

Saturday, 22nd November, 1941

# THE COUNCIL OF STATE DEBATES

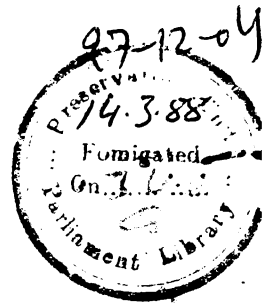
VOLUME II, 1941

*(10th November to 22nd November, 1941)*

TENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1941



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.  
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.  
1942.

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100  
CORRIGENDA. Council House in New

In the Council of State Debates,  
1941, Vol. II,—

(1) On page 4, in the top line,—  
for " India " read " Indian ";

(2) On page 136, in line 3 from the  
top,—  
for " one is at " read " that is,  
with ".

(3) On page 142, in line 5,—

*delete* the words " at the time ";

(4) On page 147, in line 4,—

for " I lay a statement on the  
table " read " A statement  
has been laid on the  
table ".

# COUNCIL OF STATE.

Saturday, 22nd November, 1941.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

## QUESTIONS AND ANSWERS.

### LOAN GRANTED TO BAHAWALPUR STATE.

186. THE HONOURABLE MR. V. V. KALIKAR (on behalf of the Honourable Raja Yuveraj Dutta Singh) : (1) Will Government state—

(a) The total amount of loan advanced to the Bahawalpur State out of Indian revenues ; and the year or years in which the loan was advanced, as well as the rate of interest ?

(b) The amount of loan returned by the Bahawalpur State and the amount outstanding up-to-date ?

(c) The security on which the loan was advanced and is allowed to remain outstanding ? and

(d) The arrangement, if any, for the repayment of the loan ; and the stipulated time in which it is expected to be repaid finally ?

(2) Has any portion of the loan been remitted, or proposed to be remitted ? If so, how much, and why ?

THE HONOURABLE MR. C. E. JONES : (1) (a) to (d). The loan granted to finance the Bahawalpur State share of expenditure on the Sutlej Valley Project totalled Rs. 12·4 crores up to 1935. Under an agreement entered into between the State and the Government of India in 1936, Rs. 2 crores are to be paid to the Government of India from the sale proceeds of unallotted land within the limit of the Sutlej Valley Project and the balance of Rs. 10·4 crores is to be repaid out of the revenues of the Sutlej Valley Project in fixed half-yearly annual instalments which rise to Rs. 27·5 lakhs in 1944-45 and remain at that level till 1985-86 when the entire liability on this account is expected to be discharged. Since the first part of the loan is not repayable at a fixed date, it is not possible to express these terms of repayment as at a specified rate of interest and as the scheduled half-yearly payments are fixed lump sums it is not possible to say how much of the amount repaid up-to-date has been on account of principal and how much on account of interest. The State has, however, met all its obligations on the due dates and with certain pre-payments of later instalments has repaid Rs. 214 lakhs up to the beginning of this financial year.

Another loan for Rs. 32 lakhs was granted on the security of the revenues of the State in 1936 for the conversion of certain accumulated debit balances on Account Current at 4½ per cent. interest. This is being repaid in 15 annual equated instalments of Rs. 3·03 lakhs. The balance due at the beginning of the present financial year on account of principal was Rs. 23·71 lakhs. The loan is expected to be repaid finally in the year 1950.

(2) No portion of the principal of either loan has been remitted nor is there any such proposal.

**INDO-NEPAL AERIAL ROPEWAY.**

187. **THE HONOURABLE MR. V. V. KALIKAR** (on behalf of the Honourable Raja Yuveraj Dutta Singh): Is there any proposal of constructing an Indo-Nepal aerial ropeway to facilitate trade traffic? If so, from what point to what point? What is the approximate cost of the scheme; and when is it likely to be taken in hand and completed?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI**: The answer to the first part of the question is that Government have no such information. The second part does not arise.

**LONGEST DISTANCE FLOWN BY AN ENEMY BOMBER.**

188. **THE HONOURABLE MR. R. H. PARKER**: (a) What is the longest distance known to the Government of India that an Axis bomber has flown on a successful bombing raid?

(b) What is the distance—

- (i) from the nearest Japanese or Japanese controlled starting point for a bomber to Calcutta;
- (ii) from the nearest known Axis or Axis-controlled starting point for a bomber to a city in India;
- (iii) from the nearest known Axis or Axis-controlled starting point for a bomber to Bombay; and
- (iv) from the nearest known Axis or Axis-controlled starting point for a bomber to Delhi?

**THE HONOURABLE MR. A. DE C. WILLIAMS** (on behalf of His Excellency the Commander-in-Chief): (a) The longest distance known to the Government of India that an Axis bomber has flown on a successful bombing raid is 2,500 miles, when an enemy bomber took off from Rhodes, bombed Bahrein and returned to Massawa.

- (b) (i) 950 miles.
- (ii) 1,840 miles.
- (iii) 2,690 miles.
- (iv) 2,350 miles.

**INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.**

**THE HONOURABLE MR. C. E. JONES** (Finance Secretary): Sir, the Honourable Mr. Roy has been unavoidably detained, and with your permission, I will on his behalf lay on the table the information promised in reply to question No. 90 asked by the Honourable Mr. Hossain Imam on the 2nd December, 1940.

**NUMBER OF MOTOR VEHICLES AS ON 31ST MARCH, 1940.**

A statement showing the number of motor vehicles taxed by the Provincial Government in respect of the quarter ending the 31st March, 1940 is attached.



THE HONOURABLE SIR ALAN LLOYD (Commerce Secretary): Sir, I lay on the table the information promised in reply to question No. 5F asked by the Honourable Mr. G. S. Motilal on the 11th November, 1941.

*Stock of Indian cotton.*

- (1) The stock of Indian cotton of each important growth at the end of the last cotton year and at the end of each of the two years before the war ?
  - (2) How many bales of cotton of each growth are expected to be produced in India in the current cotton year ?
  - (3) What was the export of cotton of each growth during each of the last four years to Japan, United Kingdom, Continent of Europe and other countries ?
  - (4) To what extent the export of Indian cotton would diminish (i) on the account of the war and (ii) on account of ban on the export of cotton to Japan ?
  - (5) Whether any of these factors have affected the price of cotton and will the agriculturist stand to lose by the fall in the price of cotton of the next crop ?
  - (6) How many bales of Indian cotton of each growth were used by the mills in India during the last four years ?
  - (7) How many more bales of Indian cotton of each growth are expected to be used by Indian mills in the next year ?
  - (8) Whether Government propose to take any steps to help the cotton agriculturist in his difficulties arising from fall in the price of cotton owing to diminution of export trade and if so, what measures do they propose to adopt and when ?
- (1) Statement I attached, showing stocks of Indian raw cotton of each important growth at the end of the three cotton years 1937-38 to 1939-40. No information is yet available about stocks at the end of the 1940-41 cotton year.
  - (2) A total crop of about 5,530,000 bales is expected to be produced in India. Detailed estimates of the yield of each important growth will not be available before the middle of December next when the third All-India official forecast is expected to be ready.
  - (3) and (4) The information asked for will be found in Statement II appended. Some details regarding the figures for 1940-41 which are not yet available have not been incorporated in the statement.
  - (5) Attention is invited to Statement III attached which gives the wholesale prices of three representative varieties of cotton from August, 1939, to November 5, 1941, together with their index numbers based on the prices ruling just before the outbreak of war. It will be observed that the current prices of all varieties are above the pre-war level, the extent of rise varying from 24 per cent. to 47 per cent. The question whether a fall in the price of the next cotton crop will adversely affect the agriculturists is a matter of conjecture.
  - (6) The information is furnished in Statement IV attached herewith. It gives figures up to the end of the cotton year 1939-40. No detailed information is as yet available for 1940-41, but the total mill consumption of all varieties of cotton during that year was 3,553,000 bales.
  - (7) No estimate can be worked out in this connection as any such attempt would depend upon many unpredictable factors whose action cannot be assessed in advance.
  - (8) The problem is engaging the closest attention of the Central Government in consultation with the Provincial Governments. The course of prices of raw cotton is being continuously watched and measures calculated to prevent a slump are expected to be introduced at the earliest possible date.



STATEMENT I.

*Stocks of Indian cotton of each important growth, with mills and the trade at the end of each of the cotton year (September-August) 1937-38 to 1939-40.*

(In thousands of bales of 400 lbs. each.)

	1937-38.	1938-39.	1939-40.
Bengal . . . . .	283	187	206
Americans . . . . .	663	519	507
Oomras . . . . .	421	217	410
Hyderabad Gaorari . . . . .	101	60	48
Central India . . . . .	116	87	92
Broach . . . . .	189	96	199
Surti . . . . .	59	101	88
Dholleras . . . . .	143	112	61
Southerns . . . . .	268	334	258
Tinnevellies (including Karungannies)	110	71	77
Salems . . . . .	18	10	11
Commillas . . . . .	1	..	..
Unclassified . . . . .	21	12	14
<b>Total</b>	<b>2,393</b>	<b>1,806</b>	<b>1,971</b>

**STATEMENT II.**  
*Export of cotton to Foreign Countries during each of the three cotton years (September-August) 1937-38 to 1939-40.*  
 (In thousands of bales of 400 lbs. each.)

Trade Description of Cotton.	1937-38.				1938-39.				1939-40.				1940-41.							
	U. K.	Japan.	China and the East (excluding Japan).	Total Exports.	Europe (excluding U. K.) and the West.	U. K.	Japan.	China and the East (excluding Japan).	Total Exports.	Europe (excluding U. K.) and the West.	U. K.	Japan.	China and the East (excluding Japan).	Total Exports.	Europe (excluding U. K.) and the West.	U. K.	Japan.	China and the East (excluding Japan).	Total Exports.	
Benzals	323	112	176	14	625	318	110	173	57	658	243	149	202	45	639	...	...	...	...	
Americans	81	185	42	36	394	100	182	143	306	736	85	141	100	180	508	Details not yet available.				
Oomras	124	43	409	15	691	96	35	472	135	733	43	71	401	120	635	...	...	...	...	
Hyderabad Gaorai	1	...	1	...	2	...	...	1	...	1	...	...	...	...	...	...	...	...	...	
Central India	19	5	24	11	59	28	...	119	48	195	7	2	44	24	77	...	...	...	...	
Breach	29	7	18	12	66	49	32	49	110	240	8	11	11	50	80	...	...	...	...	
Burti	4	1	1	...	6	3	...	5	7	15	38	2	...	14	54	...	...	...	...	
Dholferas	59	2	32	5	98	33	4	108	54	249	15	8	38	23	84	...	...	...	...	
Boutherns	27	11	6	...	44	44	22	87	54	207	11	19	8	51	89	...	...	...	...	
Tinnavelles (including Karungannles)	5	1	...	...	6	3	3	3	8	17	...	1	...	14	15	...	...	...	...	
Salems.	...	...	1	...	1	2	...	...	...	2	6	2	...	1	9	...	...	...	...	
Comillas	25	6	...	1	32	43	5	...	1	49	14	6	...	1	21	...	...	...	...	
Unclassified.	7	...	47	...	54	2	...	63	48	113	...	...	22	32	54	...	...	...	...	
<b>Total</b>	<b>704</b>	<b>323</b>	<b>847</b>	<b>94</b>	<b>1,968</b>	<b>771</b>	<b>393</b>	<b>1,228</b>	<b>328</b>	<b>3,220</b>	<b>470</b>	<b>412</b>	<b>826</b>	<b>555</b>	<b>2,263</b>	<b>198</b>	<b>352</b>	<b>897</b>	<b>624</b>	<b>2,071</b>

STATEMENT III.

Prices of cotton in India, and their index numbers.

Month.	Since August 1939.					Find (Bombay) Index.
	Broach Price per candy of 784 lbs.	Bombay Index.	Bengal Price per candy of 784 lbs.	Bombay Index.	No. 3 Oomra Price per candy of 784 lbs.	
	Rs.		Rs.		Rs.	
1939—						
August 18 . . . . .	158	100	119	100	144	100
September . . . . .	201	127	148	124	187	130
December . . . . .	307	194	223	187	270	187
1940—						
March . . . . .	243	154	188	156	223	155.
June . . . . .	164	104	121	102	148	103
September . . . . .	203	128	141	118	179	124
December . . . . .	188	119	128	108	157	109
1941—						
January . . . . .	179	113	126	106	149	103
February . . . . .	184	116	117	98	146	101
March . . . . .	235	149	132	111	176	123
April . . . . .	222	141	125	105	157	109
May . . . . .	261	165	142	119	174	121
June . . . . .	257	163	159	134	206	143
July . . . . .	269	170	146	123	235	163
August . . . . .	274	173	160	134	215	149
September . . . . .	242	153	137	115	184	128
October . . . . .	233	147	148	125	178	124
November 5 . . . . .	233	147	147	124	196	136

STATEMENT IV.

Mill Consumption of Indian Cotton of each growth during each of the three cotton years (September-August) 1937-38 to 1939-40.

(In bales of 400 lbs. each.)

	1937-38.	1938-39.	1939-40.	1940-41.
Bengal . . . . .	314	337	298	
Americans . . . . .	967	966	1,043	Details not yet available.
Oomras . . . . .	337	284	345	
Hyderabad Gaorari . . . . .	136	113	108	
Central India . . . . .	235	221	208	
Broach . . . . .	241	243	187	
Surti . . . . .	178	169	167	
Dholleras . . . . .	210	236	169	
Southerns . . . . .	268	311	339	
Tinnevellies (including Karun- gannies) . . . . .	105	151	120	
Salams . . . . .	8	8	6	
Comillas . . . . .			1	
Unclassified . . . . .	7	13	4	
<b>Total</b>	<b>3,006</b>	<b>3,052</b>	<b>2,995</b>	<b>3,553</b>

## MOTION *RE* JOINT REPORT OF THE INDO-CEYLON DELEGATIONS.

THE HONOURABLE MR. G. S. BOZMAN (Secretary, Indians Overseas Department): Sir, I move:—

“That the Joint Report by the Delegations from India and Ceylon be taken into consideration.”

During the last two or three weeks, Sir, my mental peregrinations have been somewhat on a level with my physical peregrinations for the last three or four months. We have jumped from India to Burma, Burma to Malaya and now find ourselves in Ceylon, and if I show signs of weak mental knees, like my physical knees at the end of my tours, I hope the House will forgive me.

I think a very short statement might help the House as to the background of the Ceylon negotiations. Members will recall that in November of 1940, a Delegation came from Ceylon with the object of arriving at some solution of the outstanding problems between the two countries. The question of emigration was first taken up. The negotiations did not proceed beyond that particular problem. The Government of India at that time took up the position that full citizenship rights covering the whole political and economic field could legitimately be claimed by all Indians who could establish proof of a prescribed period of residence and of a permanent interest in Ceylon. The Ceylon Ministers, on the other hand, took the position—or appeared to us to take the position—that the problem of unemployment in Ceylon was so urgent that they could not agree to any arrangement which did not lead in practice to a reduction in the number of Indians already settled in Ceylon. It will be clear that there was a conflict between the two points of view which was irreconcilable. The result was that the negotiations broke down. When the result of those negotiations was published in Ceylon, the Governor of Ceylon sent a message to the State Council there stating that there were certain undertakings given both by Ceylon and by His Majesty's Government by which he himself was bound and that any proposal of the Ceylon Ministry which was in conflict with those undertakings and which did not carry the consent of the Government of India must, in his view, be refused by him. Briefly, the undertakings to which he referred were these. A statement by Ceylon in 1921 that there was no restriction upon the entry of Indians as such; secondly, that all Indians in Ceylon enjoyed the municipal franchise; thirdly, that Ceylon would undertake free repatriation for Indian labour in cases of sickness or unemployment; fourthly, that Indians in Ceylon would have the same legal rights as members of the local population and could acquire and hold land; and fifthly, a statement by His Majesty's Government at the time of the constitutional reforms to the effect that they had no intention of repealing or amending to the detriment of Indians any of the laws of Ceylon affecting their position or privileges. The Governor's message in Ceylon was received with keen dissatisfaction by the Ceylon Ministry and they introduced two draft Ordinances, one to control immigration and the other to provide for the registration in Ceylon of all non-Ceylonese. The mood and the temper of the Ceylon Ministry at that time was hot. However action on these draft Ordinances was suspended, and when feelings had cooled down somewhat the Ceylon Government forwarded to the Government of India, I think it was in June or July, a memorandum which purported to express moderate opinion in Ceylon on the problem of Indian immigration. They asked the Government of India to examine the contents of this memorandum and, if they felt that it offered a suitable basis for negotiation to resume the negotiations which had

broken down in Delhi, to send a Delegation to Ceylon and make a further attempt to arrive at some agreed solution. The memorandum would be too long for me to retail to the House now. It was examined by the Government of India. It was placed before the Standing Emigration Committee, and the conclusion that was reached was that the proposals, or rather the suggestions for consideration, which it contained made it worth while resuming the negotiations, and we accepted the Ceylon Government's invitation. One thing however was made clear at the time, and that was that the memorandum was not in itself an attempt to offer an agreed solution, nor did either Government bind themselves to accept any particular item in it. The Government of India Delegation reached Colombo on September the 4th and left it on September the 21st, 17 days, in the course of which there were 15 meetings between the two delegations, 11 of them of a formal character and four of an informal character. I think Members will agree that the Delegation did not waste its time. The Delegation also had periodic meetings with a committee of Ceylon Indians. The Indians in Ceylon formed this committee for the special purpose of assisting the Government of India Delegation and keeping them apprised of the view-point of Indians living in Ceylon. As I said just now, neither delegation had committed itself to the acceptance of any particular points raised in the memorandum which the Ceylon Government forwarded. The Ceylon Ministers therefore made it quite clear that even if an agreement should be reached as between the delegations it would require on their part ratification by the Ceylon State Council. The Government of India reserved exactly the same rights to themselves, and it is largely for that reason that in their negotiations with the Ceylon Indian committee the Government of India Delegation made no effort whatever to extract any final views from them. They kept them apprised of the course the negotiations were taking; they discussed particular points with them and they elicited from them the general view of Indians in Ceylon. But at no time was that committee committed to acceptance of any proposals either of the Ceylon Delegation or of the Government of India Delegation which were communicated to them.

And now briefly to describe the course the negotiations took. As I said, the Government of India in the conversation in Delhi laid stress upon full citizenship rights for Indians with certain qualifications. When we started talking again in Colombo we felt that the term "full citizenship rights" had contributed to some extent to the breakdown, because at no time had we considered in any detail what the contents were of full citizenship rights; and it is for that reason that you will find in this Report that there are five or six separate headings. We considered that the main citizenship rights with which Indians were concerned were the right of entry and re-entry, the right of employment, the right to vote and the right not to be discriminated against as Indians in any legislation the Ceylon Government might pass. But as the conversations proceeded it became quite clear that such a division is not in any sense a hard and fast division. A right of immigration affects a right to employment and even a right to vote. Therefore, although you will find in the Report the separate chapters, there is in fact a very close inter-connection between the provisions made in the separate chapters, and it is a point I think which Honourable Members should bear very closely in mind when commenting on any individual provision in the Report. You will find that the Report is in what I might call a *quasi*-legal form. It was actually drafted by a member of the Ceylon Delegation, Mr. Drayton, the Legal Secretary who is also a member of the Ceylon Cabinet, and myself. Probably the legal part of it is his and the "*quasi*" part of it is mine. But having taken part in the actual drafting, much of it until the early hours of the morning, I feel that I should be

[Mr. G. S. Bozman.]

able to—and I am very willing to—explain points which Members may find difficult to follow in view of the form in which the Report has been drafted. As you will see, this is a Report and no more. It is a Report to the Government of Ceylon and a Report to the Government of India. The Government of India's intention in moving this Motion is a very simple one. It is desired to find out what public opinion in India has to say upon the proposals in the Report. They themselves have an open mind on the subject and they felt that a Motion such as this was possibly the best way of attracting public attention to a problem of great complexity but equally great importance.

I have only one more suggestion to offer to the House if I may, and that is that in considering these proposals or this Report it will be helpful to determine the main points upon which decision is required. Obviously the first point is whether you want an agreement or whether you do not want an agreement. That is fundamental. If you decide that you do want an agreement, then try to ascertain what are the vital points in India's connection with Ceylon on which in Indian opinion no compromise at all is possible. And, thirdly, in offering comments on particular provisions of the Report to ascertain what reactions a modification as desired would have upon other parts of the Report. I believe that if those three main lines are borne in mind, we should be able to elicit some extremely useful and helpful constructive criticism by the debate which will now ensue. I think, Sir, that it will be best if I now leave the Motion to the House. I should only like to repeat that if on individual points Members ask for information as to the meaning of any particular provision in the Report I shall do my best to assist them.

Sir, I move.

THE HONOURABLE MR. SHANTIDAS ASKURAN (Bombay : Non-Muhammadian) : Sir, it is perhaps an advantage that this House should discuss the Indo-Ceylon Report in the light of the statesmanlike remarks, if I may say so, of the Honourable Member for Overseas in the other House. I take this opportunity of congratulating the Honourable Member Mr. Aney on the firm and dignified stand he has made for safeguarding the rights of our countrymen abroad and in particular, in Burma, Malaya and Ceylon. At the same time, Sir, I cannot help regretting that he was not given a free and unfettered hand in dealing with these thorny problems. Sir, no one can envy the Honourable Member the legacy he has inherited. I am sure that the few observations which I propose to make on the subject before the House will be accepted by him in the spirit in which they are made.

Speaking, Sir, as a businessman and believing in good will as the best guarantee for a lasting understanding, I earnestly hope that the Ceylon Government and the Ceylon people will realise if they have not already done so, that the Joint Report of the two Delegations is not acceptable to any section of Indian opinion without considerable modifications. Even in normal times, Sir, Ceylon needs India's good-will and assistance in more directions than one. But especially in an international crisis like the present both countries are dependent on each other to an exceptional degree. In the sphere of trade, with loss of certain markets and the shrinkage of others, Ceylon must look almost entirely to India for the absorption of commodities like copra. With the war threatening the security of both countries, there is a paramount need for viewing this problem of immigration in a spirit of mutual accommodation.

Sir, as the bigger and more powerful country of the two, I have no doubt that we should approach this question in a generous mood. Nevertheless, we

cannot afford, in the name of generosity, to sacrifice the interests of nearly a million of our nationals. After all, Sir, the present position which Ceylon has attained is not a little due to the devoted labours of generations of Indians who migrated in times past into the island and brought it to the present level of prosperity.

Sir, it is a point which this House no doubt appreciates that the Government of India did not rush into an agreement with Ceylon in the same hurried manner in which they did in regard to Burma. We are discussing today only a report, not an agreement to which Government are committed. It has been expressly stated that the Government of India will take careful note of all the criticisms of the Report, both in the Central Legislature and outside. Sir, it is also a matter for satisfaction that the Delegation included two distinguished public men from South India, Sir Mirza Ismail and Mr. Venkatrama Sastri. On the question of procedure, therefore, we can have no fault to find with the Government of India, except that the matter was not left in the hands of the Honourable Member now in charge of the subject.

Nevertheless, Sir, we must consider the Report on its merits. One important aspect of the Report, which has been discussed at some length in both countries is that of domicile. It would help us to see this point, for the purposes of my argument, as the Ceylon Delegation sees it. Sir, in an explanatory statement, setting out the advantages which Ceylon would secure under this Report, should it be ratified the Ceylon Delegation makes this point. The term "domicile of origin", it points out, is to be interpreted differently for different purposes. How is it to be interpreted in regard to franchise? The Draft Report of the two Delegations said:—

"Birth in Ceylon of parents either or both of whom were born in Ceylon to be sufficient proof for registration as possessing a domicile of origin".

But the Ceylon Delegation's Report explains this provision in the following manner:—

"It is to be noted that, except for this purpose, a person claiming a domicile of origin must discharge to the full the proof required by English Law".

Sir, it is well known that to establish a domicile of origin, according to the rules of English Law is one of the most difficult things in the world. Even if a person should change his domicile, he cannot change his domicile of origin. In fact, Sir, the longer a man or his family has been in Ceylon, the greater would be the difficulty for him and the members of his family to establish domicile of origin. In other words, Sir, the result of such a provision may well be that Indians who are children of persons who have settled in Ceylon for generations may get nothing better than certificates of permanent settlement only. It would be wrong from every point of view to ask these people, after they have been granted their right to franchise, to establish their domicile. It is, therefore, obvious, Sir, that insistence on the recognition of two kinds of domicile is unreasonable and most unfair to Indians.

Let me take, Sir, again the position of labour as it would be under this Report. It is proposed that persons repatriated to India under the existing law would be subject to the provisions of the Immigration Ordinance. It is also laid down that when the Ceylon Government gives facilities for repatriation with financial help, the workers will have no right to enter Ceylon, except under the provisions of this Ordinance. Assisted unskilled labourers with less than five years residence in Ceylon will have no right of re-entry into the island. But unassisted unskilled labourers will have the right of re-entry provided

[Mr. Shantidas Askuran.]

they return to employment under the same employer or accept employment of the same kind. In other words, Sir, these employers will be denied freedom of movement and freedom of occupation.

Sir, the disabilities under which the labourers will work on the estates are of a most serious kind. They will not enjoy the benefits of the Land Development Ordinance. They will not possess village franchise. It is a matter for regret that the Indian Delegation did not insist upon the grant of village franchise to estate labour though in the past the Government of India had laid such stress on the point.

Sir, these immigrant labourers have been placed under another handicap. Even if they possess a certificate of permanent settlement, they will lose their right of re-entry if their absence from Ceylon exceeds one year. It is most unreasonable that they should go back to Ceylon as new entrants with no citizenship rights. The effect of such a provision would be that in course of time the number of Indians in Ceylon would be greatly reduced; and ultimately the number would be limited to those possessing domicile of origin.

Sir, I have already pointed out what meaning the Ceylon Delegation attaches to the draft Agreement in regard to domicile of origin. It is not necessary for me to go into further details of the Report. The least that would satisfy public opinion in this country is a modification of the Report on the lines proposed in the other House; namely, Indians in Ceylon, on the prescribed date of agreement and those who have been residents in the island within a specified period before the date of the agreement should have freedom of entry into Ceylon. Secondly, there should be no regional and occupational restrictions imposed upon them, and they should be entitled to the full rights of citizenship on the completion of the prescribed period. Thirdly, for the future there should be provision made for entry and occupations so that the trade interests of Indians are safeguarded. Finally, Sir, in regard to unskilled workers, they should be permitted to emigrate to Ceylon and assured of freedom of movement, choice of employment and opportunity to acquire full citizenship rights.

Without these modifications, Sir, the Report as it stands will be totally unacceptable to India. I have no doubt that the Honourable Member in charge will do his utmost to secure these modifications. It would be better, in my opinion, to have no agreement at all rather than accept one which is humiliating to our national self-respect and injurious to the rights and interests of our nationals in Ceylon.

\*THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official): Sir, the Honourable Mr. Bozman in a very lucid and clear speech explained the background upon which this draft Agreement was based and he has also explained the attitude which the Ceylon Delegation took when it visited here in November last. Considering the position then taken up by the Ceylon Delegation with reference to the rights and privileges of Indians in that country, the present position taken up by them is really a very good compromise between the extremes. If we take the attitude, the vehement attitude taken up by the Ministers of Ceylon at the time when they wanted to restrict all entry of Indians into Ceylon, they did not want any Indian to go to Ceylon without being approved of by them. The new system for them was that every non-Ceylonese would be required to have a passport. No non-Ceylonese

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\*Not corrected by the Honourable Member.



will be in future allowed without permission. Labourers and other persons in the category of clause 6 mentioned in the Report will be permitted to enter Ceylon on a quota basis and if there are no Ceylonese available for the peculiar class of employment which the immigrants seek in Ceylon then only labour would be allowed. In order to ascertain this a labour schedule will be prepared every year by the Ceylonese Government and published in the Gazette so that they may know at the end of the year what is the quota that would be available for admission of Indian labour into Ceylon. This was the attitude taken up by the Ceylonese Ministers at the time when they visited India in November last, but afterwards they saw through the necessity of modification under the message sent by the Governor of Ceylon to the Council and said that the undertakings existing between Ceylon and India ought to be respected, that is the free entry of Indians into Ceylon must be recognised as a matter of fact, and therefore they were wrong in placing so many restrictions on labour. Therefore, Sir, they have prepared a memorandum submitting their case again before the Government of India and the Government of India thought that there was a proper opportunity to take up the case again and our Delegation has gone over there and the discussions have taken place in an atmosphere of cordiality, friendship and give and take spirit.

"The Delegates wish to record that the conversations took place in an atmosphere of complete candour, cordiality and goodwill".

Therefore, Sir, this Report has to be viewed not merely from the point of view of the benefits or advantages to Indians only. We should also see how far it would be possible for us to be able to persuade the Ceylonese Delegation and the Ceylonese Government to accept it. It is quite right that we should press our grievances and wherever hardships have been placed upon India there we have to fight and see that they are removed and minimised, but at the same time we should also look to the position of the Ceylon Government and the Ceylon Ministers and their responsibility to the people of Ceylon. They want self-determination in their own country. They want to have an advancement of the principle that self-sufficiency should prevail in their own country. Just as we in British India want our self-determination to be enforced in all directions, similarly we must allow the same privilege and right to other countries and other nations too. Therefore, even considering the defects and drawbacks of this Report, which are many and some of which are fundamental, while considering those defects and those difficulties in this Report, we should not forget the fact that we have to recognise this principle of self-determination in the case of the other country, namely, Ceylon. Therefore, Sir, viewing the question from the point of mutual consent and mutual agreement we have to see that there must be a spirit of give and take. As the Report says, they have simply asked for an endorsement on the passport. Considering what the Ceylonese Government have said in their Ordinances issued on the 25th and 26th February, our Delegation has secured a modification of the provisions in this behalf and now the permits are to take the form of an endorsement on the passport. Our Delegation has rightly pressed for an Immigration Board on which Indian residents of Ceylon should be represented. That representation is to be effective in order to see that no injustice is done to Indians emigrating to Ceylon. As regards the imposition of quotas, there should be no autocratic power given to the Ceylonese Government to fix the quotas. The quota is to be arrived at with reference to the schedules published every year and the Government of India are to be consulted with reference to those quotas. There is no independent power given to the Ceylonese Government to fix any quotas they liked.

[Sir A. P. Patro.]

Then there is to be no discretion regarding the entry of wives and minor children of persons to whom entry may in future be permitted. The discretion to refuse entry is to be limited in the case of persons to be employed in positions of confidence or for specialised work. The fees chargeable for endorsements are to be as low as possible. These are the concessions and modifications which our Delegation have pressed for and obtained. From a perusal of the Report it will be seen that we have substantially secured the protection that was needed for our emigrants. In addition, the question was pressed that full rights of citizenship should be given to the Indians resident in Ceylon. The Ceylonese Government wanted to deny these rights altogether to Indians except to those that have been residing there permanently for a long time. Now that position has been modified and it has been agreed that there would be what are called a domicile of origin, a domicile of choice and a certificate of permanent settlement. There are certain hardships in all these which we must avoid, and as has been said elsewhere, these hardships lead to a very difficult position in the matter of franchise. Why should the English law be applicable to the domicile of choice so that a person will have to prove before a Court of Justice that he has been there for a certain number of years and that he has had his domicile? These restrictions are quite unnecessary. Hitherto, according to the established convention between India and Ceylon and the undertaking that has been given, no such restriction is to be placed upon Indians. These provisions therefore require modification. The Delegation have adopted a most suitable method of arriving at a compromise. The method they have adopted is this. They have said that concurrence of views expressed upon individual points should not be construed as effective agreement unless agreement were reached over the whole field of discussion. We find agreement on five important points. The Report is very clear as regards entry and re-entry. The quotas will be subject to the approval of the Government of India. In the matter of franchise there is a differentiation made. There ought not to be any differentiation between those that have been residing there hitherto and those that have been there for five years. A certain period may be fixed for the purpose of franchise. Insistence on the three classes of residents for the purpose of franchise ought not to be allowed at all.

As regards status, they have come to a very fair agreement. It has been agreed that, as regards future legislation other than the legislation necessary to give effect to the Agreement, there shall be no differentiation in treatment between Indians who possess a Ceylon domicile of origin or choice or a certificate of permanent settlement and other members of the permanent population. This makes it clear that Indians who have been residing there and come under those three classes will have full rights of citizenship. In the matter of appointments also there is no differentiation to be made, because it is said clearly that Indians, other than those possessing a domicile of origin, should not claim the right to appointment to Ceylon Government service or under *quasi*-Government bodies, and should not participate in the benefits of the Land Development Ordinance. In the matter of appointment, franchise and entry, the Ceylonese delegates have climbed down a great deal. The Ceylon Delegation, on their return to Ceylon from Delhi, took a very hostile attitude. If you read the draft Ordinances you will see the attitude taken up by them. This Report is a very reasonable compromise between the two Delegations. It contains certain provisions which must be modified. The rigour of the drastic provisions of the intended Ordinances should be further modified and I am sure that the Ceylonese Delegation realises today that not

only are there obligations between the two countries which they must fulfil, but they must remember the economic aspect also and realise that without sound economic relations between India and Ceylon, Ceylon's progress will not at all be rapid. Ceylon depends very largely on India, and Indian labour is required for the development of the various plantations in Ceylon. I am confident that if reasonable pressure is brought to bear on the Ceylonese Government, the difficulties and hardships that now appear in the Report will be very much minimised. This Report, as it is, is a very reasonable compromise of a very complex and controversial problem.—

THE HONOURABLE THE PRESIDENT : Your time limit is up.

THE HONOURABLE SIR A. P. PATRO : It is very difficult no doubt to press upon, and get further concessions from, the Delegation. But, as I said, as regards re-entry, quotas, franchise, registration, status and general provisions, India has secured what she had before. But full rights of citizenship have not yet been accepted by Ceylon. But, as I have said, if they have not accepted fully at present they are bound to accept later on. For instance, as we read today, the Burma Government, who have been very strong in the matter of Indian immigration and who have introduced so many restrictions thereon, today find that after all when the harvest time comes around and agricultural operations have to be carried on Burma wants the help of Indians. They have asked for 35,000 unskilled labourers from India. Similarly in the case of Ceylon, the Ceylon Government will realise that in the course of time they need help from Indian labour for the industrial and economic development of their country. Therefore, it is a matter of give and take. We have to be patient and ask for the modification of the Report, so that ultimately Ceylon may realise that it is necessary for them to accede to the requests made by the Indian Delegation.

The Honourable Mover has asked us to concentrate our attention first on whether we want an agreement. There is no doubt that this House wants an agreement. Then he asked us to concentrate on the points on which we want to press for modification in this Report. I think, Sir, it is on the whole a very reasonable Report, but it requires modifications on important points and the full rights of citizenship which have so far been conceded.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, this is a subject on which strong feelings are bound to be aroused in India. Nevertheless it is the duty of every responsible person to approach the question calmly and to consider not only the interests of his own country but also the interests of Ceylon, which, though it may be small as compared with India, is from the moral point of view equal to it. If an agreement is to be arrived at between India and Ceylon the interests of both the countries must be fully safeguarded and the smaller country must feel that the bigger country has dealt with it not merely fairly but in a spirit of generosity. It is from this point of view that I propose to discuss for a while the provisions of the Joint Report submitted by the Delegations from India and Ceylon.

I think the first point that every one who wishes to understand the position of Indians in Ceylon should bear in mind is that owing to the proximity of India and Ceylon immigration from Southern India to Ceylon has been going on for a very long time and that during the last 100 years at least Indian workers have gone to Ceylon at the request of the Ceylon authorities. They were first needed in connection with the coffee industry, and subsequently on tea and

[Pandit Hriday Nath Kunjra.]

rubber estates. It is obvious from this that India has not thrust her nationals on an unwilling country but that, on the contrary, Indians have gone to Ceylon at the express request of its Government in order to help in the development of its resources. Now the need of Ceylon for Indian workers still continues. This is shown by the fact that although it is in the power of the Ceylon Government not to import Indian labourers it still continues those arrangements which were come to between India and Ceylon in order to facilitate the immigration of workers from India to Ceylon. If Ceylon does not need the help of Indian labour it is open to it to discontinue those arrangements and to tell the Government of India that it does not stand in need of Indian workers. If it does so, I am sure that neither the authorities nor the people of India will protest against the attitude of the Ceylon Government. They will admit fully the right of the Ceylon Government to decide whether it needs any outside help for the development of its material resources or not.

(At this stage the Honourable the President vacated the Chair, which was taken by the Honourable Mr. P. N. Sapru.)

But the Ceylon Government while desirous of continuing the present flow of Indian labourers to Ceylon at the same time wants to impose humiliating restrictions on them. This position cannot possibly be agreed to by any of us. If Ceylon needs our men it is only elementary justice that it should treat them as human beings and should give them opportunities of leading free and self-respecting lives. I may be told here that although Ceylon does not need Indian workers to the extent that it did before it is difficult for her all of a sudden to terminate an arrangement which has been in existence for about 100 years. Such an argument would imply that whatever benefits Indian workers might have conferred on Ceylon in the past their continued presence in the island is affecting adversely the rights of the permanent population of Ceylon and preventing Ceylonese workers from taking up occupations in which Indians are found in large numbers. But this question was considered by Sir Edward Jackson who was appointed by the Ceylon Government to consider to what extent Indian labour competed with Ceylonese workers and what measures were necessary in order to control Indian immigration into Ceylon. After discussing every line of work he came to the following conclusion :—

“ The evidence gives no reason to suppose”, he said, “ that except in the case of domestic servants the immigration of workers had ever increased because of a decrease in the employment of the Ceylonese”. The evidence clearly shows that the Indian does not come to Ceylon to search for work in markets which he has reason to believe are already full. \* \* \* Though it was impossible to deduce from available figures to what extent, if any, the movement of workers from India to Ceylon has yet been affected by any increase in the employment of Ceylonese, that movement was shown to be sensitively attuned to conditions in the island”.

This virtually means that Indian workers so far from competing with Sinhalese workers give way to them whenever the latter are prepared to take up occupations which they considered either too strenuous for themselves or beneath their dignity. There was thus no competition between the Indian and Ceylonese workers adversely affecting the rights of the latter. Having come to this conclusion, Sir Edward Jackson had no difficulty in saying that the emigration of Indian workers had not caused, and was not likely to cause unemployment or any other economic injury to the permanent population of the island. He was not therefore in favour of placing any restrictions on the entry of emigrant workers into Ceylon. This, Sir, fully shows that

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both in the past and in the present Indian workers have been no bar to the development of Ceylonese workers. They have only by their presence enriched Ceylon and developed those resources which Ceylon without the help of Indian labour would never have been able to do.

Now, in view of these considerations, in view of the urgent need that Ceylon had for assistance from India in respect of labour His Majesty's Government and the Government of Ceylon have both assured the Government of India on more than one occasion in the past that Indian emigrants to Ceylon would be treated on a footing of equality with the permanent population and that no law or regulation would be allowed to be passed which would injure their interests. I need not read out these provisions because the most important of them were read out by my Honourable friend Mr. Bozman. This being the position in respect of the services rendered by Indians to Ceylon and the rights conceded to them by His Majesty's Government and the Government of Ceylon, we have naturally to ask ourselves whether during the last few years, that is, since the publication of Sir Edward Jackson's Report, new circumstances have come to light which render it imperative or desirable for the Government of Ceylon in the interests of its own people to impose restrictions on the entry of Indians of any class into Ceylon. I am not aware, Sir, that any such circumstances have come to light and it is for this reason that I am at a loss to understand the spirit which seems to me to underlie the Joint Report of the Ceylon and Indian Delegations. I have no desire to discuss the conclusions embodied in the Report in detail. But I only wish to say a few words with regard to some of its most salient features. The first thing that strikes anyone who reads this Report is that the provisions relating to the entry and re-entry of Indians are extraordinarily complicated. Indians who are desirous of entering Ceylon are divided into a number of categories. The Report takes account of persons possessing a domicile of origin, a domicile of choice and a certificate of permanent settlement. There are other categories into which Indians have been divided. For instance, assisted unskilled labourers with less than five years residence in Ceylon; unassisted unskilled labourers with less than five years residence in Ceylon; persons not belonging to any of these categories but with three years residence or more in Ceylon on the date of the agreement, and so on. Again, Sir, I will draw the attention of the House to the provisions relating to the prescription of quotas for workers in certain lines of employment. I will not go into the details again, but these provisions seem to me to be both unnecessary and harassing. They seem to me, unnecessary because in view of Sir Edward Jackson's Report and the past history of the flow of Indian labour into Ceylon, they are not required by the interests of Ceylon and they are harassing, because they will subject Indians lawfully resident in Ceylon, Indians who have been the benefactors of Ceylon, to unnecessary restrictions and curtail such freedom as they have to earn their wages. I am personally uncompromisingly opposed to the quota system which the Ceylon Government has set its heart on. Whatever understanding may be arrived at between the Government of India and Ceylon, I think the quotas ought to go. Indians who go to Ceylon, whether as labourers or as traders, must be allowed freedom of movement and free choice in respect of employment; and further as the Resolution passed by the Assembly the other day said, labourers emigrating to Ceylon should be given a fair opportunity to acquire the rights of permanent citizenship. Now one would wonder, Sir, why these complications had been insisted on by the Ceylon Government. I think the reason will be understood by any one who has read the Press communiqué issued by the Government of India on the Indo-Ceylon Relations Exploratory Conference in November, 1940. The Ceylon Ministers

[Pandit Hirday Nath Kunzru.]

made it plain that they would base the acquisition of future rights on the possession of a domicile of origin and that they were bent on reducing the Indian population in Ceylon, and they have stuck to these points in the Report that is before us. They have given way on certain points but they have maintained their point of view in regard to these two essential matters. Any one who goes through the Report that we are considering will not fail to see that there is a vital difference between the position of permanent certificate holders and their children and the position of those possessing a domicile of origin and their children. It seems to me to be exceedingly unjust that the Government of Ceylon should try to impose restrictions in the matter of employment under Government and *quasi*-Government bodies, not merely on those who hold certificates of permanent domicile but also on their children. Most of the people in Ceylon, as I pointed out, have gone there at the request of Ceylon in order to enrich it and these people and their descendants are now being treated as if they were the sworn enemies of Ceylon and stood in the way of the economic development of the island or an improvement in the economic status of the Ceylon workers.

Sir, I do not wish to dwell on these points any longer. I will only briefly say that the restrictions that I have pointed out, which are involved in the imposition of the quota system and the placing of the children of holders of certificates of permanent settlement in an inferior category, are not acceptable to me and that I am prepared to oppose tooth and nail any agreement which contains these features. Sir, I hope that the Government of India will bear in mind, in trying to modify the conclusions embodied in the Report, that both according to the Donoughmore Report and Sir Edward Jackson's Report, 40 to 50 per cent. Indians may be regarded as permanently settled and that a substantial number of the estate workers have actually been born in the country.

(At this stage the Honourable the President resumed the Chair.)

Briefly speaking, Sir, my point of view is this. The Indians that are already in Ceylon should be treated justly. My idea is (1) that the proposals put forward by the Government of India in November, 1940 when the Ceylon Delegation came to this country should be pressed once more on the attention of the Government of Ceylon by the Government of India; and (2) that in future the Government of Ceylon should not frame such regulations with regard to the entry of Indians as would virtually stop the immigration of Indians of a better class. If Ceylon wants our labour, it must also be prepared to admit a fair number of educated Indians, of Indian businessmen and Indians of the professional class, so that the people of Ceylon and those who go there may regard the Indians in Ceylon as a fair sample of the population of India. We have insisted in the case of every Colony, which wants our labour, that it should also allow Indians of other classes to enter it freely and to settle down should they wish to do so. We ought to insist on the same principle in Ceylon. Let me repeat that we ought to ask, in the first place, that the Indians already in Ceylon should, if they have resided for a certain number of years, be accorded the full rights of citizenship and that those who have not put in the required period of residence should be given an opportunity of completing it. As regards the future, such restrictions may be imposed as are in the economic interests of Ceylon but they should not be humiliating to this country and should be compatible with the recognition of the fact that Ceylon still needs the help of Indian workers. I insist on these conditions, Sir, because Indian

workers are settled not merely in Ceylon but in a number of other Colonies. The principles which I have enunciated are the principles that the Government of India have insisted on in the past in the case of all these Colonies. If they give in on any of these essential points now, the position of our countrymen in the other Colonies would be gravely affected and in such Colonies as Malaya and East Africa, I am afraid that we shall soon have to suffer from the consequences of any ill-judged concession that we might make either to the Government of Burma or to the Government of Ceylon.

**THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-Official) :**  
 Sir, there are two aspects of the question which ought to be considered, *viz.*, the status and the interests of the persons already resident there and secondly of the persons who are likely to enter or who may enter hereafter. Sir, if you will pardon a personal allusion, I come from the Tinnevely District, the southernmost district of the Presidency and I know there has been intimate intercourse between the people of Tinnevely District and Ceylon not for years or centuries, but for millenniums. There are three important ports in the Tinnevely District, namely, Tuticorin, Kayalpatam and Kulasekharpatam. The merchants of these places have been trading with Ceylon for ages. Ceylon depends upon India for the necessaries of life, rice, vegetables such as onions, etc., and cattle. These and many other things have been imported for a very, very long time and Tinnevely gets from Ceylon areca nut and some spices and copra and Ceylon depends for its prosperity mainly upon this commerce. Latterly, *i.e.*, during the last hundred years the labour people have been sent to Ceylon to develop first the coffee estates and then the tea and rubber estates. With regard to people who have been there for a number of years—for generations—we must consider whether their interests are to be affected in any way. If they are asked to prove their domicile of origin it will be very difficult, for the people have been there for two or three generations and probably they have got no record. As you know very well, Sir, there is no such thing as baptismal certificates in the case of Hindus and Muhammedans and the registration of births is not very satisfactory. Supposing you ask such a man to prove whether his father was born in Ceylon. It would be very difficult for him to do so if you insist on strict proof. I do not think one in a thousand will be able to prove it. Their interests ought not to be affected by any agreement that we may enter into with the Ceylon Government. What objection can there be to these people being in Ceylon? I believe there are about 300,000 to 400,000 persons who have been resident there for generations. Why should they not be given their right as citizens like any other Ceylonese? I believe there are about 600,000 people on the estates. They are mostly ignorant people. They cannot reasonably be expected to prove their residence there. Supposing they are asked to prove their residence for five or seven or ten years. What proof have they got? They have not been asked to do that before. If they had been asked before, they might have got some sort of proof. But how could they prove now? They came 10 years ago. What evidence is there now? No record has been kept of their entry into Ceylon nor of their going out. Therefore, Sir, this provision is not merely illusory but will certainly work a hardship upon people who are there.

There are one or two other points. I would not be very long because the matter has been covered by previous speakers. Suppose a person goes there as a labourer, or, we will say, a cook or, as we say in Madras, a boy, and works there for some years, and then he studies motor driving and becomes a motor driver and then makes some money and establishes a motor repair business, and wants to come back to India and then go back. Is he to go as a

[Sir Qavid Devadoss.]

cook or a boy? Under whom is he to serve? The provision that he should go back to the same profession or to the same calling or under the same master is, I think, on the face of it, a very harsh one. How can he be expected to go and work as a cook after having probably made a very large amount of money? In this connection I may mention one instance. Years ago—probably 80 or 90 years ago—a man from Kulasekharapatam went to Ceylon. He probably went as a coolie. Then he became a coolie mistri. This was at the time when the harbour was being built. Then he became a contractor and before he died he was the possessor or owner of several streets of houses in Colombo. He died probably the richest Indian there. He was worth many, many lakhs of rupees. Supposing such a man were to go now. Is he to be a coolie all his life? If a man once happens to go as an unskilled labourer, is he to remain all his life an unskilled labourer? Many of these provisions ought, therefore, to be amended. I do not think the Report, as it stands, can be accepted. Evidently, the political leaders there want to squeeze out all Indians. They do not know what is good for them. As the Honourable Mr. Kunzru has pointed out, they have to depend upon Indian labour. A time will come when they will say, "We cannot get on with our planting operations—either rubber or tea—and we want Indian labour". At present they do not see the necessity for them. They are not self-sufficient at all with regard to labour. Therefore, a time will come when they will have to be begging at our door. That being so, I do not think we ought to yield to their request. No doubt, we should not fill their country with our men. We do not want to take the bread from their mouths. They must, however, be reasonable. They should not be unreasonable.

With these remarks, Sir, I recommend that this Agreement be amended so as to satisfy our claims.

**THE HONOURABLE MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadian) : Mr. President, I had not the pleasure of hearing the Honourable Mr. Bozman as I was away on some other important work, and therefore I do not exactly know what he said in this House. But I assume that what he said was not very different from what was said in the other place by the Honourable the Leader of the Legislative Assembly (the Honourable Mr. Aney).

Sir, I have gone through this Agreement and I will state in a few words what my attitude towards it is. I have gone through this Agreement with every desire to be fair to the Sinhalese point of view. I have every desire to be fair to the Sinhalese point of view because we have many cultural and spiritual ties with the population of Ceylon. We are a big country while Ceylon is a small country. But from the time of the Ramayan, from the time of Rama and Sita, Ceylon has been associated with us. We have every desire to appreciate their economic difficulties. They want to preserve a certain standard of living. We want also to preserve a certain standard of living. We appreciate their desire to preserve and improve, if possible, their standard of living. We have no desire to approach the questions raised by this Agreement in the spirit of exploiters. Ceylon, when all is said and done, is an Asiatic country. Their people are not very different, culturally and spiritually, from us and in any Agreement that is arrived at between us and the population of Ceylon I quite recognise that there will have to be a spirit of give and take, there will have to be a spirit of compromise, because any Agreement implies compromise. If you want an Agreement, you cannot have everything your own way. You have to make concessions on some points and the other party too has to make some concessions to us. I have examined this Agreement with the desire to see



whether it is fair to both the countries, namely, India and Ceylon, and I regret to say that I have had to come to the conclusion that the Agreement in its present form is not entirely fair or just to the people of this country. Sir, the Honourable Dr. Kunzru in the very able speech which he delivered on this question has traced the history of immigration of Indians into Ceylon. We did not go there uninvited. We have helped to build up the Ceylon of today. The prosperity of her rubber, tea and coffee plantations is due in some part at all events to the industry, thrift, enterprise and character of our workers. Therefore our workers have got a right to see that they get a fair deal. Now one general criticism that I have to offer against the Agreement is that it is far too complicated. We have divided the Indians there into several classes, I believe about ten classes, but I think that the three main classes are, persons of domicile of origin, persons of domicile of choice and persons who hold certificates of permanent settlement. Now the effect of this classification is that the Agreement refuses to recognise as citizens of Ceylon many Indians who have made the island their permanent home. The grant of full citizenship rights has been restricted only to those who can establish a domicile of origin. Well, the result is that very few Indians will ever come under this qualification clause. Then a domicile of choice has been offered to other Indians. My Honourable friend Mr. Bozman knows how intricate this subject of domicile of choice is in international law, and he knows that this domicile of choice has to be established in a court of law. It will not be easy for many thousands of Indians who are illiterate and poor and cannot have proper legal advice to establish this domicile of choice. But I should have thought that the ordinary conception in law of domicile of choice was this. If I become a naturalised subject of the United States, then I become entitled to all the rights and privileges of citizenship of the United States. That is to say I can get any employment to which a citizen of the United States is entitled, I can acquire any land which a citizen of the United States can acquire and get all the rights of a citizen of the United States. But here, this whole conception of this domicile of choice has been changed, because though a person who has got a domicile of choice will be entitled to vote, he will have no full citizenship rights because he cannot get employment in Government service and he will not get the benefit of the land development Ordinance. I think that is something which is surely indefensible. What is therefore the utility of having this camouflage of domicile of choice?

Then I shall come to the third class which is represented by those who will have certificates of permanent settlement. Now those who can prove that they are long established in Ceylon and who fulfil certain prescribed conditions are to be given what are called certificates of permanent settlement. I think that these certificates will be of very little value. Only their right to reside in Ceylon is conceded and they can earn a living. That is all. But it has to be remembered that these certificates will be granted only to those who can prove that they support themselves or earn a living. The effect of this provision will be that if a person gets out of employment temporarily then his position will become extremely precarious. Further, Sir, as far as I have been able to understand—the Honourable Mr. Aney will correct me if I am wrong—these certificate holders will have their certificates rendered void if they stay away at any time from the island for a period exceeding 12 months. And I think the most obnoxious provision is that which imposes a disability on the children of persons permanently settled. As far as I can see their children will not be able to acquire any status at all. At any rate I have not been able to discover for myself what the status of the children of these people will be. I do not think their children will become permanent citizens of Ceylon and they will not become entitled to full citizenship rights.

[Mr. P. N. Sapro.]

Another point that has struck me in considering this Agreement is that Indians in the island who have a residence of less than three years are not to have any political rights at all. I should like to point out that the history of this question shows that we went to Ceylon on the invitation of the Ceylon Government. I will just read out to you what the Chief Secretary to the Ceylon Government said early this year :—

“ I think I have said enough to make it clear to any impartial student of the history of this question that it was only after the Government of India had been given assurances that Indians in Ceylon enjoyed the same political rights at the time as other classes of His Majesty's subjects that they approved of the issue of the notification of 1923 permitting immigration to Ceylon and specifying the terms and conditions on which it would be allowed ”.

The Honourable Dr. Kunzru has dealt very exhaustively with the question of quotas and I would not like to go over the ground which has been covered by him. I will content myself with saying that in regard to that matter I am in agreement with all the observations that the Honourable Dr. Kunzru has made. Of course there is one vital difference between the Indo-Ceylon Agreement and the Indo-Burma Agreement which we hope is now finally buried. That vital difference is that the Delegation to Ceylon consisted of officials and non-officials. We had two very distinguished non-official advisers. I think they were Mr. Venkatrama Sastri, one of the foremost leaders of the Party to which I belong and Sir Mirza Ismail. Having gone thus far, it ought to be possible for the Ceylon Government to go further. It will be in their interests if they go further. It will be in their interests to conciliate this great country of India which can be of use to them in many ways. It is not to the interest of either Ceylon or India that there should be ill-will between the two countries and I do hope, Sir, that it will be possible for the Honourable Mr. Aney to exercise sufficient pressure upon the Ceylon Government and have this Agreement improved out of recognition. Sir, I think I have indicated in the time at my disposal the general attitude towards this Agreement and I desire to associate myself with the line that has been taken in regard to it by the Honourable Dr. Kunzru.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) :  
 Sir, the lot of Indian nationals abroad is getting harder every day and we find that though the Government of India share our feelings we have not been able to improve the lot of our nationals who stay in the Dominions or Colonies. On the Indo-Burma Agreement which the Government of India entered into with the Government of Burma a lot of resentment was expressed in this country and in Burma also and I should like to give credit to the Government of India for taking the decision of the other House to modify that Agreement. So far as the present Agreement is concerned, Sir, we are glad that it is not an Agreement but it is a draft Joint Report of the two Delegations. We know, Sir, that as we are not free in this country we cannot improve the lot of our nationals abroad. We know also that we cannot take reciprocal action against those people who come here and stay with us and are employed in many walks of life in this country and still they do not treat our nationals as human beings or give them rights of citizenship. So we have to make the best use of a bad bargain. We have to see whether we can help in improving the lot of our nationals abroad. After all, this Agreement will have to be taken into consideration after considering the position of Indians who are resident in Ceylon. Honourable Members of this House know that Ceylon Indians had sent to India

recently some distinguished gentlemen to represent their cause with a view to get some modifications in this Agreement and according to me if this draft is not approved by those Indians in Ceylon it is better not to have an Agreement at all. They have suggested some modification and I hope the Government of India will take into consideration the modification suggested by the Indian gentlemen who were sent here to represent their cause. My Honourable friend Mr. Kunzru has dealt exhaustively with the draft before us. I myself cannot see why there should be a difference between persons holding a certificate of permanent settlement and persons possessing a domicile of choice. This is an invidious distinction and I think this distinction ought to go. Then, Sir, much was said about quotas and I believe what has been said is quite reasonable and justifiable. Why should you fix quotas for persons and urge upon them to enter into a particular and specific employment? If people want to change their employment, if people want to take up other employment, they should not be restricted from doing so. Sir, the last point that has struck me is about paragraph (3) of Part V of the Agreement. It says:—

“ It is agreed that, as regards existing legislation, no amendment need be undertaken to modify any provisions which, in terms or in operation, are discriminatory ”.

Sir, I take strong objection to this clause, because we should not be a party to it and I believe the Government of India should think that they also should not be a party to allow the discriminatory legislation to remain on the Statute-book of Ceylon. Sir, we should try our utmost to remove any discriminatory legislation and if the Government of India fail in their attempt to remove that discriminatory legislation I think we should better go without an Agreement than give up our fundamental right on this point. After all, when last year the negotiations broke down they broke down on the question of giving full citizenship rights to Indians. If that happened last year no improvement has taken place over the position of Indians in Ceylon, and particularly during this time of war I myself would have better postponed any Agreement between Ceylon on these grounds until the war is over, but as there is a consensus of opinion that there ought to be some agreement to improve the lot of our nationals in Ceylon I think on fundamental points we should not give up our position but we should bring pressure on the Ceylonese Government to remove the legitimate grievances of our nationals there and ask them to give citizenship rights to our people. Our people built the prosperity of Ceylon, our people in Ceylon went not voluntarily but they were requested to go there and they went there to help in the development of Ceylon. So, Sir, if there is—and I believe there is—some discriminatory legislation, the Government of India should bring pressure to bear on the Ceylon Government to remove that discriminatory legislation.

Sir, I fully support the arguments put forward by my Honourable friend Pandit Kunzru and I hope Government will take into consideration the arguments that were put forward in this House before and also the points that were stated by the Ceylonese deputation which recently came to this country and then, after modifying certain clauses of the Agreement, effect a permanent agreement with the Ceylon Government.

THE HONOURABLE MR. M. S. ANEY (Member, Indians Overseas): In a debate like this, where Government have brought a Motion asking the House to consider the Joint Report declaring at the same time that they have an open mind, there is little for the Government Member to say by way of reply to the debate. I must say at once that I have heard a very useful and instructive debate this morning. The proposals of the Joint Report have been very carefully considered by the Members and been examined by

[Mr. M. S. Aney.]

them in the light of what they consider to be certain broad principles which the two Governments must bear in mind in coming to an understanding on a complex question like that. I will only say this much, Sir, that Government has deliberately kept these proposals before the houses of the Central Legislature and published them with a view to ascertain the views of the public and their accredited representatives in the two Houses of the Central Legislature. They have not formed any opinions on the Report. There is some criticism outside that in the speech with which I initiated the debate in the other House the other day I did not give any lead to the House. I believe, had I done so, probably I could have been as well accused of having prejudged the issue or made an attempt to force some sort of decision upon the House without giving the members a free and unfettered chance of discussing the proposals in the light of the principles which they considered as fundamental and essential. I think a debate that takes place without any lead from the Government in a matter of this kind enables the Government to understand better what the representatives of the people have themselves really to say upon the proposals. Their free expression of views enables the Government to unmistakably understand the public opinion in a much better way than in any other form. Therefore, this debate is, in my opinion, of great advantage to the Government of India and I am sure the various views that have been expressed here and the general trend of opinion, which seems to me to be sufficiently clear on the proposals that have been under consideration here, will be carefully considered by the Government before they come to any final conclusions on this matter. If I have to say anything at all, it is this that the Government of India will be careful in seeing that in discussing or negotiating with the Government of Ceylon they will make it a point to stand steadfast to the principles which are according to them essential, viz., that the interests of the Indians already resident there are duly safeguarded as well as that the honour of India is not in any way impaired by anything that is done there. (Applause.)

I cannot give vent to my personal opinions here, but one fact is certain that those Indians who are there went there at the invitation of the Government of Ceylon and that I feel that the Government of India will bear in mind that fact in considering and examining these proposals once more. Your suggestions have been many but I believe the principles that have been laid down at the end of the speech of my Honourable friend Dr. Kunzru, Leader of the Opposition in this House—I am sorry, probably he is the Deputy Leader of the Party, I think—will be duly considered by the Government and in coming to their conclusions they will certainly see that public opinion, expressed outside and in this House also, will have due weight with them. But one thing is clear. The great desire of the Government of India is that two neighbourly countries like Ceylon and India ought to be on terms of cordiality. It has been abundantly made clear in the speeches of some of my Honourable friends in this House that a small country like Ceylon is not and can not be self-sufficient. In these days it is difficult for any country to be self-sufficient in the true sense of the term. Self-sufficiency, or too much regard for self-sufficiency, creates a kind of narrow nationalism also. I will not take any undue advantage of the fact that a country like Ceylon is not self-sufficient but at the same time the Government of India will see, that in their regard for the interests of the people of Ceylon the Government shall not allow the interests of the people of India to be unjustly disregarded or sacrificed. More than that it is not necessary for me to say by way of reply to this debate. In the case of certain countries at least, the feeling of nationalism, that is growing unfortunately during the past few years, demands that the country should consist only of people whom

they regard as indigenou people of that country. This feeling is a narrow conception of nationalism. I believe that even the people of Ceylon will see that, if they examine their own history, they will see strong reasons to change this narrow conception about the people of Ceylon. The culture which they have got, the standard of living which they have got, the faith which they have got have everything been imported from outside and probably the very people who call themselves Ceylonese are none else but people of our own flesh and bones. It may take some time for them to realise this fact. But we have to bear that fact in mind in approaching this problem. Our attitude should be that if not today, at least in the near future, Ceylon should feel that she is part and parcel of India and India should feel that Ceylon is part and parcel of her own country. That feeling of one-ness ought to grow between the two countries. I do not mean to say that this conception of unity should be such as not to admit the existence of an autonomous state of Ceylon. But consistently with the autonomous position of Ceylon, both these countries ought to feel that they have got a common destiny, they have got a common purpose and they ought to have mutual co-operation and in essential things they must work together for the fulfilment of their common destinies. In this hope we shall work and in this hope we shall try to the mutual benefit of both the countries to bring to a successful conclusion the labours which are at present embodied in the form of the proposals in the Joint Report under discussion of the House.

THE HONOURABLE THE PRESIDENT : Motion made :—

“That the Joint Report by the Delegations from India and Ceylon be taken into consideration.”

Question put and Motion adopted.

The Council then adjourned *sine die*.

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