

LETTER DATED 2 AUGUST 1948 FROM THE CEYLON GOVERNMENT REPRESENTATIVE TO
THE PRESIDENT OF THE SECURITY COUNCIL TRANSMITTING
INFORMATION CONCERNING CEYLON

My Government learnt that, at a meeting of the Committee for the admission of new members held on 2 July 1948, there was a request for information regarding the independent status and democratic character of the constitution of Ceylon. Being anxious that its application should not be prejudiced through any failure on its part to provide all necessary information, my Government instructed me to proceed to New York and take steps to see that the members of the Security Council are supplied with any information that they may require. Hence it is that I address this letter to you as the Chairman of the Security Council in the hope that you will acquaint the members of the Security Council with its contents and call upon me, if you think fit, to supplement it in any manner you desire. I may also add that I am equally available to any individual member who may require information.

I propose in this letter to submit a very brief statement regarding the independent status and the democratic character of my country.

As a result of the constitutional changes effected in February 1948, Ceylon is now a fully responsible nation, in no way subordinate in any aspect of domestic or external affairs.

The legislative authority of the Parliament of Ceylon is supreme and includes:

1. the power to repeal or modify any Act of the British Parliament in so far as it has become the law of Ceylon (paragraph 1 of Schedule I to the Ceylon Independence Act 1947, 11 Geo. 6 Cap. 7).
2. the power to alter its present constitution in any manner it pleases (Article 29 (4) of the Ceylon (Constitution) Order-in-Council 1946).
3. the power of full control over its external affairs (paragraph 2 of Schedule 1 to the Ceylon Independence Act 1947.)

At the same time, the powers of the British Parliament and of the King in Council to legislate for Ceylon have been abolished (see Section 1 of the Ceylon Independence Act; Article 4 of the Ceylon Independence

Order-in-Council 1947); the power to reserve bills passed by the Ceylon Parliament for His Majesty's pleasure has been removed (see Article 5 of the Ceylon Independence Order-in-Council); and the Government of the United Kingdom has unequivocally renounced all responsibility for the government of Ceylon (see Section 1 of the Ceylon Independence Act).

The Executive is responsible to the Ceylon Parliament and to it alone. The Governor General who represents the Crown must exercise his functions given to him by the constitution in accordance with the conventions of the British Constitution which govern the exercise of similar powers by His Majesty in the United Kingdom (See Article 4 (2) of the Ceylon Independence Order-in-Council 1947).

Ceylon's constitution is fully democratic. The Parliament consists of a House of Representatives elected by universal suffrage and a Senate consisting of 15 members elected by the House of Representatives and 15 nominated by the Governor General on the advice of the Prime Minister. The powers of the Senate are much the same as the powers of the House of Lords in the British Constitution.

A copy each of the Ceylon Independence Act 11 Geo. 6 Cap. 7 and the Ceylon Independence Order-in-Council, 1947, are enclosed.

(signed) G.C.S. Corea
CEYLON GOVERNMENT REPRESENTATIVE

ANNEX I

THE CEYLON INDEPENDENCE ORDER-IN-COUNCIL, 1947

At the Court at Buckingham Palace, the 19th day of December, 1947

Present: The King's Most Excellent Majesty in Council

WHEREAS by the Ceylon (Constitution) Order-in-Council, 1946 (herein after called "the Principal Order") as amended by the Ceylon (Constitution) (Amendment) Order-in-Council, 1947, the Ceylon (Constitution) (Amendment No. 2) Order-in-Council, 1947, and the Ceylon (Constitution) (Amendment No. 3) Order-in-Council, 1947 (hereinafter called "the Amending Orders") provision is made for the Government of Ceylon and for the establishment of a Parliament in and for Ceylon:

AND WHEREAS by the Ceylon Independence Act, 1947, provision is made for the attainment by Ceylon of fully responsible status within the British Commonwealth of Nations;

AND WHEREAS it is expedient for the same purpose that the Principal Order and the Amending Orders should be amended in the manner hereinafter appearing:

NOW, THEREFORE, it is hereby ordered by His Majesty, by and with the advice of His Privy Council as follows:

1. (1) This order may be cited as the Ceylon Independence Order-in-Council, 1947.
- (2) The Principal Order, the Amending Orders and this Order may be cited together as the Ceylon (Constitution and Independence) Orders-in-Council, 1946 and 1947.
- (3) This order shall be construed as one with the Principal Order.
- (4) This Order shall come into operation on the day appointed by His Majesty by Order-in-Council as the appointed day for the purpose of the Ceylon Independence Act, 1947.
2. (1) (Incorporated in the Principal Order)
- (2) Every reference in the Principal Order to the Governor shall be read and construed as a reference to the Governor-General. (Accordingly, the expression "Governor General" has been substituted for "Governor" in the Principal Order as printed on succeeding pages).
3. (Incorporated in the Principal Order).
4. The Power of His Majesty, His Heirs and Successors, with the advice of His or Their Privy Council
 - (a) to make laws having effect in the Island for the purposes specified in sub-section (1) of Section 30 of the Principal Order; and

(b) to revoke, add to, suspend or amend the Principal Order or the Amending Orders, or any part of those Orders;

Shall cease to exist.

5. No Bill passed by both Chambers of the Legislature of the Island, or by the House of Representatives alone, in accordance with the provisions of the Principal Order shall be reserved for the signification of His Majesty's pleasure; and the provisions in that behalf contained in Sections 36 and 37 of the Principal Order shall accordingly cease to have effect.

6. The provisions of the Principal Order and of the Amending Orders specified in Column 1 of the Schedule to this Order are hereby revoked to the extent, or amended in the manner specified in Column 2 of that Schedule.

7. Nothing in this Order shall be construed as effecting:

(a) the continuance, subject to the modifications made by this Order, of the Parliament of Ceylon as constituted immediately before the commencement of this Order;

(b) save as expressly provided by this Order, the tenure of office of any Minister, Parliamentary Secretary, Senator, or Member of the House of Representatives, or of any person appointed to any office under the provisions of the Principal Order; or

(c) the validity or continued operation of any Proclamation, Order, Regulation or other instrument made under the Principal Order before the commencement of this Order, without prejudice however to any power to amend, revoke or replace any such instrument.

8. The Governor General may, before the expiry of a period of six months from the commencement of this Order, by Proclamation published in the Government Gazette, make such provision as he is satisfied is necessary or expedient, in consequence of the provisions of this Order, for modifying, adding to or adapting any written law which refers in whatever terms to the Governor or to any public officer or authority, or otherwise for the bringing any written law into accord with the provisions of this Order and of the Principal Order as amended by this Order, or for giving effect to those provisions.

ANNEX II

CEYLON INDEPENDENCE ACT, 1947

AN ACT TO MAKE PROVISION FOR, AND IN CONNECTION WITH, THE ATTAINMENT BY
CEYLON OF FULLY RESPONSIBLE STATUS WITHIN THE BRITISH COMMONWEALTH
OF NATIONS (10TH DECEMBER 1947)

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Ceylon as part of the law of Ceylon, unless it is expressly declared in that Act that Ceylon has requested, and consented to, the enactment thereof.
 - (2) As from the appointed day His Majesty's Government in the United Kingdom shall have no responsibility for the government of Ceylon.
 - (3) As from the appointed day the provisions of the First Schedule to this Act shall have effect with respect to the legislative powers of Ceylon.
2. As from the appointed day Ceylon shall be included in the definition "Dominion" in paragraph (23) of section one hundred and ninety of the Army Act and of the Air Force Act (which section, in each Act, relates generally to the interpretation of the Act), and accordingly in the said paragraph (23) in each Act, for the words "and Newfoundland" there shall be substituted the words "Newfoundland and Ceylon".
3. (1) No court in Ceylon shall, by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have jurisdiction in or in relation to any proceedings for a decree for the dissolution of a marriage, unless those proceedings were instituted before the appointed day, but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the Parliament of the United Kingdom or of Ceylon, all courts in Ceylon shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.
 - (2) Any rules made on or after the appointed day under sub-section (4) of section one of the Indian and Colonial Divorce Jurisdiction Act, 1926, for a Court in Ceylon shall,
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instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of Ceylon, and so much of the said sub-section and of any rules in force thereunder immediately before the appointed day as requires the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

- (3) The references in sub-section (1) of this section to proceedings for a decree for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorized by section eight of the Matrimonial Causes Act, 1937.

4. (1) As from the appointed day, the Acts and Regulations referred to in the Second Schedule to this Act shall have effect subject to the amendments made by that Schedule, and His Majesty may by Order-in-Council make such further adaptations in any Act of the Parliament of the United Kingdom of an earlier session than this Act, or in any instrument having effect under any such Act, as appear to him necessary in consequence of section one of this Act;

Provided that this sub-section shall not extend to Ceylon as part of the law thereof.

- (2) Notwithstanding anything in the Interpretation Act, 1889, the expression "colony" shall not include Ceylon in any Act of the Parliament of the United Kingdom passed on or after the appointed day or in any such Act passed before that day, but in the same session as this Act, to provide for the independence of Burma as a country not within His Majesty's dominions.
- (3) Any Order-in-Council made under this section may be varied or revoked by a subsequent Order-in-Council and, though made after the appointed day, may be made so as to have effect from that day.
- (4) Every Order-in-Council made under this section shall be laid before Parliament forthwith after it is made, and if either House of Parliament within the period of forty days beginning with the day on which any such Order is laid before it resolves that an Address be presented to His Majesty praying that the Order be annulled, no further

/proceedings

proceedings shall be taken thereunder and His Majesty in Council may revoke the Order, so, however, that any such resolution or revocation shall be without prejudice to the validity of anything previously done under the Order or to the making of a new Order.

In reckoning any such period of forty days, as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

- (5) Notwithstanding anything in sub-section (4) of section one of the Rules Publication Act, 1893, an Order-in-Council made under this section shall not be deemed to be or to contain a statutory rule to which that section applies.
5. (1) This Act may be cited as the Ceylon Independence Act, 1947.
(2) In this Act the expression "the appointed day" means such day as His Majesty may by Order-in-Council appoint.

SCHEDULES

FIRST SCHEDULE

LEGISLATIVE POWERS OF CEYLON

1. (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the appointed day by the Parliament of Ceylon.
(2) No law and no provision of any law made after the appointed day by the Parliament of Ceylon shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of Ceylon shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of Ceylon.
2. The Parliament of Ceylon shall have full power to make laws having extra-territorial operation.
3. Without prejudice to the generality of the foregoing provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the legislature of a British possession did not include reference to the Parliament of Ceylon.
4. Without prejudice to the generality of the foregoing provisions of this Schedule, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of

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His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in Ceylon.

SECOND SCHEDULE

AMENDMENTS NOT AFFECTING LAW OF CEYLON

British Nationality

1. The following enactments (which provide for certificates of naturalization granted and other things done under the law of one part of His Majesty's dominions to be recognized elsewhere), namely

(a) section eight of the British Nationality and Status of Aliens Act, 1914; and

(b) paragraph (c) of section eight of the British Nationality and Status of Aliens Act, 1943;

shall apply in relation to Ceylon as they apply in relation to the Dominions specified in the First Schedule to the said Act of 1914.

Financial

2. As respects goods imported after such date as His Majesty may by Order-in-Council appoint section four of the Import Duties Act, 1932, and section two of the Isle of Man (Customs) Act, 1932 (which relate to imperial preference other than colonial preference), shall apply to Ceylon.

3. In section nineteen of the Finance Act, 1923, (which, as extended by section twenty-six of the Finance Act, 1925, provides for exemption from income tax and land tax of the High Commissioner and other officials of self-governing dominions), the expression "self-governing-dominion" shall include Ceylon.

4. In the Colonial Stock Act, 1934 (which extends the stocks which may be treated as trustee securities), the expression "Dominion" shall include Ceylon.

Visiting Forces

5. The following provisions of the Visiting Forces (British Commonwealth) Act, 1933, namely

(a) section three (which deals with deserters);

(b) section four (which deals with attachment and mutual powers of command);

(c) the definition of "visiting force" for the purposes of that Act generally which is contained in section eight thereof;

shall apply in relation to forces raised in Ceylon as they apply in relation to forces raised in the Dominions within the meaning of the Statute of Westminster, 1931.

Ships and Aircraft

6. (1) In the definition of "Dominion ship or aircraft" contained in sub-section (2) of section three of the Emergency Powers (Defence) Act, 1939 and in that contained in Regulation one hundred of the Defence (General) Regulations, 1939, the expression "a Dominion" shall include Ceylon.
- (2) Paragraph (2) of Regulation fifty-four of the Defence (General) Regulations, 1939 (which confers power by notice to requisition from certain British subjects and companies space or accommodation in ships and aircraft) shall not authorize service of a notice on a British subject resident in Ceylon or a corporation incorporated under the law of Ceylon.
7. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Ceylon; and the penal provisions of that Act shall not apply to persons in Ceylon (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).
8. In the Whaling Industry (Regulation) Act, 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Ceylon.

Matrimonial Causes

9. Section four of the Matrimonial Causes (War Marriages) Act, 1944, (which provides for the general recognition in British courts of decrees and orders made by virtue of that Act or of any law passed in a part of His Majesty's dominions outside the United Kingdom and declared by an Order-in-Council to correspond to that Act), shall, in relation to the making of any further Order-in-Council as respects a law of Ceylon, apply subject to the same provision for securing reciprocity as is made by proviso (ii) to sub-section (1) thereof in the case of Dominions within the meaning of the Statute of Westminster, 1931.

Copyright

10. If the Parliament of Ceylon repeals or amends the Copyright Act, 1911, as it forms part of the law of Ceylon, then
- (a) except by virtue of sub-paragraph (b) of this paragraph, that Act shall no longer apply in relation to Ceylon as a part of His Majesty's dominions to which the Act extends, so however, that this provision shall not prejudicially affect any legal rights existing at the time of the repeal or amendment.

/(b) Ceylon shall be

(b) Ceylon shall be included in the expression "self-governing dominion" for the purposes of sub-section (2) of section twenty-five and sub-section (3) of section twenty-six of that Act (which relate to reciprocity with self-governing dominions having their own copyright law), and the said sub-section (2) shall have effect in relation to Ceylon as if that Act, so far as it remains part of the law of Ceylon, had been passed by the Parliament thereof.

