who wanted to return should be given fair, just and genuine terms. Now Sir, it has taken 40 odd years to determine and implement even what Mr. Bandaranaike would have had in mind at that time.

I am in full agreement with the provisions of the Bill, I feel that the implementation, although we passed this Bill today, the implementation to a finality, may not take off for some time. I can imagine that from my own past experience. Now that the statelessness is no more, let us strive to create

the necessary conditions conducive to making the people feel at home, to make them live with fraternity with other communities, with the indigeneous working class with peace and tranquility. Whatever the reason that motivated the UNP to bring this piece of legislation - no doubt the elections are round the corner and we know the Hon. Minister, Mr. Thondaman, was insisting upon a solution the final solution to this problem - We ourselves were insisting on this matter being brought to a finality. Wherever It is, whatever the immediate or remote reasons, whatever is the motive that made the government bring this piece of legislation. We welcome it because it makes the most discriminating, unfair, unjust, and in human piece of legislation ineffective from now onwards. We welcome this Bill because we have fought for the basic rights of these plantation workers continuously and uninterruptedly. We were undeterred and undismayed in our stand, In spite of various threats intimidation, defeats and setbacks we continued to take a very principled position as far as this question was concerned.

I would remind the House that this section of the population is really an asset to the country We must consider them as our own indigenous workers As I mentioned in my speech on the Vote on Account Debate, about Rs. 17,000 millions of foreign exchange that these plantation workers earn for this country for a year goes entirely for the payment of capital and interest on the monies that we have borrowed Through their sweat, tears and blood they have not only enriched the wealth of this country but have also continued to find foreign exchange to meet the repayment of capital and interest annually Rs. 17,000 million.

The Hon Minister of Rural Industrial Development, Mr. Thondaman, is not here and I do not want to make any reference in his absence. But anyway for the purpose of record, my personal observation is that this Indian issue, the problem of stateless persons really germinated the growth of the Ceylon Workers Congress as a political party. Its main aim was directed at achieving a solution to this problem. Now that this problem will cease to exist after the enhancement of this Bill and of course, after its implementation there will not be any basis or condition for the Ceylon Workers Congress to exist as a political party. So the only line of demarcation as far as policy differences are concerned between the UNP and the CWE will no longer exist. So the logical development would be the merger of the CWE and the UNP. If this happens, I am sure the plantation workers of Indian origin, who will become full-fledged citizens of this country with all rights human, civic, political and franchise - will be afforded the opportunity to select the party of their own choice and of their own class. They will get that opportunity (Interruption) That is what, I think, made the UNP Government to reconsider the whole question. If Hon Thondaman had been with the UNP in 1948 the Citizenship Act would never have come. Now that Hon Thondaman is with you as far as the UNP is concerned they thought the plantation workers were no longer a threat to them. They considered them as a threat when they were on the opposite side and the way they supported the left movement.

Anyway Sir, I think the workers of Indian origin now that they are going to become free citizens of Sri Lanka, will get the opportunity to choose their own political party, merge with the working class and come into the main stream of politics. Now that the stumbling block is cleared the hurdles are removed and the main problem is solved, it is our fervent hope that particularly in the hill country where a lot of tension, conflicts and confrontations have existed for the last so many years, sanity will prevail among the leaders of this working class and that they will merge with the indigenous

working class and fight for the rights of the entire working class and for the peace and stability of this country.

In that context, I think this Bill, though it is a simple Bill, is an important Bill. The Hon. D. S. Senanayake, in presenting the Citizenship Bill, made a very short speech. He said that it was a simple Bill but it was an important Bill. Similarly, Sir, the Hon. Minister of National Security today presented a very simple Bill. Although it is simple, it is an important Bill.

The main problem is the implementation of the Bill. I would like to bring to the notice of the Hon. Minister that the Bureaucracy is playing hell as far as the implementation is concerned. I think that sometimes they will also get a free hand once this Bill is enacted. They would know the thinking of the Government. One trade union leader told me yesterday that an application that was made in the year 1967 is still lying there. This is 1987, and 20 years have elapsed. He had been asked to bring a letter from the police as the matter had been referred to the police. When he went to the police station they said nothing had come there, and he was asked to go to the CID. He went to the CID. They said that they had not been informed of such a thing. He was driven from place to place, from CID to police, from one police to the Department of Immigration and Emigration and various other departments. But the matter remained unsolved. There are so many such instances.

After this Bill is enacted there will be no stateless people. They will become full-fledged citizens. Therefore there is no reason for the bureaucracy or the officials of the Government to stand in their way. If you do not implement this bill as early as possible, then other subsidiary problems will tend to crop up. Therefore, it is my earnest appeal to the Hon. Minister, in implementing this Bill, to take the same keen initiative and the same trouble that he took in introducing the Bill.

Citizenship issue of indian labour

"Who created this problem? For this so called Indian issue who should be blamed? It is not the Indian labour who should be blamed. It is not the Kandyan peasantry who during the colonial period lost their land that they inherited. It is not they who should be blamed. It is not the people of India or even the people of Sri Lanka who should be blamed. It was the British colonialists who created this problem for both India and Sri Lanka. And at a latter stage, of course, the problem was aggravated at the instance of our own local capitalists, as I would try to show you at a later stage."